

GOVERNMENT NOTICE No. 190

TRINIDAD AND TOBAGO

THE CIVIL SERVICE ACT, 1965

REGULATIONS

MADE BY THE GOVERNOR-GENERAL UNDER SECTION 28 OF THE
CIVIL SERVICE ACT, 1965

THE CIVIL SERVICE (AMENDMENT) REGULATIONS, 1971

1. These Regulations may be cited as the Civil Service (Amendment) Citation Regulations, 1971.

2. (1) In Chapter X of the Civil Service Regulations, 1967, references to the Minister of Finance and to the Permanent Secretary, Ministry of Finance shall be read and construed as references to the appropriate Minister and to the Permanent Secretary in the appropriate Ministry respectively, wherever those expressions occur therein.

Construc-
tion of
certain
references.
G.N.
No. 122
of 1967

(2) For the purposes of Chapter X the appropriate Minister is the member of the Cabinet to whom responsibility for the allocation and control of Government quarters is assigned.

3. Regulation 123 of the Civil Service Regulations, 1967, is amended by deleting the word "appropriate" occurring in line three thereof.

Regula-
tion 123
amended

Dated this 13th day of October, 1971.

ANNETTE M. GUY
for Secretary to the Cabinet

(3) No person shall on any premises in his occupation or under his control make use of or cause or permit any person to make use of any instrument for the amplification of sound whereby reports or statements may be heard from or about such premises by members of the public, except with the permission of the Commissioner of Police.

Searches

15. Notwithstanding any rule of law to the contrary, a police officer may without warrant and with or without assistance and with the use of force, if necessary—

(a) enter and search any premises;

(b) stop and search any vessel, vehicle or individual, whether in a public place or not,

if he suspects that any evidence of the commission of an offence against regulations 9, 13 and 14 is likely to be found on such premises, vessel, vehicle or individual and may seize any evidence so found.

Arrest

16. (1) Notwithstanding any rule of law to the contrary, a police officer may arrest without warrant any person who he suspects has acted or is acting or is about to act in a manner prejudicial to public safety or to public order or to have committed or is committing or is about to commit an offence against these Regulations; and such police officer may take such steps and use such force as may appear to him to be necessary for affecting the arrest or preventing the escape of such person.

(2) Subject to these Regulations a person arrested by a police officer under paragraph (1) may be detained in custody for the purposes of inquiries.

(3) No person shall be detained under the powers conferred by this regulation for a period exceeding twenty-four hours except with the authority of a magistrate or of a police officer not below the rank of Assistant Superintendent on either of whose direction such person may be detained for such further period, not exceeding seven days as in the opinion of such magistrate or police officer, as the case may be, is required for the completion of the necessary inquiries, except that no such direction shall be given unless such magistrate or police officer, as the case may be, is satisfied that such inquiries cannot be completed within a period of twenty-four hours.

Preventive detention
Second
Schedule

17. The provisions of the Second Schedule shall have effect for the purpose of the preventive detention of persons.

Searching
as to
females

18. Where under these Regulations a female is searched, the search shall be made by another female.

Bail and
habeas
corpus

19. (1) Notwithstanding any rule of law to the contrary, but subject to these Regulations, no bail shall be allowed in the case of any person—

(a) in respect of whom a detention order is in force under the provision of the Second Schedule; or

(b) detained under the provisions of regulation 16; or

(c) charged with an offence, if it is shown to the satisfaction of the magistrate that it is reasonably apprehended that the person arrested is likely to engage or to incite persons to engage in the commission of breaches of the peace or of any other offence against the person or property or against these Regulations, or any Orders, instructions or directions made thereunder.

(2) The writ of *habeas corpus* shall not lie in the case of any person denied bail by or under paragraph (1) and no jurisdiction to grant bail in the case of such denial shall be exercised by any Judge of the Supreme Court under any rule of law or other authority.

(3) Upon the cessation of these Regulations nothing in this regulation shall be treated as continuing to have effect, in consequence of the continuance of any prosecution for an offence hereunder or for any other reason.

20. Notwithstanding any other law to the contrary, any court exercising Procedure jurisdiction with respect to any offence against these Regulations may exclude the accused or any other person from the proceedings in the event of his misconducting himself by so interrupting the court as to render the continuance of the trial in his presence impracticable.

21. The person driving or in control of any vehicle in motion on a road shall stop that vehicle on being required so to do by a police officer in uniform. Obligation
to stop
motor
vehicles

22. (1) Notwithstanding any rule of law to the contrary, the Commander of the Defence Force established under the Defence Act, 1962, shall hold his forces in readiness to assist, and if called upon by the Commissioner of Police shall co-operate with and assist, the Commissioner of Police in the performance of his duties under these Regulations. Defence
Force to
assist
No. 7 of
1962

(2) A member of the Defence Force referred to in paragraph (1) shall, for all the purposes of these Regulations, have the powers of a police officer and shall, where acting in accordance with any general or special instructions of the Commander of the Defence Force or of any superior officer of that Force given in pursuance of paragraph (1), be deemed to be acting in performance of the duties imposed on a police officer by these Regulations or by any Orders made thereunder.

(3) A request of the Commissioner of Police for assistance under paragraph (1) may be made generally or with reference to some particular occasion or for some specified purpose.

23. These Regulations shall cease to have effect upon the expiration of the period of Public Emergency unless sooner determined by Proclamation of the Governor-General in accordance with section 8 of the Constitution and published in the *Gazette*. Cessation

FIRST SCHEDULE

[Regulation 7(2)]

MEETINGS EXEMPTED FROM REGULATION 7(1)

1. Religious services or meetings held under the authority of the head of any religious denomination or of the Salvation Army.
2. Educational classes and recreation in schools or other educational institutions.
3. *Bona fide* cinematograph, musical and theatrical entertainments, dancing, beauty competitions or other similar cultural shows.
4. *Bona fide* horse racing, cricket, football, hockey, polo, water polo, basket ball, netball, tennis, boxing, athletics, swimming and other *bona fide* sports.
5. Meetings organised by or on behalf of any *bona fide* youth organisation which is not organised for any political purpose or is not connected with any political organisation.

SECOND SCHEDULE

(Regulation 18)

PREVENTIVE DETENTION

Interpre-
tation

1. In this Schedule—

- “Chairman” means the Chairman of the Tribunal;
- “detainee” means any person who is detained under paragraph 3;
- “detention order” means an order made under paragraph 2;
- “legal adviser” or legal representative”, in relation to any person, means an adviser or representative of that person, respectively, entitled to practice in Trinidad and Tobago as a barrister or solicitor;
- “Minister” means the member of the Cabinet to whom responsibility for National Security is assigned;
- “the Tribunal” means the Tribunal established by paragraph 5.

Power to
make
detention
orders

2. (1) Subject to the provisions of paragraph 4, the Minister may, if satisfied with respect to any person that, with a view to preventing him acting in any manner prejudicial to public safety or public order or the defence of Trinidad and Tobago, it is necessary to provide for his preventive detention, make an order—
 - (a) directing that he be detained; and
 - (b) stating concisely the grounds for such detention, so, however, that no defect of any kind in such statement shall invalidate the order.

(2) Every order under subparagraph (1) shall come into force upon the making thereof, notice of which shall be published in the *Gazette* within seven days after its coming into force.

Place and
conditions
of detention

3. (1) Any person in respect of whom a detention order is in force may be arrested without warrant by any police officer and may be detained in such place and under such conditions as the Minister may from time to time direct, and shall, while so detained be deemed to be in lawful custody.

(2) A person who, being in lawful custody under this Schedule, escapes or attempts to escape from that custody, is guilty of an offence, and any person who aids, abets or assists a person being in lawful custody under this Schedule to escape from that custody, or who harbours, assists or comforts any person who has escaped such custody, is guilty of an offence.

(3) As soon as practicable after any person is arrested in pursuance of a detention order, a copy thereof certified under the hand of the Permanent Secretary to the Minister shall be served by a police officer on such person and the statement therein which is referred to in paragraph (2) (1) (b) shall be communicated to him in a language that he understands and he shall, in such language, be informed of his right, at his own expense, to retain and instruct without delay a legal adviser of his own choice and to hold communication with such adviser without being overheard by anyone else and, in due course, to present his case, in person or by his legal representative, before the Tribunal.

(4) The Minister may give directions—

- (a) as to the internal management of and otherwise in connection with any such place as mentioned in subparagraph (1);
- (b) as to the maintenance of detainees and, in writing, for regulating the discipline and punishment for breaches of discipline of detainees;
- (c) in writing authorising the taking of a detainee to any place where the Minister is satisfied his presence is required in the interests of justice, or for the purpose of any public or other inquiry or in the public interest, or in the interest of the detainee;
- (d) as to the keeping of a detainee in custody (which shall be deemed lawful) during his absence pursuant to clause (c) of this subparagraph from the usual place of his detention;
- (e) for the supply of money, food or clothing, or the means of travelling, to detainees on their release.

4. Where a person is detained by virtue of the provisions of this Schedule, his case shall be reviewed by the Tribunal established under paragraph 5 in accordance with the following provisions, if he so requests at any time during the period of that detention not earlier than six months after he last made such a request during that period. Review by the Tribunal at request of detainee

5. (1) For the purposes of paragraph 4 there shall be and there is hereby established a Tribunal. Establishment of Tribunal

(2) The Tribunal shall consist of a Chairman and two other members who shall be appointed by the Chief Justice from among such persons as he considers fit, save that the Chairman shall be appointed from among persons entitled to practice in Trinidad and Tobago as barristers or solicitors.

(3) The Minister, after consultation with the Chairman of the Public Service Commission, may designate any public officer to perform the functions of secretary to the Tribunal and may revoke any such designation.

(4) The Tribunal may regulate its own procedure.

6. (1) In relation to every detention order, the Minister shall, within a period of seven days commencing with the day on which the request for review referred to in paragraph 4 was made, cause to be submitted to the Tribunal the grounds upon which the order has been made and such other particulars having a bearing on the necessity for the order as the Minister thinks fit, due regard being had to the public interest. Reference to Tribunal

(2) It shall be the duty of the Secretary to the Tribunal to furnish the detainee with such particulars in support of the grounds submitted as aforesaid, and with such notice of the time and place of commencement of proceedings before the Tribunal for the purposes of paragraph 7(1) as the Tribunal considers sufficient to enable the detainee to present his case against the detention, which the Tribunal shall accordingly afford him a reasonable opportunity to present, in person or by legal representative, at such proceedings.

7. (1) As soon as reasonably practicable after there have been submitted to the Tribunal under paragraph 6(1) the grounds upon which any person is detained, the Tribunal shall consider and report to the Minister as provided in paragraph 8. Duty and procedure of Tribunal

(2) For the purposes of subparagraph (1), the Tribunal may, if the Tribunal considers it relevant—

- (a) hear any person having any communication to make before the Tribunal;
- (b) put any question to any person before the Tribunal;
- (c) invite the Minister to submit further information;
- (d) have regard to anything submitted, presented or communicated to the Tribunal as hereinbefore mentioned.

(3) The Tribunal shall, from such proceedings before it as are held for the purposes of subparagraph (1), exclude any person not being the detainee, who is present at the proceedings, or his legal representative or a police officer having custody of the detainee or a person performing the functions of secretary to the Tribunal or being heard under subparagraph (2)(a) or whom the Tribunal, as the Minister's request, permits to attend such proceedings.

(4) Notwithstanding subparagraph (3) or any other law to the contrary—

- (a) the Tribunal may exclude the detainee or any other person from the said proceedings in the event of his misconducting himself by so interrupting them as to render their continuance in his presence impracticable; and

(b) any such proceedings may be held in the detainee's absence if, in the opinion of the Tribunal, it is unreasonable to require his presence thereat on account of his illness or for any other cause.

(5) The Tribunal may, upon the application of the detainee, at any time assign to him a legal representative if, in the opinion of the Tribunal, it appears desirable in the interest of the just execution of the Tribunal's functions under this paragraph that the detainee should have legal aid and that he has not sufficient means to enable him to obtain that aid.

(6) The expenses of any legal representative assigned to a detainee as aforesaid, and the expenses of the attendance of any person before the Tribunal for the purposes of subparagraph (2)(a) at the instance of the detainee, shall be defrayed out of moneys provided by Parliament for the purpose, up to an amount allowed by the Tribunal, but subject to any limitations imposed by the Minister as to rates and scales of payments.

Report of
Tribunal

8. (1) The report of the Tribunal shall specify in a separate part thereof its opinion whether or not there is sufficient cause for the detention of the person against whom the order was made, and may make recommendations concerning the necessity or expediency of continuing his detention, and the Minister shall cause a copy of that part of the report to be delivered to the detainee, but the remainder thereof shall not be disclosed to any person, other than the Minister, save as may be authorised by him.

(2) Where there is a difference of opinion among the members of the Tribunal as to any matter, the opinion of the majority of members shall be deemed to be the opinion of the Tribunal.

Revocation
of detention
order

9. The Minister may (without prejudice to the application of paragraph 2(2) to any order made in conformity with this paragraph) revoke a detention order at any time and in particular, may, in his discretion, do so if the Tribunal in its report under paragraph 8 specifies that, in its opinion, there is not sufficient cause for such detention.

Made this 19th day of October, 1971.

D. ALLEYNE
Secretary to the Cabinet

[Price 20c.]

