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Second Session Thirteenth Parliament Republic of Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Dangerous Drugs Act, Chap. 11:25, the Registration of Clubs Act, Chap. 21:01, the Tobacco Control Act, Chap. 30:04, the Children Act, Chap. 46:01, the Liquor Licences Act, Chap. 84:10, the Gambling (Gaming and Betting) Control Act, No. 8 of 2021 and the Cannabis Control Act, No. 10 of 2022; and to provide for related matters

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REPUBLIC OF TRINIDAD AND TOBAGO—2026

THE MISCELLANEOUS PROVISIONS (ALCOHOL, CANNABIS, DANGEROUS DRUGS, GAMBLING AND TOBACCO) BILL, 2026

Explanatory Note

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

This Bill seeks to amend seven pieces of legislation. The seven pieces of legislation are the Dangerous Drugs Act, Chap. 11:25, the Registration of Clubs Act, Chap. 21:01, the Tobacco Control Act, Chap. 30:04, the Children Act, Chap. 46:01, the Liquor Licences Act, Chap. 84:10, the Gambling (Gaming and Betting) Control Act, No. 8 of 2021 and the Cannabis Control Act, No. 10 of 2022.

The purpose of these amendments is, inter alia, to raise the minimum age for the sale, purchase, possession or consumption of intoxicating liquor or tobacco to twenty-one; and the minimum age for the sale, purchase, possession or consumption of cannabis to twenty-five, respectively. Additionally, the minimum permissible age in respect of gambling will be raised to twenty-five. Provision will also be made for related matters. The Bill contains nine clauses.

Clause 1 of the Bill would provide the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide for the commencement of the Act on a date to be fixed by the President by Proclamation.

Clause 3 of the Bill would amend the Dangerous Drugs Act, Chap.11:25, to provide that a person over the age of twenty-five who has legally permissible amounts of cannabis or growing plants of the genus Cannabis in his possession, or who cultivates or has in his possession not more than four growing plants of the genus Cannabis, will not be determined to be in possession of a dangerous drug. Further, the penalties for persons who contravene specified provisions of Part II of the Act would be increased. It is further proposed that persons under the age of twenty-five who contravene specified provisions of the Act would be subject to a prescribed fixed penalty system.

Clause 4 of the Bill would amend the Registration of Clubs Act, Chap. 21:01, to provide that a person under the age of twenty-five shall not be admitted as a member of a club unless the club is one primarily devoted to some athletic purpose and, in that case, the person shall not be permitted to take part in any gambling on the club premises. It is also proposed that the general penalty, where none is specified, for a person who is guilty of an offence under the Act, be increased from ten to fifty thousand dollars.

Clause 5 of the Bill would amend the Tobacco Control Act, Chap. 30:04, to provide, at section 13, that a tobacco product shall not be sold to a person under the age of twenty-one. Amendments are also proposed to section 17A of the Act and regulation 10 of the Tobacco Control Regulations, to provide that any display offering tobacco products for sale shall indicate that the sale of those products is strictly prohibited to persons under the age of twenty-one. The penalties for persons who contravene specified provisions of the Act would be increased. It is further proposed that persons under the age of twenty-one who contravene specified provisions of the Act would be subject to a prescribed fixed penalty system.

Clause 6 of the Bill would amend the Children Act, Chap. 46:01, in order to increase the existing penalties at sections 35, 36 and 37, which deal with exposing a child to a dangerous drug, giving a child a dangerous drug and the use of a child to sell, buy or deliver a dangerous drug, respectively. Section 38 would be amended to provide, inter alia, that where a child over the age of ten is found to be drinking alcohol, or is in possession of, or using, tobacco products, cannabis, cannabis resin, or dangerous drugs; that child is liable on summary conviction to a fine of fifty thousand dollars. It is further proposed that persons who contravene specified provisions of the Act would be subject to a prescribed fixed penalty system.

Clause 7 of the Bill would amend the Liquor Licences Act, Chap. 84:10, to provide, at section 20A, that the holder of a specified type of licence who hosts amusement games on his premises shall not permit a person under the age of twenty-five to be in that part of the premises where amusement games are conducted, or to engage in amusement game activities on the premises. At section 48, it is proposed that the respective penalties be increased where a person sells intoxicating liquor without a licence, and where a person knowingly sells or delivers intoxicating liquor so that it may be unlawfully sold or consumed. It is further proposed, at section 58, that the penalty be increased for a licence holder, where a person under the age of twenty-five is found

gambling in premises licensed for the sale of intoxicating liquors by retail. Additionally, it is proposed that persons who contravene specified provisions of the Act would be subject to a prescribed fixed penalty system.

Clause 8 of the Bill would amend the Gambling (Gaming and Betting) Control Act, No. 8 of 2021, to provide, at section 40, that a Premises Licence shall contain conditions requiring the licensee to post rules on the premises indicating that gambling by persons under the age of twenty–five is prohibited. Additionally, at section 79 the penalty for a failure to post and maintain required signage would be increased from fifty thousand dollars to one hundred thousand dollars. An amendment to section 80 would provide that a person commits an offence if he knowingly invites, causes or permits a person under the age of twenty-five to gamble. Similarly, an amendment to section 81 would provide that a person commits an offence if he knowingly invites, causes or permits a person under the age of twenty-five to enter licensed premises, other than a race track. Additionally, a new section 82A is to be inserted after section 82, which would provide that a person under the age of twenty-five who gambles, enters or is found on gambling premises, commits an offence. It is proposed that persons who contravene specified provisions of the Act would be subject to a prescribed fixed penalty system.

Clause 9 of the Bill would amend the Cannabis Control Act, No. 10 of 2022, to increase the penalty at section 41(1) where a person uses medicinal cannabis without being authorised to do so, by prescription or recommendation from a medical practitioner. Additionally, in terms of cannabis use for religious purposes, section 47 would be amended to provide that a sacramental dispensary shall only dispense to persons over the age of twenty-five. Further, an amendment to section 49 of the Act would provide that it is an offence for cannabis to be dispensed to a person under the age of twenty-five at a place of worship, a sacramental dispensary or an exempt event. It is proposed that persons who contravene specified provisions of the Act would be subject to a prescribed fixed penalty system.

THE MISCELLANEOUS PROVISIONS (ALCOHOL, CANNABIS, DANGEROUS DRUGS, GAMBLING AND TOBACCO) BILL, 2026

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Chap. 11:25 amended
4. Chap. 21:01 amended
5. Chap. 30:04 amended
6. Chap. 46:01 amended
7. Chap. 84:10 amended
8. Act No.8 of 2021 amended
9. Act No.10 of 2022 amended

BILL

AN ACT to amend the Dangerous Drugs Act, Chap. 11:25, the Registration of Clubs Act, Chap. 21:01, the Tobacco Control Act, Chap. 30:04, the Children Act, Chap. 46:01, the Liquor Licences Act, Chap. 84:10, the Gambling (Gaming and Betting) Control Act, No. 8 of 2021 and the Cannabis Control Act, No. 10 of 2022; and to provide for related matters

[, 2026]

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

Short title

1. This Act may be cited as the Miscellaneous Provisions (Alcohol, Cannabis, Dangerous Drugs, Gambling and Tobacco) Act, 2026.

Commencement

2. This Act comes into operation on such date as is fixed by the President by Proclamation.

Chap. 11:25 amended

3. The Dangerous Drugs Act is amended—

(a) in section 5—

(i) in subsection (2)*(f)*—

(A) by inserting after the word "person" the words "over the age of twenty-five years"; and

(B) by deleting the word "and" and substituting the word "or";

(ii) in subsection (2)*(g)*, by inserting after the word "person" the words "over the age of twenty-five years";

(iii) in subsection (2A)—

(A) by deleting the words "section 5B(2)" and substituting the words "sections 5B to 5BD"; and

(B) by deleting the word "fifty" and substituting the words "one hundred";

(iv) in subsection (2B)—

(A) by deleting the words "A person" and substituting the words "Subject to sections 5B to 5BD, a person"; and

(B) by deleting the words "seventy-five" and substituting the words "one hundred and fifty";

(v) in subsection (2C), by deleting the word "Where" and substituting the words "Except as otherwise provided in this Act, where";

(vi) in subsection (2D), by deleting the word "Where" and substituting the words "Except as otherwise provided in this Act, where"; and

(vii) in subsection (3B), by inserting after the word "person" the words "over the age of twenty-five years";

(b) in section 5A(1)—

(i) by deleting the words "section 5B(2)" and substituting the words "sections 5B to 5BD"; and

(ii) by deleting the word "fifty" and substituting the words "one hundred";

(c) by repealing section 5B and substituting the following new sections:

"Fixed penalty notice

5B. (1) Notwithstanding section 5E, where a police officer has reasonable grounds to believe that a person under the age of twenty-five years is committing or has committed an offence which may be tried summarily in accordance with section 5(2A), 5(2B), 5A(1) or 5C, he may issue to the person a fixed penalty notice charging him with the commission of such offence and requiring him to—

(a) pay the fixed penalty within the time specified in the fixed penalty notice; or

(b) in lieu of payment of the fixed penalty, commence a prescribed rehabilitative programme within twenty-eight days of the date of issue of the fixed penalty notice.

(2) A fixed penalty notice issued under subsection (1) shall bear the signature of the police officer issuing the notice and shall specify—

(a) the date, time and place that the fixed penalty notice was issued;

(b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act;

Chap. 4:20

(c) the amount of the fixed penalty;

(d) the type of rehabilitative programme which may be undertaken;

(e) the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(f) that criminal proceedings shall not be laid until the expiration of the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(g) in the case of the fixed penalty which may be paid, the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted;

(h) in the case of the rehabilitative programme which may be undertaken, the authorised person to whom, and the address at or to which the notice of completion of the rehabilitative programme may be submitted;

(i) the address of the Court at which the person is required to appear in the event of his failure to—

(i) pay the fixed penalty; or

(ii) complete the rehabilitative programme,

within the specified time, and the date and time of such appearance; and

(j) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 5BC.

(3) The police officer issuing the fixed penalty notice under subsection (1) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under subsection (1) is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any law to the contrary, the fixed penalty notice issued under subsection (1) is, from the expiration of the time specified for—

(a) the payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

deemed to be a summons issued under section 42 and served under section 43, respectively, of the Summary Courts Act.

Payment of fixed penalty

5BA. (1) Where a fixed penalty notice has been issued under section 5B, the person to whom the notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made—

(a) to the Clerk, in the Court having jurisdiction in the district in which the offence is alleged to have been committed; or

(b) in accordance with the Electronic Payments into and out of Court Act, 2018.

Act No. 14 of 2018

(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) The time within which the fixed penalty is payable shall be three months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(5) Payment of the fixed penalty shall be submitted, together with the fixed penalty notice issued to the person, in the prescribed manner.

(6) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(8) The fixed penalty for an offence under section 5(2A), 5(2B), 5A(1) or 5C, shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

Rehabilitative programme

5BB. (1) Where a fixed penalty notice has been issued under section 5B, the person to whom the notice is issued may elect to undertake a rehabilitative programme in accordance with the fixed penalty notice, unless he files a notice to contest in accordance with section 5BC.

(2) Where a rehabilitative programme has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(3) The time within which a rehabilitative programme is to be completed shall be three months, or such other time as may be prescribed by Regulations.

(4) The notice of completion of a rehabilitative programme shall be—

(a) submitted to the authorised person referred to in section 5B(2)*(h)*; and

(b) accompanied by the fixed penalty notice issued to the person,

in the prescribed manner.

(5) On receipt of the notices submitted in accordance with subsection (4), the authorised person shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the relevant notices.

(6) Where a rehabilitative programme has been completed in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) The prescribed rehabilitative programme for an offence under section 5(2A), 5(2B), 5A(1) or 5C, shall be such programme as the Minister may prescribe by Regulations.

Notice to contest

5BC. (1) Notwithstanding any provisions of this Act or any written law to the contrary, a person who—

(a) pays the fixed penalty before the expiration of the time specified for the payment; or

(b) elects, in lieu of the payment of the fixed penalty, to undertake a rehabilitative programme, but has not yet started the programme,

may, in the prescribed form, file a notice to contest the fixed penalty notice to the District Criminal and Traffic Court in the district in which the offence is alleged to have been committed.

(2) Where, in any proceedings referred to in subsection (1)*(a)*, the District Court Judge decides in favour of the applicant, the amount representing the fixed penalty paid by the applicant shall be refunded to him.

Proceedings where fixed penalty notice not paid or rehabilitative programme not completed

5BD. (1) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

(a) a period of two months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, has elapsed from the last day on which—

(i) the fixed penalty is payable; or

(ii) the rehabilitative programme is to be completed,

and the Clerk has no record that the fixed penalty was paid, or the rehabilitative programme was completed, in accordance with section 5BA or 5BB, respectively; and

(b) the police officer who issued the notice has furnished the Clerk with information on the person to whom the fixed penalty notice has been issued under section 5B.

(2) In any proceedings, a certificate that—

(a) payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) Where—

(a) the fixed penalty is not paid; or

(b) the rehabilitative programme is not completed,

within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Interpretation

5BE. For the purpose of sections 5B to 5BD—

"Clerk" means a person holding or acting in the office of Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

"District Court Judge" means a Magistrate when sitting in a District Criminal and Traffic Court;

"District Criminal and Traffic Court" means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

"fixed penalty" means the penalty prescribed under section 5BA(8);

"fixed penalty notice" means a notice issued under section 5B and includes a duplicate of such notice;

"rehabilitative programme" includes:

(a) performance of at least thirty hours of community work;

(b) participation in at least thirty hours of counselling conducted by a faith-based organisation;

(c) participation in at least thirty hours of counselling conducted by a qualified psychologist.";

(d) in section 5C—

(i) by deleting the word "A" and substituting the words "Subject to sections 5B to 5BD, a"; and

(ii) by deleting the words "two hundred and fifty" and substituting the words "five hundred"; and

(e) in section 57(1), by inserting after paragraph *(g)* the following new paragraph:

"*(ga)* for the carrying out of matters related to the issuance of a fixed penalty notice under this Act, including:

(i) prescribing arrangements for a person to perform community work;

(ii) prescribing arrangements for a person to participate in a counselling programme conducted by a faith-based organisation or a qualified psychologist;";

(f) by revoking the "Dangerous Drugs (Fixed Penalty Notice) Regulations".

Chap. 21:01 amended

4. The Registration of Clubs Act is amended—

(a) in section 9*(e)*—

(i) by deleting the words "twenty-one" and substituting the words "twenty-five"; and

(ii) by deleting the words "eighteen years of age, or a person under the age of twenty years who is a student at any primary or secondary school" and substituting the words "twenty-five years of age"; and

(b) in section 25, by deleting the word "ten" and substituting the word "fifty".

Chap. 30:04 amended

5. The Tobacco Control Act is amended—

(a) in section 12—

(i) in subsection (3)—

(A) by deleting the word "A" and substituting the words "Subject to subsection (4), a"; and

(B) by deleting the words "ten thousand dollars and to imprisonment for six months" and substituting the words "one hundred and fifty thousand dollars and to imprisonment for three years"; and

(ii) by inserting after subsection (3), the following new subsection:

"(4) Subject to sections 37A to 37E, where a person under the age of twenty-one years contravenes this section, that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(b) in section 13—

(i) in the marginal note, by deleting the words "by minors";

(ii) by deleting the word "eighteen" and substituting the words "twenty-one";

(c) in section 17A, by deleting the word "EIGHTEEN" and substituting the words "TWENTY-ONE";

(d) in section 19(2)*(a)*, by deleting the words "an adult smoker" and substituting the words "a person, over the age of twenty-one years,";

(e) in section 31, by inserting after the word "units" the words "to a person over the age of twenty-one years";

(f) in section 32, by repealing subsection (1) and substituting the following new subsection:

"(1) Smokeless tobacco products shall—

(a) not be sold to a person under the age of twenty-one years; and

(b) be contained in a package of at least twenty grammes.";

(g) in section 37—

(i) in subsection (1), by deleting the word "Any" and substituting the words "Subject to subsection (3), any";

(ii) in subsection (1)*(a)*(i), by deleting the words "one hundred and fifty thousand dollars and imprisonment for nine months for the first offence;" and substituting the words "three hundred thousand dollars and to imprisonment for ten years for the first offence; and";

(iii) in subsection (1)*(a)*(ii), by deleting the words "three hundred thousand dollars and imprisonment for eighteen months for the second offence; and" and substituting the words "six hundred thousand dollars and to imprisonment for twenty years in the case of a second or subsequent offence; or";

(iv) by deleting subsection (1)*(a)*(iii);

(v) in subsection (1)*(b)*, by deleting the words "six hundred thousand dollars and imprisonment for three years" and substituting the words "one million dollars and to imprisonment for twenty years";

(vi) in subsection (2)*(a)*, by deleting the words "three hundred thousand dollars and imprisonment for eighteen months" and substituting the words "five hundred thousand dollars and to imprisonment for fifteen years";

(vii) in subsection (2)*(b)*, by deleting the words "six hundred thousand dollars and imprisonment for three years" and substituting the words "one million dollars and to imprisonment for thirty years."; and

(viii) by inserting after subsection (2) the following new subsection:

"(3) Subject to sections 37A to 37E, where a person under the age of twenty-one years contravenes section 13, that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(h) by inserting after section 37, the following new sections:

"Fixed penalty notice

37A. (1) Notwithstanding section 37, where a police officer has reasonable grounds to believe that a person under the age of twenty-one years is committing or has committed an offence which may be tried summarily in accordance with section 12 or 13, he may issue to the person a fixed penalty notice charging him with the commission of such offence and requiring him to—

(a) pay the fixed penalty within the time specified in the fixed penalty notice; or

(b) in lieu of payment of the fixed penalty, commence a prescribed rehabilitative programme within twenty–eight days of the date of issue of the fixed penalty notice.

(2) A fixed penalty notice issued under subsection (1) shall bear the signature of the police officer issuing the notice and shall specify—

(a) the date, time and place that the fixed penalty notice was issued;

(b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act;

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(c) the amount of the fixed penalty;

(d) the type of rehabilitative programme which may be undertaken;

(e) the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(f) that criminal proceedings shall not be laid until the expiration of the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(g) in the case of the fixed penalty which may be paid, the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted;

(h) in the case of the rehabilitative programme which may be undertaken, the authorised person to whom, and the address at or to which the notice of completion of the rehabilitative programme may be submitted;

(i) the address of the Court at which the person is required to appear in the event of his failure to—

(i) pay the fixed penalty; or

(ii) complete the rehabilitative programme,

within the specified time, and the date and time of such appearance; and

(j) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 37D.

(3) The police officer issuing the fixed penalty notice under subsection (1) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under subsection (1) is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any law to the contrary, the fixed penalty notice issued under subsection (1) is, from the expiration of the time specified for—

(a) the payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

deemed to be a summons issued under section 42 and served under section 43, respectively, of the Summary Courts Act.

Payment of fixed penalty

37B. (1) Where a fixed penalty notice has been issued under section 37A, the person to whom the notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made—

(a) to the Clerk, in the Court having jurisdiction in the district in which the offence is alleged to have been committed; or

(b) in accordance with the Electronic Payments into and out of Court Act, 2018.

Act No. 14 of 2018

(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) The time within which the fixed penalty is payable shall be three months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(5) Payment of the fixed penalty shall be submitted, together with the fixed penalty notice

issued to the person, in the prescribed manner.

(6) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(8) The fixed penalty for an offence under section 12 or 13, shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

Rehabilitative programme

37C. (1) Where a fixed penalty notice has been issued under section 37A, the person to whom the notice is issued may elect to undertake a rehabilitative programme in accordance with the fixed penalty notice, unless he files a notice to contest in accordance with section 37D.

(2) Where a rehabilitative programme has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(3) The time within which a rehabilitative programme is to be completed shall be three months, or such other time as may be prescribed by Regulations.

(4) The notice of completion of a rehabilitative programme shall be—

(a) submitted to the authorised person referred to in section 37A(2)*(h)*; and

(b) accompanied by the fixed penalty notice issued to the person,

in the prescribed manner.

(5) On receipt of the notices submitted in accordance with subsection (4), the authorised person shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the relevant notices.

(6) Where a rehabilitative programme has been completed in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) The prescribed rehabilitative programme for an offence under section 12 or 13, shall be such programme as the Minister may prescribe by Regulations.

Notice to contest

37D. (1) Notwithstanding any provisions of this Act or any written law to the contrary, a person who—

(a) pays the fixed penalty before the expiration of the time specified for the payment; or

(b) elects, in lieu of the payment of the fixed penalty, to undertake a rehabilitative programme, but has not yet started the programme,

may, in the prescribed form, file a notice to contest the fixed penalty notice to the District Criminal and Traffic Court in the district in which the offence is alleged to have been committed.

(2) Where, in any proceedings referred to in subsection (1)*(a)*, the District Court Judge decides in favour of the applicant, the amount representing the fixed penalty paid by the applicant shall be refunded to him.

Proceedings where fixed penalty notice not paid or rehabilitative programme not completed

37E. (1) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

(a) a period of two months, or such other period as may be prescribed by Rules of Court made by

the Rules Committee, has elapsed from the last day on which—

(i) the fixed penalty is payable; or

(ii) the rehabilitative programme is to be completed,

and the Clerk has no record that the fixed penalty was paid, or the rehabilitative programme was completed, in accordance with section 37B or 37C, respectively; and

(b) the police officer who issued the notice has furnished the Clerk with information on the person to whom the fixed penalty notice has been issued under section 37A.

(2) In any proceedings, a certificate that—

(a) payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) Where—

(a) the fixed penalty is not paid; or

(b) the rehabilitative programme is not completed,

within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Interpretation

37F. For the purpose of sections 37A to 37E—

"Clerk" means a person holding or acting in the office of Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

"District Court Judge" means a Magistrate when sitting in a District Criminal and Traffic Court;

"District Criminal and Traffic Court" means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

"fixed penalty" means the penalty prescribed under section 37B(8);

"fixed penalty notice" means a notice issued under section 37A and includes a duplicate of such notice;

"rehabilitative programme" includes:

(a) performance of at least thirty hours of community work;

(b) participation in at least thirty hours of counselling conducted by a faith-based organisation;

(c) participation in at least thirty hours of counselling conducted by a qualified psychologist.";

(i) in section 38, by inserting after subsection (2) the following new subsection:

"(3) Notwithstanding subsection (1), the Minister may make Regulations subject to negative resolution of Parliament for the carrying out of matters related to the issuance of a fixed penalty notice under this Act, including:

(a) prescribing arrangements for a person to perform community work;

(b) prescribing arrangements for a person to participate in a counselling programme conducted by a faith-based organisation or a qualified psychologist.";

(j) in regulation 10 of the Tobacco Control Regulations—

(i) in subregulation (1), by deleting the word "EIGHTEEN" and substituting the words "TWENTY-ONE"; and

(ii) in subregulation (2), by deleting the words "five hundred dollars" and substituting the words "one hundred thousand dollars".

Chap. 46:01 amended

6. The Children Act is amended—

(a) in Part VII, by deleting the heading "PART VII OFFENCES RELATING TO DANGEROUS DRUGS, TOBACCO AND ALCOHOL" and substituting the following heading:

"PART VII
OFFENCES RELATING TO ALCOHOL, CANNABIS, DANGEROUS DRUGS AND TOBACCO";

(b) in section 35—

(i) in paragraph *(a)*, by deleting the words "thirty thousand dollars and to imprisonment for twenty-seven months" and substituting the words "three million dollars and to imprisonment for fifteen years"; and

(ii) in paragraph *(b)*, by deleting the words "imprisonment for fifteen years" and substituting the words "a fine of five million dollars and to imprisonment for thirty years";

(c) in section 36—

(i) in paragraph *(a)*, by deleting the words "one hundred, eighty thousand dollars" and substituting the words "three million dollars"; and

(ii) in paragraph *(b)*, by deleting the words "three hundred thousand dollars" and substituting the words "five million dollars";

(d) in section 37—

(i) in paragraph *(a)*, by deleting the words "three hundred thousand dollars" and substituting the words "three million dollars"; and

(ii) in paragraph *(b)*, by deleting the words "six hundred thousand dollars" and substituting the words "five million dollars";

(e) in section 38—

(i) in the marginal note, by inserting after the word "tobacco" the words ", cannabis, dangerous drug";

(ii) in subsection (1)—

(A) by deleting the word "Where" and substituting the words "Subject to subsection (4), where";

(B) by deleting paragraphs *(a)* to *(d)* and substituting the following paragraphs:

"*(a)* in possession of tobacco products, cannabis or cannabis resin;

(b) smoking or using tobacco products, cannabis or cannabis resin;

(c) in possession of tobacco products, cannabis or cannabis resin for the purpose of being used as a courier or trafficking in tobacco products, cannabis or cannabis resin;

(d) in possession of, or drinking, alcohol;

(e) in possession of alcohol for the purpose of being used as a courier or trafficking in alcohol;

(f) in possession of, or using, a dangerous drug or a substance having an effect similar to that of a dangerous drug; or

(g) in possession of a dangerous drug, or a substance having an effect similar to that of

a dangerous drug, for the purpose of—

(i) being used as a courier;

(ii) trafficking in dangerous drugs; or

(iii) trafficking in a substance similar to that of a dangerous drug,";

(C) by renumbering paragraphs (i), (ii) and (iii) as paragraphs *(h)*, *(i)* and *(j)* respectively; and

(iii) by inserting after subsection (3) the following new subsection:

"(4) Subject to sections 38C to 38G, a child over the age of ten years who contravenes subsection (1)*(a)* to *(g)*, or subsection (2), commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(f) by inserting after section 38, the following new sections:

"Person in possession of, or using, alcohol or tobacco

38A. Subject to sections 38C to 38G, where a person over the age

of eighteen years but under the age of twenty-one years—

(a) drinks alcohol;

(b) is in possession of alcohol;

(c) is in possession of alcohol for the purpose of being used as a courier or trafficking in alcohol;

(d) smokes tobacco products;

(e) is in possession of tobacco products; or

(f) is in possession of tobacco products for the purpose of being used as a courier or trafficking in tobacco products,

that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Person in possession of, or using, cannabis or other dangerous drugs

38B. Subject to sections 38C to 38G, where a person over the age of eighteen years but under the age of twenty-five years—

(a) smokes or uses cannabis or cannabis resin;

(b) is in possession of cannabis or cannabis resin;

(c) is in possession of cannabis or cannabis resin for the purpose of

being used as a courier or trafficking in cannabis or cannabis resin;

(d) is in possession of, or using, a dangerous drug or a substance having an effect similar to that of a dangerous drug; or

(e) is in possession of a dangerous drug, or a substance having an effect similar to that of a dangerous drug, for the purpose of—

(i) being used as a courier;

(ii) trafficking in dangerous drugs; or

(iii) trafficking in a substance similar to that of a dangerous drug,

that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Fixed penalty notice

38C. (1) Where a police officer has reasonable grounds to believe that a person is committing or has committed an offence under section 38(4), 38A or 38B, he may issue to the person a fixed penalty notice charging him with the

commission of such offence and requiring him to—

(a) pay the fixed penalty within the time specified in the fixed penalty notice; or

(b) in lieu of payment of the fixed penalty, commence a prescribed rehabilitative programme within twenty-eight days of the date of issue of the fixed penalty notice.

(2) A fixed penalty notice issued under subsection (1) shall bear the signature of the police officer issuing the notice and shall specify—

(a) the date, time and place that the fixed penalty notice was issued;

(b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act;

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(c) the amount of the fixed penalty;

(d) the type of rehabilitative programme

which may be undertaken;

(e) the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(f) that criminal proceedings shall not be laid until the expiration of the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(g) in the case of the fixed penalty which may be paid, the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted;

(h) in the case of the rehabilitative programme which may be undertaken, the

authorised person to whom, and the address at or to which the notice of completion of the rehabilitative programme may be submitted;

(i) the address of the Court at which the person is required to appear in the event of his failure to—

(i) pay the fixed penalty; or

(ii) complete the rehabilitative programme,

within the specified time, and the date and time of such appearance;

(j) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 38F.

(3) The police officer issuing the fixed penalty notice under subsection (1) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under subsection (1) is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any law to the contrary, the fixed penalty notice issued under subsection (1) is, from the expiration of the time specified for—

(a) the payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

deemed to be a summons issued under section 42 and served under section 43, respectively, of the Summary Courts Act.

Payment of fixed penalty

38D. (1) Where a notice has been issued under section 38C, the person to whom the notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made—

(a) to the Clerk, in the Court having jurisdiction in the district in which the offence is alleged to have been committed; or

*(b) i*n accordance with the Electronic Payments into and out of Court Act, 2018.

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(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) The time within which the fixed penalty is payable shall be three months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(5) Payment of the fixed penalty shall be submitted, together with the fixed penalty notice issued to the person, in the prescribed manner.

(6) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(8) The fixed penalty for an offence under section 38(4), 38A or 38B, shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

Rehabilitative programme

38E. (1) Where a fixed penalty notice has been issued under section 38(4), 38A or 38B, the person to whom the notice is issued may elect to undertake a rehabilitative programme in accordance with the fixed penalty notice, unless he files a notice to contest in accordance with section 38F.

(2) Where a rehabilitative programme has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(3) The time within which a rehabilitative programme is to be completed shall be three months, or such other time as may be prescribed by Regulations.

(4) The notice of completion of a rehabilitative programme shall be—

(a) submitted to the authorised person referred to in section 38C(2)*(h)*; and

(b) accompanied by the fixed penalty notice issued to the person,

in the prescribed manner.

(5) On receipt of the notices submitted in accordance with subsection (4), the authorised

person shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the relevant notices.

(6) Where a rehabilitative programme has been completed in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) The prescribed rehabilitative programme for an offence under section 38(4), 38A or 38B, shall be such programme as the Minister may prescribe by Regulations.

Notice to contest

38F. (1) Notwithstanding any provisions of this Act or any written law to the contrary, a person who—

(a) pays the fixed penalty before the expiration of the time specified for the payment; or

(b) elects, in lieu of the payment of the fixed penalty, to undertake a rehabilitative programme, but has not yet started the programme,

may, in the prescribed form, file a notice to contest the fixed penalty notice to the District Criminal and Traffic Court in the district in which the offence is alleged to have been committed.

(2) Where, in any proceedings referred to in subsection (1)*(a)*, the District Court Judge decides in favour of the applicant, the amount representing the fixed penalty paid by the applicant shall be refunded to him.

Proceedings where fixed penalty notice not paid or rehabilitative programme not completed

38G. (1) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

(a) a period of two months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, has elapsed from the last day on which—

(i) the fixed penalty is payable; or

(ii) the rehabilitative programme is to be completed,

and the Clerk has no record that the fixed penalty was paid, or the rehabilitative programme was completed, in accordance with section 38D or 38E, respectively; and

(b) the police officer who issued the notice has furnished the Clerk

with information on the person to whom the fixed penalty notice has been issued under section 38C.

(2) In any proceedings, a certificate that—

(a) payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) Where—

(a) the fixed penalty is not paid; or

(b) the rehabilitative programme is not completed,

within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.";

(g) in section 39—

(i) in the definition of "cigarette paper", by deleting the words "; and" and substituting the word ";";

(ii) by inserting in the appropriate alphabetical sequence the following definitions:

""cannabis" has the meaning assigned to it under section 3(1) of the Dangerous Drugs Act;

"cannabis resin" has the meaning assigned to it under section 3(1) of the Dangerous Drugs Act;

"Clerk" means a person holding or acting in the office of Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

"District Court Judge" means a Magistrate when sitting in a District Criminal and Traffic Court;

"District Criminal and Traffic Court" means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

"fixed penalty" means the penalty prescribed under section 38D(8);

"fixed penalty notice" means a notice issued under section 38C and includes a duplicate of such notice;

"rehabilitative programme" includes:

(a) performance of at least thirty hours of community work;

(b) participation in at least thirty hours of counselling conducted by a faith-based organisation;

(c) participation in at least thirty hours of counselling conducted by a qualified psychologist;";

(h) by inserting after section 117A, the following new section:

"Regulations

117B. (1) The Minister may, subject to negative resolution of Parliament, make Regulations for giving effect to the purposes of this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make Regulations for the carrying out of matters related to the issuance of a fixed penalty notice under this Act, including:

(a) prescribing arrangements for a person to perform community work;

(b) prescribing arrangements for a person to participate in a counselling programme conducted by a faith-based organisation or a qualified psychologist.".

Chap. 84:10 amended

7. The Liquor Licences Act is amended—

(a) in section 20A—

(i) in subsection (3), by deleting the word "eighteen" and substituting the words "twenty-five";

(ii) in subsection (4), by deleting the word "EIGHTEEN" and substituting the words "TWENTY-FIVE";

(iii) in subsection (5)—

(A) by deleting the word "eighteen" and substituting the words "twenty-five";

(B) by deleting the word "five" and substituting the word "fifty"; and

(C) by deleting the word "ten" and substituting the words "one hundred"; and

(iv) in subsection 6, by inserting after the word "one" the word "hundred";

(b) in section 48—

(i) in subsection (1)—

(A) by deleting the words "thirty thousand" and substituting the words "one hundred thousand"; and

(B) by deleting the words "fifteen thousand" and substituting the words "seventy-five thousand";

(ii) in subsection (3)—

(A) by deleting the word "If" and substituting the words "Subject to subsection (5), if"; and

(B) by deleting the words "six thousand dollars" and substituting the words "three hundred thousand dollars and to imprisonment for thirty years"; and

(iii) by inserting after subsection (4), the following new subsection:

"(5) Subject to sections 64A to 64E, where a person under the age of twenty-one years contravenes subsection (3) that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(c) in section 49—

(i) by renumbering section 49 as section 49(1);

(ii) in the renumbered section 49(1)—

(A) by deleting the words "If any" and substituting the words "Subject to subsection (2), if any"; and

(B) by deleting the word "twelve" and substituting the words "one hundred"; and

(iii) by inserting after the renumbered section 49(1) the following new subsection:

"(2) Subject to sections 64A to 64E, where a person under the age of twenty-one years contravenes this section, that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(d) in section 58, by deleting the word "three" and substituting the words "one hundred";

(e) in section 60—

(i) in the marginal note, by deleting the words "to children";

(ii) by repealing subsection (1) and substituting the following new subsection:

"(1) A person who knowingly sells or allows another person to sell intoxicating liquor to a person under the age of twenty-one years, whether for the use of the person under the age of twenty-one years or not, commits an offence and is liable on summary conviction—

(a) in the case of a first offence, to a fine of fifty thousand dollars and to imprisonment for fifteen years;

(b) in the case of a second offence, to a fine of one hundred and fifty thousand dollars and to imprisonment for twenty years; and

(c) in the case of a third or subsequent offence, to a fine of three hundred thousand dollars and to imprisonment for thirty years.";

(iii) in subsection (3), by deleting the word "EIGHTEEN" and substituting the words "TWENTY-ONE"; and

(iv) in subsection (4), by deleting the word "fifteen" and substituting the word "fifty";

(f) in section 60A, by deleting the words "six thousand dollars and to imprisonment for three years" and substituting the words "three hundred thousand dollars and to imprisonment for thirty years";

(g) by inserting after section 60A, the following new section:

"Child on premises

60B. (1) Subject to this section, the holder of a licence specified under section 35(3) or (4) who knowingly invites, causes or permits a child to be in that part of his premises where intoxicating liquor is sold or consumed commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and the licence issued under this Act may be revoked.

(2) Subsection (1) does not apply where—

(a) a part of the premises is a dwelling house in which the child resides; or

(b) the child is—

(i) eating a meal on the premises; or

(ii) attending a function being held on the premises,

and is under the supervision and control of a parent, guardian or responsible adult.

(3) Subsection (2)*(b)*(i) does not apply where—

(a) the child is on the premises after nine o'clock in the evening; and

(b) the licence for the premises is a night bar licence.";

(h) in section 61, by deleting the word "three" and substituting the words "one hundred";

(i) by inserting after section 64, the following new sections:

"Fixed penalty notice

64A. (1) Where a police officer has reasonable grounds to believe that a person under the age of twenty-one years is committing or has committed an offence under section 48(3) or 49, he may issue to the person a fixed penalty notice charging him with the commission of such offence and requiring him to—

(a) pay the fixed penalty within the time specified in the fixed penalty notice; or

(b) in lieu of payment of the fixed penalty, commence a prescribed rehabilitative programme within twenty-eight days of the date of issue of the fixed penalty notice.

(2) A fixed penalty notice issued under subsection (1) shall bear the signature of the police officer issuing the notice and shall specify—

(a) the date, time and place that the fixed penalty notice was issued;

(b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act;

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(c) the amount of the fixed penalty;

(d) the type of rehabilitative programme which may be undertaken;

(e) the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(f) that criminal proceedings shall not be laid until the expiration of the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(g) in the case of the fixed penalty which may be paid, the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted;

(h) in the case of the rehabilitative programme which may be undertaken, the authorised person to whom, and the address at or to which the notice of completion of the rehabilitative programme may be submitted;

(i) the address of the Court at which the person is required to appear in the event of his failure to—

(i) pay the fixed penalty; or

(ii) complete the rehabilitative programme,

within the specified time, and the date and time of such appearance; and

(j) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 64D.

(3) The police officer issuing the fixed penalty notice under subsection (1) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under subsection (1) is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any law to the contrary, the fixed penalty notice issued under subsection (1) is, from the expiration of the time specified for—

(a) the payment of the fixed penalty; or

(b) completion of the rehabilitation programme,

deemed to be a summons issued under section 42 and served under section 43, respectively, of the Summary Courts Act.

Payment of fixed penalty

64B. (1) Where a notice has been issued under section 64A, the person to whom the notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made—

(a) to the Clerk, in the Court having jurisdiction in the district in which the offence is alleged to have been committed; or

(b) in accordance with the Electronic Payments into and out of Court Act, 2018.

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(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) The time within which the fixed penalty is payable shall be three months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(5) Payment of the fixed penalty shall be submitted, together with the fixed penalty notice issued to the person, in the prescribed manner.

(6) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(8) The fixed penalty for an offence under section 48(3) or 49, shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

Rehabilitative programme

64C. (1) Where a fixed penalty notice has been issued under section 64A, the person to whom the notice is issued may elect to undertake a rehabilitative programme in accordance with the fixed penalty notice, unless he files a notice to contest in accordance with section 64D.

(2) Where a rehabilitative programme has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(3) The time within which a rehabilitative programme is to be completed shall be three months, or such other time as may be prescribed by Regulations.

(4) The notice of completion of a rehabilitative programme shall be—

(a) submitted to the authorised person referred to in section 64A(2)*(h)*; and

(b) accompanied by the fixed penalty notice issued to the person,

in the prescribed manner.

(5) On receipt of the notices submitted in accordance with subsection (4), the authorised person shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the relevant notices.

(6) Where a rehabilitative programme has been completed in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) The prescribed rehabilitative programme for an offence under section 48(3) or 49, shall be such programme as the Minister may prescribe by Regulations.

Notice to contest

64D. (1) Notwithstanding any provisions of this Act or any written law to the contrary, a person who—

(a) pays the fixed penalty before the expiration of the time specified for the payment; or

(b) elects, in lieu of the payment of the fixed penalty, to undertake a rehabilitative programme, but has not yet started the programme,

may, in the prescribed form, file a notice to contest the fixed penalty notice to the District Criminal and Traffic Court in the district in which the offence is alleged to have been committed.

(2) Where, in any proceedings referred to in subsection (1)*(a)*, the District Court Judge decides in favour of the applicant, the amount representing the fixed penalty paid by the applicant shall be refunded to him.

Proceedings where fixed penalty notice not paid or rehabilitative programme not completed

64E. (1) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

(a) a period of two months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, has elapsed from the last day on which—

(i) the fixed penalty is payable; or

(ii) the rehabilitative programme is to be completed,

and the Clerk has no record that the fixed penalty was paid, or the rehabilitative programme was completed,

in accordance with section 64B or 64C, respectively; and

(b) the police officer who issued the notice has furnished the Clerk with information on the person to whom the fixed penalty notice has been issued under section 64A.

(2) In any proceedings, a certificate that—

(a) payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) Where—

(a) the fixed penalty is not paid; or

(b) the rehabilitative programme is not completed,

within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Interpretation

64F. For the purpose of sections 64A to 64E—

"Clerk" means a person holding or acting in the office of Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

"District Court Judge" means a Magistrate when sitting in a District Criminal and Traffic Court;

"District Criminal and Traffic Court" means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

"fixed penalty" means the penalty prescribed under section 64B(8);

"fixed penalty notice" means a notice issued under section 64A and includes a duplicate of such notice;

"rehabilitative programme" includes:

(a) performance of at least thirty hours of community work;

(b) participation in at least thirty hours of counselling conducted by a faith-based organisation;

(c) participation in at least thirty hours of counselling conducted by a qualified psychologist.";

(j) by repealing section 83A and substituting the following new section:

"Minister may make Regulations

83A. (1) The Minister may make Regulations, subject to affirmative resolution of Parliament, for the effective carrying out of section 21A.

(2) Except as provided in subsection (1), the Minister may, subject to negative resolution of Parliament, make Regulations for giving effect to the purposes of this Act.

(3) Notwithstanding the generality of subsection (2), the Minister may make Regulations for the carrying out of matters related to the issuance of a fixed penalty notice under this Act, including:

(a) prescribing arrangements for a person to perform community work;

(b) prescribing arrangements for a person to participate in a counselling programme conducted by a faith-based organisation or a qualified psychologist.".

Act No. 8 of 2021 amended

8. The Gambling (Gaming and Betting) Control Act, 2021 is amended—

(a) in section 40(1)*(a)*, by deleting the word "minors" and substituting the words "a person under the age of twenty-five years";

(b) in section 74—

(A) in subsection (16), by deleting the word "A" and substituting the words "Subject to subsection (17), a"; and

(B) by inserting after subsection (16), the following new subsection:

"(17) Subject to sections 82B to 82F, a person under the age of twenty-five years who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(c) by inserting after section 76, the following new section:

"Remote gambling without licence

76A. Where a person conducts remote gambling without a valid remote gambling licence issued by the Commission under section 30(2)*(l)*, that person commits an offence and is liable on

summary conviction to a fine of five million dollars and to imprisonment for seven years.";

(d) in section 78—

(i) in subsection (1), by deleting the word "A" and substituting the words "Subject to sections 82B to 82F, a"; and

(ii) by repealing subsection (1)(a) and substituting the following subsection:

"*(a)* summary conviction to a fine of fifty thousand dollars; or";

(e) in section 79(2), by deleting the word "fifty" and substituting the words "one hundred";

(f) in Part VIII, by deleting the subheading "*Division 2–Offences in relation to Children*" and substituting the subheading "*Division 2–Offences in relation to Children and Specified Age Groups*";

(g) in section 80(1), by deleting the word "child" and substituting the words "person under the age of twenty-five years";

(h) in section 81, by deleting the word "child" and substituting the words "person under the age of twenty-five years";

(i) by inserting after section 82, the following new sections:

"Person under the age of twenty-five gambling or on gambling premises

82A. Subject to sections 82B to 82F, where a person under the age of twenty-five years—

(a) gambles by any method, electronic or otherwise; or

(b) enters or is found on gambling premises, other than a race track,

that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Fixed penalty notice

82B. (1) Notwithstanding section 86, where a police officer has reasonable grounds to believe that a person under the age of twenty-five years is committing or has committed an offence under section 74, 78 or 82A, he may issue to the person a fixed penalty notice charging him with the commission of such offence and requiring him to—

(a) pay the fixed penalty within the time specified in the fixed penalty notice; or

(b) in lieu of payment of the fixed penalty, commence a prescribed rehabilitative programme within twenty-eight days of the date of issue of the fixed penalty notice.

(2) A fixed penalty notice issued under subsection (1) shall bear the signature of the police officer issuing the notice and shall specify—

(a) the date, time and place that the fixed penalty notice was issued;

(b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act; Chap. 4:20

(c) the amount of the fixed penalty;

(d) the type of rehabilitative programme which may be undertaken;

(e) the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(f) that criminal proceedings shall not be laid until the expiration of the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(g) in the case of the fixed penalty which may be paid, the Clerk to

whom, and the address at or to which the fixed penalty may be paid or remitted;

(h) in the case of the rehabilitative programme which may be undertaken, the authorised person to whom, and the address at or to which the notice of completion of the rehabilitative programme may be submitted;

(i) the address of the Court at which the person is required to appear in the event of his failure to—

(i) pay the fixed penalty; or

(ii) complete the rehabilitative programme,

within the specified time, and the date and time of such appearance; and

(j) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 82E.

(3) The police officer issuing the fixed penalty notice under subsection (1) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under subsection (1) is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any law to the contrary, the fixed penalty notice issued under subsection (1) is, from the expiration of the time specified for—

(a) the payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

deemed to be a summons issued under section 42 and served under section 43, respectively, of the Summary Courts Act.

Payment of fixed penalty

82C. (1) Where a notice has been issued under section 82B, the person to whom the notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made—

(a) to the Clerk, in the Court having jurisdiction in the district in

which the offence is alleged to have been committed; or

(b) in accordance with the Electronic Payments into and out of Court Act, 2018.

Act No. 14 of 2018

(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) The time within which the fixed penalty is payable shall be three months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(5) Payment of the fixed penalty shall be submitted, together with the fixed penalty notice issued to the person, in the prescribed manner.

(6) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(8) The fixed penalty for an offence under section 74, 78 or 82A, shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

Rehabilitative programme

82D. (1) Where a fixed penalty notice has been issued under section 82B, the person to whom the notice is issued may elect to undertake a rehabilitative programme in accordance with the fixed penalty notice, unless he files a notice to contest in accordance with section 82E.

(2) Where a rehabilitative programme has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(3) The time within which a rehabilitative programme is to be completed shall be three months, or such other time as may be prescribed by Regulations.

(4) The notice of completion of a rehabilitative programme shall be—

(a) submitted to the authorised person referred to in section 82B(2)*(h)*; and

(b) accompanied by the fixed penalty notice issued to the person,

in the prescribed manner.

(5) On receipt of the notices submitted in accordance with subsection (4), the authorised person shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the relevant notices.

(6) Where a rehabilitative programme has been completed in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) The prescribed rehabilitative programme for an offence under section 74, 78 or 82A, shall be such programme as the Minister may prescribe by Regulations.

Notice to contest

82E. (1) Notwithstanding any provisions of this Act or any written law to the contrary, a person who—

(a) pays the fixed penalty before the expiration of the time specified for the payment; or

(b) elects, in lieu of payment of the fixed penalty, to undertake a rehabilitative programme, but has not yet started the programme,

may, in the prescribed form, file a notice to contest the fixed penalty notice to the District Criminal and Traffic Court in the district in which the offence is alleged to have been committed.

(2) Where, in any proceedings referred to in subsection (1)*(a)*, the District Court Judge decides in favour of the applicant, the amount representing the fixed penalty paid by the applicant shall be refunded to him.

Proceedings where fixed penalty not paid or rehabilitative programme not completed

82F. (1) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

(a) a period of two months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, has elapsed from the last day on which—

(i) the fixed penalty is payable; or

(ii) the rehabilitative programme is to be completed,

and the Clerk has no record that the fixed penalty was paid, or the rehabilitative programme was completed, in accordance with section 82C or 82D, respectively; and

(b) the police officer who issued the notice has furnished the Clerk

with information on the person to whom the fixed penalty notice has been issued under section 82B.

(2) In any proceedings, a certificate that—

(a) payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) Where—

(a) the fixed penalty is not paid; or

(b) the rehabilitative programme is not completed,

within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Interpretation

82G. For the purpose of sections 82B to 82F—

"Clerk" means a person holding or acting in the office of Senior

Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

"District Court Judge" means a Magistrate when sitting in a District Criminal and Traffic Court;

"District Criminal and Traffic Court" means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

"fixed penalty" means the penalty prescribed under section 82C(8);

"fixed penalty notice" means a notice issued under section 82B and includes a duplicate of such notice;

"rehabilitative programme" includes:

(a) performance of at least thirty hours of community work;

(b) participation in at least thirty hours of counselling conducted by a faith-based organisation;

(c) participation in at least thirty hours of counselling conducted by a qualified psychologist.";

(j) in section 86(1), by deleting the words "Notwithstanding the provisions of" and substituting the words "Except as otherwise provided in"; and

(k) in section 87—

(i) by renumbering section 87 as section 87(1);

(ii) in the renumbered section 87(1), by deleting the word "The" and substituting the words "Subject to subsection (2), the";

(iii) by inserting after the renumbered section 87(1) the following new subsection:

"(2) Notwithstanding the generality of subsection (1), the Minister may make Regulations, subject to negative resolution of Parliament, for the carrying out of matters related to the issuance of a fixed penalty notice under this Act, including:

(a) prescribing arrangements for a person to perform community work;

(b) prescribing arrangements for a person to participate in a coun-

selling programme conducted by a faith-based organisation or a qualified psychologist.".

9. The Cannabis Control Act, 2022 is amended— Act No. 10 of 2022 amended

(a) in section 41(1)—

(i) by deleting the word "A" and inserting the words "Subject to subsection (1A), a";

(ii) in paragraph *(a)*, by deleting the words "ten thousand dollars and to imprisonment for a term of six months" and substituting the words "one hundred thousand dollars and to imprisonment for a term of ten years";

(iii) in paragraph *(b)*, by deleting the words "one hundred thousand dollars and to imprisonment for a term of ten years" and substituting the words "two hundred thousand dollars and to imprisonment for a term of twenty years"; and

(iv) by inserting after subsection (1), the following new subsection:

"(1A) Subject to sections 49A to 49E, where a person under the age of twenty-five years contravenes subsection (1), that person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(b) in section 47*(b)*, by inserting after the word "persons" the words ", over the age of twenty-five years,";

(c) in section 49—

(a) in the marginal note, by deleting the words "by children";

(b) in subsection (1), by deleting the word "child" and substituting the words "person under the age of twenty–five years"; and

(c) in subsection (2)—

(A) by deleting the word "A" and substituting the words "Subject to subsection (3), a";

(B) by deleting the words "two hundred and fifty thousand dollars and to imprisonment for a term of five years" and substituting the words "five hundred thousand dollars and to imprisonment for a term of thirty years"; and

(C) by inserting after subsection (2), the following new subsection:

"(3) Subject to sections 49A to 49E, a person under the age of twenty-five years who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.";

(d) by inserting after section 49, the following new sections:

"Fixed penalty notice

49A. (1) Notwithstanding section 64, where a police officer has reasonable grounds to believe that a person under the age of twenty-five years is committing or has committed an offence under section 41(1) or 49, he may issue to the person a fixed penalty notice charging him with the commission of such offence and requiring him to—

(a) pay the fixed penalty within the time specified in the fixed penalty notice; or

(b) in lieu of payment of the fixed penalty, commence a prescribed rehabilitative programme within twenty-eight days of the date of issue of the fixed penalty notice.

(2) A fixed penalty notice issued under subsection (1) shall bear the signature of the police officer issuing the notice and shall specify—

(a) the date, time and place that the fixed penalty notice was issued;

(b) the section of the written law creating the offence alleged and such particulars

of the offence as are required for proceedings under the Summary Courts Act;

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(c) the amount of the fixed penalty;

(d) the type of rehabilitative programme which may be undertaken;

(e) the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(f) that criminal proceedings shall not be laid until the expiration of the time within which—

(i) the fixed penalty may be paid; or

(ii) the rehabilitative programme may be completed;

(g) in the case of the fixed penalty which may be paid, the Clerk to whom, and

the address at or to which the fixed penalty may be paid or remitted;

(h) in the case of the rehabilitative programme which may be undertaken, the authorised person to whom, and the address at or to which the notice of completion of the rehabilitative programme may be submitted;

(i) the address of the Court at which the person is required to appear in the event of his failure to—

(i) pay the fixed penalty; or

(ii) complete the rehabilitative programme,

within the specified time, and the date and time of such appearance; and

(j) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 49D.

(3) The police officer issuing the fixed penalty notice under subsection (1) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under subsection (1) is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any law to the contrary, the fixed penalty notice issued under subsection (1) is, from the expiration of the time specified for—

(a) the payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

deemed to be a summons issued under section 42 and served under section 43, respectively, of the Summary Courts Act.

Payment of fixed penalty

49B. (1) Where a fixed penalty notice has been issued under section 49A, the person to whom the notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made—

(a) to the Clerk, in the Court having jurisdiction in the district in which the offence is alleged to have been committed; or

(b) in accordance with the Electronic Payments into and out of Court Act, 2018.

Act No. 14 of 2018

(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) The time within which the fixed penalty is payable shall be three months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(5) Payment of the fixed penalty shall be submitted, together with the fixed penalty notice issued to the person, in the prescribed manner.

(6) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(8) The fixed penalty for an offence under section 41(1) or 49, shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

Rehabilitative programme

49C. (1) Where a fixed penalty notice has been issued under section 49A, the person to whom the notice is issued may elect to undertake a rehabilitative programme in accordance with the fixed penalty notice, unless he files a notice to contest in accordance with section 49D.

(2) Where a rehabilitative programme has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(3) The time within which a rehabilitative programme is to be completed shall be three months, or such other time as may be prescribed by Regulations.

(4) The notice of completion of a rehabilitative programme shall be—

(a) submitted to the authorised person referred to in section 49A(2)*(h)*; and

(b) accompanied by the fixed penalty notice issued to the person,

in the prescribed manner.

(5) On receipt of the notices submitted in accordance with subsection (4), the authorised person shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the relevant notices.

(6) Where a rehabilitative programme has been completed in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) The prescribed rehabilitative programme for an offence under section 41(1) or 49, shall be such programme as the Minister may prescribe by Regulations.

Notice to contest

49D. (1) Notwithstanding any provisions of this Act or any written law to the contrary, a person who—

(a) pays the fixed penalty before the expiration of the time specified for the payment; or

(b) elects, in lieu of the payment of the fixed penalty, to undertake a rehabilitative programme, but has not yet started the programme,

may, in the prescribed form, file a notice to contest the fixed penalty notice to the District Criminal and Traffic Court in the district in which the offence is alleged to have been committed.

(2) Where, in any proceedings referred to in subsection (1)*(a)*, the District Court Judge decides in favour of the applicant, the amount representing the fixed penalty paid by the applicant shall be refunded to him.

Proceedings where fixed penalty notice not paid or rehabilitative programme not completed

49E. (1) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

(a) a period of two months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, has elapsed from the last day on which—

(i) the fixed penalty is payable; or

(ii) the rehabilitative programme is to be completed,

and the Clerk has no record that the fixed penalty was paid, or the rehabilitative programme was completed, in accordance with section 49B or 49C, respectively; and

(b) the police officer who issued the notice has furnished the Clerk

with information on the person to whom the fixed penalty notice has been issued under section 49A.

(2) In any proceedings, a certificate that—

(a) payment of the fixed penalty; or

(b) completion of the rehabilitative programme,

was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) Where—

(a) the fixed penalty is not paid; or

(b) the rehabilitative programme is not completed,

within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Interpretation

49F. For the purpose of sections 49A to 49E—

"Clerk" means a person holding or acting in the office of Senior

Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

"District Court Judge" means a Magistrate when sitting in a District Criminal and Traffic Court;

"District Criminal and Traffic Court" means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

"fixed penalty" means the penalty prescribed under section 49B(8);

"fixed penalty notice" means a notice issued under section 49A and includes a duplicate of such notice;

"rehabilitative programme" includes:

(a) performance of at least thirty hours of community work;

(b) participation in at least thirty hours of counselling conducted by a faith-based organisation;

(c) participation in at least thirty hours of counselling conducted by a qualified psychologist.";

(e) in section 64, be deleting the word "Where" and substituting the words "Except as otherwise provided in this Act, where"; and

(f) by inserting after section 67, the following new section:

"Regulations for fixed penalty notice

67A. Notwithstanding section 67, the Minister may, subject to negative resolution of Parliament, make Regulations for the carrying out of matters related to the issuance of a fixed penalty notice under this Act, including:

(a) prescribing arrangements for a person to perform community work;

(b) prescribing arrangements for a person to participate in a counselling programme conducted by a faith-based organisation or a qualified psychologist.".

Passed in the House of Representatives this day of , 2026.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2026.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 17 of 2026

SECOND SESSION

THIRTEENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Dangerous Drugs Act, Chap. 11:25, the Registration of Clubs Act, Chap. 21:01, the Tobacco Control Act, Chap. 30:04, the Children Act, Chap. 46:01, the Liquor Licences Act, Chap. 84:10, the Gambling (Gaming and Betting) Control Act, No. 8 of 2021 and the Cannabis Control Act, No. 10 of 2022; and to provide for related matters

Received and read the

First time .....

Second time .....

Third time .....