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No. 9 of 2018

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Third Session Eleventh Parliament Republic of  
Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

**BILL**

AN ACT to make provision for payments into and out  
of Court to be made electronically and into and  
out of a Custodial Bank Account in the name of  
the Judiciary of Trinidad and Tobago and for  
related matters

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## THE PAYMENTS INTO COURT BILL, 2018

### **Explanatory Notes**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to provide for payments into and out of Court to be made electronically and into and out of a Custodial Bank Account in the name of the Judiciary of Trinidad and Tobago.

The Bill contains 3 Parts and 15 clauses.

#### Part I—Preliminary

Clause 1 would set out the short title of the Bill.

Clause 2 would provide for the Bill to come into operation on a date fixed by the President by Proclamation.

Clause 3 would provide for the interpretation of certain words and phrases.

Clause 4 would provide for the Act to bind the State.

#### Part II—Making payments into and out of Court

Clause 5 would empower the Judiciary to hold Custodial Bank Accounts in commercial or other banks in Trinidad and Tobago, to facilitate the receipt and payment of maintenance payments and other payments made to a Court.

Clause 6 would prescribe the signatories to each Custodial Bank Account.

Clause 7 would provide for each Custodial Bank Account to bear a designated name.

Clause 8 would allow the Judiciary to receive payments into a Custodial Bank Account electronically.

Clause 9 would allow for payments to be made out of a Custodial Bank Account electronically and in specified ways.

Clause 10 would provide for financial records of payments into or out of a Custodial Bank Account to be created, stored, maintained and communicated electronically. It would also provide for electronic records required for auditing purposes to be provided to the Auditor General electronically or in an electronic format.

Clause 11 would provide for an electronic record of a payment out of a Custodial Bank Account to be proof of that payment.

Clause 12 would place a duty on the Judiciary to notify the recipient of a sum paid electronically to check the electronically generated receipt to ensure that it does not contain an error nor that there was any unauthorized transaction.

### Part III—Miscellaneous

Clause 13 would provide for documents that are to be filed with a court office to be filed electronically, subject to Rules of Court or a Practice Direction.

Clause 14 would provide for the fees to be paid for filing a document in a court office to be paid electronically, whether the document is filed electronically or in hard copy.

Clause 15 would empower the Rules Committee to make rules for the payment of any convenience fee, transaction fee or any other fee, into and out of Court or a Custodial Bank Account, and to give effect to the provisions of the Act.

THE PAYMENTS INTO COURT BILL, 2018

**Arrangement of Clauses**

PART I

PRELIMINARY

*Clause*

1. Short title
2. Commencement
3. Interpretation
4. Act binds the State

PART II

MAKING PAYMENTS INTO AND OUT OF COURT

5. Establishment of Custodial Bank Accounts
6. Signatories to account
7. Name of account
8. Payments into accounts may be electronic
9. Payments out of accounts may be electronic
10. Financial records
11. Electronic records to be proof of payment
12. Judiciary's duty to notify recipients of duty to check entries

PART III

MISCELLANEOUS

13. Electronic filing
14. Filing fees may be paid electronically
15. Rules

## **BILL**

AN ACT to make provision for payments into and out of  
Court to be made electronically and into and out of  
a Custodial Bank Account in the name of the  
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matters

[ , 2018]

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:

### **PART I PRELIMINARY**

**1.** This Act may be cited as the Payments into Court Short title  
Bill, 2018.

- Commencement      **2.** This Act comes into operation on a date fixed by the President by Proclamation.
- Interpretation      **3.** In this Act—
- “Accounts and Investment Officer of the Judiciary” means a person holding the office of Accounts and Investment Officer of the Judiciary;
- Chap. 69:01          “Auditor General” has the meaning assigned to it under section 2 of the Exchequer and Audit Act;
- Chap. 79:02          “Central Bank” means the Central Bank of Trinidad and Tobago established under section 3 of the Central Bank Act;
- “Collector of Revenue” has the meaning assigned to it under regulation 2 of the Financial Regulations, 1965;
- “Court” includes a Magistrate’s Court;
- “Court Administrator” means a person holding the office of Court Administrator of a Court or a Division of the Court;
- Chap. 6:01          “Court Executive Administrator” means the person who is charged with responsibility for the administration of the Judiciary and heads the Department of Court Administration and holds the office of Court Executive Administrator listed in the Second Schedule of the Judicial and Legal Service Act;
- “court office” means—
- (a) the place where documents are to be filed and includes a registry or sub-registry; and
- (b) the place where work of a formal or administrative nature is to be dealt with by members of the court staff;

“Custodial Bank” means a commercial or other bank that holds a Custodial Bank Account;

“Custodial Bank Account” means an account at a commercial or other bank, opened in the name of the Judiciary, for the purpose of receiving and paying out maintenance funds, deposits into Court, fines and fees, and from which account emanates financial reports and information for the use of the Court and, where required, the Auditor General;

“Department of Court Administration” means the administrative arm of the Judiciary of Trinidad and Tobago which is headed by the Court Executive Administrator of the Judiciary and comprises various administrative units;

“Deputy Court Executive Administrator” means a person holding the office of Deputy Court Executive Administrator;

“financial institution” has the meaning assigned to it under section 2 of the Financial Institutions Act;

Chap. 79:09

“Magistracy Registrar and Clerk of the Court” means a person holding the office of Magistracy Registrar and Clerk of the Court listed in the Second Schedule of the Judicial and Legal Service Act;

“Registrar” means the Registrar and Marshal of the Supreme Court, a Deputy Registrar and Marshal of the Supreme Court and an Assistant Registrar and Deputy Marshal of the Supreme Court.

#### 4. This Act binds the State.

Act binds the State

## PART II

## MAKING PAYMENTS INTO AND OUT OF COURT

Establishment of  
Custodial Bank  
Accounts

**5.** A Custodial Bank Account may be held in the name of the Judiciary of Trinidad and Tobago at a commercial or other bank in Trinidad and Tobago to facilitate the receipt and payment of—

- (a) maintenance payments;
- (b) fees payable to the Court;
- (c) fines payable by law; and
- (d) any other payments which are payable into Court by an order of the Court, law or Rules of Court.

Signatories to  
account

**6.** There shall be two or more signatories to each Custodial Bank Account who shall be—

- (a) one of the following persons:
  - (i) the Court Executive Administrator;  
or
  - (ii) a Deputy Court Executive Administrator authorised by the Court Executive Administrator;  
and
- (b) one or more of the following persons authorised by the Court Executive Administrator:
  - (i) a Deputy Court Executive Administrator;
  - (ii) the Registrar;
  - (iii) the Court Administrator of a Court or Division;
  - (iv) a Magistracy Registrar and Clerk of the Court;

- (v) a Collecting Officer;
- (vi) a Collector of Revenue; or
- (vii) the Accounts and Investment Officer of the Judiciary.

7. Each Custodial Bank Account shall bear the word Name of account “Judiciary” followed by words identifying the nature of funds to be deposited into that account.

8. The Judiciary may receive payments into a Payments into accounts may be electronic Custodial Bank Account electronically.

9. A payment may be paid out of a Custodial Bank Payments out of accounts may be electronic Account electronically—

(a) in the case of payments to the Treasury or the Central Bank, by—

- (i) transferring the payments into a bank account which the Treasury or the Central Bank has registered with the Court Executive Administrator for that purpose; or
- (ii) directing by electronic communication, the Custodial Bank to prepare a cheque made payable to the Treasury or the Central Bank; and

(b) in the case of payments to a person or an entity not being the Treasury or the Central Bank, by—

- (i) transferring the payments into a bank account or an account at a financial institution not being a bank or onto a pre-paid debit card which the person or entity has registered with the Court Executive Administrator for that purpose; or

- (ii) directing the Custodial Bank to pay the monies to the person or entity on production of identification and to provide the Registrar with proof of payment out.

Financial records **10.** (1) All records of maintenance orders, deposits, payment in, payment out, receipt, failures to pay, payment vouchers, and any other records associated with payments in or out of a Custodial Bank Account may be created, stored, maintained and communicated electronically or in an electronic format.

(2) All electronic records required for auditing purposes may be made available to the Auditor General electronically or in an electronic format.

Electronic records to be proof of payment **11.** An electronic record of a payment out of a Custodial Bank Account shall be proof of the payment.

Judiciary's duty to notify recipients of duty to check entries **12.** Where a receipt is generated electronically upon payment of a sum paid electronically, the Judiciary shall notify the recipient of the sum of his duty to check all entries on statements, acknowledgements or receipts and to report promptly any apparent error or possible unauthorised transaction to the court office.

### PART III MISCELLANEOUS

Electronic filing **13.** Subject to Rules of Court or a Practice Direction, a document to be filed at a court office may be filed electronically.

Filing fees may be paid electronically **14.** When a fee is to be paid for the filing of any document in a court office, whether filed electronically or in hard copy, the fee may be paid electronically.

Rules **15.** (1) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules of Court—

- (a) providing for the payment of any convenience fee, transaction fee or other



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THIRD SESSION  
**ELEVENTH PARLIAMENT**  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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Received and read the

First time .....

Second time .....

Third time .....

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