



Jurisprudence

A Guide to the Legal System in
Trinidad & Tobago




Introduction

- Trinidad & Tobago gained independence in 1962
- Trinidad and Tobago has a traditional common law legal system similar to that of the United Kingdom.
- Based on statutes enacted by the Trinidad and Tobago Parliament and the application of English common law principles.
- The doctrine of precedent applies and judgments of the Supreme Court of Judicature of Trinidad and Tobago and of the Judicial Committee of the Privy Council are binding while those of the United Kingdom and the Commonwealth are highly persuasive.

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- The country's chief of state is a president:
 - elected to a five year term of office by an electoral college composed of members of the House of Representatives and the Senate.
- The head of government is a prime minister:
 - usually the majority party leader in the House after elections are held, who is appointed from among the members of parliament.
- The executive branch at the national level also includes a cabinet of ministers:
 - chosen by their fellow members of Parliament.

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- The islands are administered at the local level through:
 - a system of eight counties
 - three municipalities
 - and one ward (Tobago)



Local Magistrates Courts

- Limited jurisdiction
- Preside over minor cases related to criminal , civil and youth offender crimes.
 - Small claim civil cases valued at less than \$15,000.
 - Criminal cases involving summary proceedings and preliminary investigations of indictable matters.



Family Court

- Introduced in 2004
- Resolve disputes relating to family and minor cases.
- Governed by the Family Proceedings Rules of 1998.



Supreme Court

- The Supreme Court of Judicature consists:
 - High Court of Justice
 - Chief Justice and 10 puisne judges.
 - Its jurisdiction and its practices and procedures follow closely those of the High Court of Justice in England.
 - Civil actions and proceedings are usually heard by only one High Court judge but may be tried by a jury of nine members.
 - A High Court judge with a jury of 9–12 members tries criminal offences



Supreme Court

- Includes the Court of Appeals
 - Country's highest Court
 - Consists of the chief justice and three other justices.
 - The Judicial Committee of the Privy Council in London decides final appeal on some matters.
 - Unlimited jurisdiction over appeals of criminal and civil matters.

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- There is no right of appeal against a verdict of a court or jury at common law.
 - Derrick V. McKoy, 1996



Criminal Cases

- All criminal cases are first sent to a magistrate's court.
- Appeals may be made to the Court of Appeal and, prior to 2003, were carried to the Judicial Committee of the Privy Council in the United Kingdom.
- Criminal defendants are presumed innocent and are afforded the right to representation by counsel.
- Legal Aid is available to the indigent

Caribbean Court of Justice

- On 9 June 2003, Caribbean leaders met in Kingston, Jamaica, to ratify a treaty to establish the Caribbean Court of Justice (CCJ).
- The Caribbean Court of Justice (CCJ) is the Caribbean regional judicial tribunal.
- The agreement was signed on that date by the CARICOM states of: Antigua & Barbuda; Barbados; Belize; Grenada; Guyana.
- The Agreement Establishing the Caribbean Court of Justice and was inaugurated on 16 April 2005 in Port of Spain, Trinidad & Tobago.
- CCJ will eventually replace the Privy Counsel.



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- The CCJ is intended to be a hybrid institution:
 - a municipal court of last resort and
 - an international court with compulsory and exclusive jurisdiction in respect of the interpretation and application of the Treaty of Chaguaramas.



For additional information on the
Caribbean Court of Justice see:

<http://www.caribbeancourtjustice.org/>