

CHAPTER 518

**THE PUBLIC SERVICE COMMISSION
(REMUNERATION, PRIVILEGES AND OFFENCES)
ACT, 1960**

ARRANGEMENT OF SECTIONS

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SCHEDULE — Regulations for remuneration and payment of expenses of members of Commission.

AN ACT to provide for the remuneration and privileges of ^{Act} members of the Public Service Commission and for the ^{2/1960.} creation of offences in connection with the functions of the Commission and for other related matters.

Date of assent 15th February, 1960.

Date of commencement 17th March, 1960. S.I.
3/1960]

1. This Act may be cited as the Public Service ^{Short title.} Commission (Remuneration, Privileges and Offences) Act, 1960.

[Amd. S.I.
9/1961]

2. In this Act unless the context otherwise requires—^{Interpre-}tation.

“Commission” means the Public Service Commission provided for in article 102 of the Constitution;

“member” means a member of the Commission and includes the Chairman;

PUBLIC SERVICE COMMISSION (REMUNERATION,
PRIVILEGES AND OFFENCES)

Commission provided for under subsection (6) of section 2 of the West Indies (Federation) Order in Council, 1957;

“public officer” means the holder of an office in the public service of the Federation or of a Territory;

“public service of the Federation” means the service of the Crown in a civil capacity in respect of the government of the Federation but does not include service as a member of the Cabinet as a member of the Commission or as a member of any board, panel, committee or other similar body (whether incorporated or not) established by a law of the Federal Legislature.

Remuneration and expenses of members.

3. (1) Members shall be entitled to receive for their services the remuneration specified in the Schedule to this Act. ^[Amd. S.I. 9/1961]

(2) The expenses of members incurred in the performance of their duties and required to be paid out of the public funds of the Federation under the provisions of the Schedule to this Act are hereby charged on the Consolidated Fund.

Protection of members.

4. Any member shall have such and the like protection and privileges in case of any action or suit brought against him for any act done or omitted to be done in the exercise of his functions as is by law given to any Judge of the Federal Supreme Court acting in the execution of his office.

Reports, statements and other communications of Commission to be privileged.

5. Except with the written consent of the Governor-General, no person shall in any legal proceeding produce or be permitted to give secondary evidence as to the contents or nature of any letter, statement, report or other document or any oral information addressed, made or given—

- (a) to the Commission by or on behalf of the Governor-General or the head of any federal government department, or by the Governor of any Territory or the head of a government department of any Territory, for the purpose of enabling the Commission to discharge any of its functions;

(b) by the Commission to the Governor-General or the head of any federal government department, or to the Governor of any Territory or the head of a government department of any Territory in relation to any matter concerning or arising out of the functions of the Commission.

6. (1) No member nor any other person shall without the written permission of the Governor-General publish or disclose to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duty in respect of any matters referred to the Commission, and any person who knowingly acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Offence —
unauthorised
publications or
disclosures.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of this section publishes or communicates to any other person otherwise than for the purpose of any prosecution under this Act any such information, he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

7. Any person, who in connection with an application by any person for employment or promotion in the public service of the Federation or with any matter upon which the Commission may be consulted by the Governor-General, wilfully gives to the Commission or to any member or to any person or body of persons appointed to assist the Commission in the exercise of its functions any information which is false by reason of the falsity of, or by reason of the omission of, any material particular, shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Offence —
giving false
information
to Com-
mission.

Offence —
influencing
Commission.

8. Any person, other than a public officer in the course of his duty, who directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or of any member shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars:

Provided that nothing in this section shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance upon formal request by the Commission.

Attorney-
General's
fiat for
prosecu-
tions.

9. A prosecution under this Act shall not be instituted except by or with the consent of the Attorney General.

Regulations.

10. (1) The Governor-General may by regulations delete or amend any of the provisions of the Schedule to this Act or may add provisions to the said Schedule with respect to the remuneration of members or the payment of expenses incurred by members in the performance of their duties.

(2) Any regulations made under this section shall be laid before the House of Representatives as soon as may be after they are made and if the House, within a period of twenty-one days beginning with the day on which such regulations are laid before it, resolves that such regulations be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations; and in reckoning the said period of twenty-one days, no account shall be taken of any time during which the Federal Legislature is dissolved or prorogued, or during which the House is adjourned for more than seven days.

SCHEDULE

Section 3

REGULATIONS

Remuneration and payment of expenses of
Members of Commission

[Amd. S.I. 10/1960] 1. Subject to the provisions of regulation 4 of these Regulations, Chairman. the Chairman shall receive as remuneration for his services, either—

(a) the sum of \$200.00 per month together with the sum of \$25.00 for each day or part thereof spent in his Territory of residence on the business of the Commission or spent out of his Territory of residence for the purposes of the Commission; or

(b) at the request of the Chairman and in the discretion of the Governor-General, such fixed salary as the Governor-General may in his discretion decide (having regard to the estimated remuneration that would normally be earned under the provisions of paragraph (a) of this regulation).

2. Subject to the provisions of regulation 4 of these Regulations, Member other than Chairman. a member other than the Chairman shall receive as remuneration for his services the sum of \$50.00 for each day or part thereof spent on the business of the Commission.

[Amd. S.I. 10/1960] 3. (1) Subject to the provisions of regulation 4 of these Regulations, Travelling and hotel expenses. there shall be paid out of the public funds of the Federation the costs of the passages of any member travelling from one Territory to another for the purposes of the Commission, including the incidental cost of transport to and from the places of embarkation and disembarkation, as the case may be, and, save in the cases provided for in paragraphs (3) and (4) of this regulation, the cost of the board and lodging of any member while out of his Territory of residence for the purposes of the Commission.

(2) In addition to any remuneration payable under the provision of regulations 1 and 2 of these Regulations, a member shall, save in the cases provided for in paragraphs (3) and (4) of this regulation, be paid by way of subsistence allowance the sum of \$15.00 for each day or part of a day spent out of his Territory of residence for the purposes of the Commission.

(3) Where the Chairman is receiving remuneration under the provisions of paragraph (a) of regulation 1 and, not being ordinarily resident in Trinidad, is in Trinidad for the purposes of the Commission, the cost of his board and lodging shall not be paid as provided in paragraph (1) of this regulation and no subsistence allowance shall be

paid to him under the provisions of paragraph (2) of this regulation, but in lieu thereof he shall be paid a fixed living allowance of \$25.00 for each day or part thereof.

(4) When the Chairman is receiving remuneration under the provisions of paragraph (b) of regulation 1 and, not being resident in Trinidad, is in Trinidad for the purposes of the Commission, the cost of his board and lodging shall not be paid as provided in paragraph (1) of this regulation and no subsistence allowance shall be paid to him under the provisions of paragraph (2) of this regulation.

Remunera-
tion and
expenses of
public
officers
who are
members.

4. (1) Regulations 1, 2 and 3 of these Regulations shall not apply to a member who is a public officer.

(2) A member who is a public officer shall be entitled to such travelling, hotel and subsistence allowances as apply to federal public officers when travelling in the course of their official duties.

Interpre-
tation.

5. For the purposes of this Schedule, the expression "business of the Commission" means the attendance of meetings of the Commission and any business of the Commission that would ordinarily involve attendance in office.