



# TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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## SUPPLEMENT TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as a Supplement to this issue of the *Trinidad and Tobago Gazette*:

### *Legal Supplement Part B—*

Speed Limits (Built-up Areas) (Amendment) Order, 2017—(Legal Notice No. 152 of 2017).

Special Speed Limits (Amendment) Order, 2017—(Legal Notice No. 153 of 2017).

Legal Profession (Eligibility for Admission) (No. 10) Order, 2017—(Legal Notice No. 154 of 2017).

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## APPOINTMENT AND REVOCATION OF MEMBERS OF THE NATIONAL INSURANCE BOARD OF TRINIDAD AND TOBAGO

IN ACCORDANCE with section 3(9) of the National Insurance Act, Chap. 32:01, the public is notified for general information that the Minister of Finance, has appointed the following persons as Chairman and Government Representatives on the Board of Management of the National Insurance Board of Trinidad and Tobago (NIBTT), for a period of two (2) years:

<i>Names</i>	<i>Effective Date</i>
Ms. JACQUELINE QUAMINA ... ..	25th November, 2017— <i>Chairman</i>
Ms. MURIEL ALFRED JAMES ... ..	28th November, 2017— <i>Government Representative</i>
Mr. PATRICK FERREIRA ... ..	25th November, 2017— <i>Government Representative</i>
Mrs. MARILYN GORDON ... ..	18th December, 2017— <i>Government Representative</i>

Further it is to be noted that the appointment of the following persons as Chairman and Government Representatives on the Board of Management of the National Insurance Board of Trinidad and Tobago (NIBTT), were revoked as follows:

Mr. MICHAEL TONEY ... ..	25th November, 2015— <i>Chairman</i>
Mrs. MARILYN GORDON ... ..	18th December, 2015— <i>Government Representative</i>
Mr. SELBIE LESLIE ... ..	28th November, 2015— <i>Government Representative</i>
Mr. PRADEEP SUBRIAN ... ..	25th November, 2015— <i>Government Representative</i>

Dated this 29th day of November, 2017.

L. PHILLIPS  
*Permanent Secretary*  
*Ministry of Finance*

SUPREME COURT OF JUDICATURE OF TRINIDAD AND TOBAGO  
PRACTICE DIRECTION

DISCLOSURE OF THE DEFENCE UNDER THE CRIMINAL PROCEDURE RULES 2016

**Pre-Trial Defence Disclosure**

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**The relevant Rules**

Under Rule 8, active case management requires the court at an early stage to identify the 'real issues'. These include, but are not limited to all possible legal issues, the nature of the defence and enquiring whether the defence has taken written instructions.

Rule 10.1(1) allows the court to give any direction and take any step to actively manage a case. In particular, under Rule 10.1(2)(g) the court may require that issues in the case should be identified in writing. Further, the court may under Rule 10.1(2)(i) specify the consequences of failing to comply with a direction.

Under Rule 10.3 if a party fails to comply with a rule or direction the court may impose such other sanction as may be appropriate.

Under Rule 16.1(a), in order to manage a trial the court must establish the disputed issues with the active assistance of the parties.

Rule 20.1 allows for the issuing of practice directions and practice guides in furtherance of the relevant legislation and these Rules.

Under Rule 20.4(1) if party fails to comply with a practice direction, the court may impose such sanction or make such an order as may be appropriate against him in accordance with Rule 10.3.

**Direction in relation to the nature of the accused's defence**

Within 56 days of the prosecution disclosing evidence and other material under Rule 14.1(a) and (b) respectively, and complying with its obligations under Rule 14.1(c), the defence shall pursuant to the overriding objective of the Rules and active case management disclose the following-

- 1 A written document, signed and dated by the accused and his attorney, setting out -
  - a) the nature of the accused's defence, including any particular defences on which he intends to rely;

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**Pre-Trial Defence Disclosure**—Continued

- b) indicating the matters of fact on which he takes issue with the prosecution;
- c) setting out, in the case of each such matter, the reason he takes issue with the prosecution;
- d) setting out particulars of the matters of fact on which he intends to rely for the purposes of his defence.

2. This document is referred to as a '**Defence Statement**'.
3. If the accused, by reason of illiteracy or any other reason is unable to read and sign the document his attorney shall read it over to the accused in the presence of a witness. When the accused is satisfied that the document represents his position, the attorney and the witness shall sign the document under the following caption-

'This defence statement has been read to the accused [insert name] on dd/mm/yyyy' and he has confirmed that it accurately represents his position.'

The court shall confirm with the accused at the next convenient court sitting, that the contents are accurate by reading the Defence Statement to him in open court and the response of the accused shall be reflected on the court record.

4. An accused may, in writing and in accordance with the procedure above, disclose an amended defence statement at any time.

**Sanctions**

5. (1) The court or any other party may make such comment(s) as appear(s) appropriate, and the court or jury may draw such inferences as appear proper in deciding whether the accused is guilty of the offence in the following circumstances-

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a) where the defence advanced at trial is different in nature to that set out in the defence statement (for example a change from alibi to self defence).

b) where the factual basis of the defence advanced at trial is significantly different to that set out in the defence statement. Whether a defence is 'significantly different' is a matter of fact and degree.

c) where a 'positive defence' is advanced at trial and no defence statement was served at all. A 'positive defence' is any defence that is more than asserting that on the basis of the prosecution's unchallenged evidence the accused has not been proven guilty.

d) where a compliant defence statement is disclosed but beyond the 56 day limit, and if the late service may be relevant to the credibility of the defence or adversely affects the prosecution's ability to investigate the defence disclosed.

(2) A person shall not be convicted solely on the basis of an inference referred to in section 5(1) above.

6. For the purpose of proving section 5(a) to (d) the relevant parts of the defence statement shall be admitted in evidence, and where appropriate the time the defence statement was disclosed.
7. 'Advanced at trial' includes both defence evidence and the defence case put to the prosecution or defence witnesses.

Dated the 14<sup>th</sup> day of December, 2017

Ivor Archie  
Chief Justice