



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

The Law Association of Trinidad and Tobago notes the comments made by the Honourable Prime Minister at yesterday's media conference. The Association is of the view that there must be clarity in the dissemination of information by the Government to the public, particularly during this pandemic.

Over the past year or so, the public has received and has had to absorb new Public Health Regulations followed by a series of amendments. For the most part, despite changes in their day to day lives, it appears that the population has done a good job of compliance. Indeed, there has been no indication of cases involving breaches of the Regulations flooding the courts.

However, the Association is aware that the reported numbers of infected persons have increased over a fairly short period of time. While we share the concern of the Honourable Prime Minister about rising numbers the Association expresses its own concern about the opacity of his most recent statements.

Yesterday, and with all due respect, without making a reasonable link between the conduct of citizens on private property and the rise in numbers, the Honourable Prime Minister seemed to refer to intended engagement of purported powers under the Public Health Ordinance 1940.

The Prime Minister said, *inter alia*, that, "*The police will be able to tell you what to do home*", and warned that the police will intervene in private spaces if they were of the opinion that "*what is going on in that private space is detrimental to the public interest....*"

If this is the intention, the Law Association is of the view that this is simply wrong. The Ordinance permits the entry on private property only for particular purposes such as

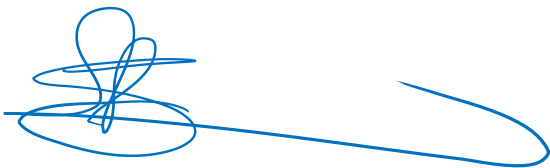
inspection, doing sanitary work and so on. The clear intention of the legislation is to allow authorities to enter 'infected' premises to inspect, sanitise and do whatever else may be necessary. The Ordinance also seems to circumscribe this power by suggesting its exercise must be endorsed by a Magistrate.

We remind our members and members of the public that there are no regulations governing conduct on private property in terms of numbers of people who may be there, masks and social distancing. No issue of enforcement on private property therefore arises. Indeed, it is likely that in light of our constitutional protections, no regulations can be made to regulate conduct on private property.

The Association is of the view that to use the Ordinance in these circumstances to permit entry to private property will be illegal. It opens the door too easily to an abuse of power and breaches of constitutional rights. The militarised face of the TTPS which is the one which regrettably we have come to know over the past few years is not one to be shown to children in their homes and safe spaces and citizens who have been traumatised at multiple levels by this pandemic.

We urge citizens to act responsibly to ensure that the advancement of this virus is slowed and eventually stopped.

Dated this 30th day of April, 2021

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Shankar Bidaisee
Secretary of the
Law Association of Trinidad and Tobago