THE POSITION IN TRINIDAD AND TOBAGO

25. It can be asserted with confidence that, when a case does come to be considered by the courts of Trinidad and Tobago, a defence along the lines of Bourne will be accepted as part of our law. The defence developed on the basis of the use of the word “unlawfully” in England and Wales, Northern Ireland and Australia is now too firmly entrenched to be ignored. It is therefore clear that it is lawful in Trinidad and Tobago to carry out an abortion in the honest belief that it is necessary to protect the woman involved from danger to her life, or physical or mental health. What is not clear at this stage is whether any of the refinements which have taken place elsewhere will be adopted here. The most that can be said is that, like all cases from other common law jurisdictions, the views expressed in Northern Ireland and Australia will be given due consideration and will only be departed from with good reason.

And I so advise.

Douglas L Mendes S.C.
20th August 2007