

# THE SOCIALLY DISPLACED PERSONS ACT, 2000

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and Tobago**

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 59 of 2000**

[L.S.]

AN ACT to provide for the assessment, care and  
rehabilitation of socially displaced persons and for  
related matters.

*[Assented to 2nd November, 2000]*

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

## PART I

## PRELIMINARY

Short title	<b>1.</b> This Act may be cited as the Socially Displaced Persons Act, 2000.
Commencement	<b>2.</b> This Act shall come into operation on a date to be fixed by the President by Proclamation.
Interpretation	<b>3.</b> In this Act, unless the context otherwise requires— “assessment centre” means a centre established under section 13 for the assessment, evaluation, and treatment of socially displaced persons; “Board” means the Social Displacement Board appointed by the Minister under section 8. “care centre” means any house, home or facility approved as such under section 19 for the reception of socially displaced persons who are in need of care and treatment; “court” means a court of summary jurisdiction; “Director” means the Executive Director of the Social Displacement Unit; “Field Officer” means a person responsible for the initial assessment of a socially displaced person before he is admitted to an assessment centre; “Manager” means a person having the management or control of an assessment centre or care; “Minister” means the Minister to whom is assigned the responsibility for Social and Community Development; “public place” includes any place to which the public is admitted with or without payment; “the Social Displacement Unit” is the Unit established under clause 4;

“socially displaced person” means any idle person habitually found in a public place whether or not he is begging and who by reason of illness or otherwise is unable to maintain himself, or has no means of subsistence or place of residence, is unable to give a satisfactory account of himself and causes or is likely to cause annoyance or damage to persons frequenting that public place, or otherwise to create a nuisance.

## PART II

### SOCIAL DISPLACEMENT UNIT

**4.** The Minister shall establish a Social Displacement Unit (hereinafter referred to as “the Unit”) for the assessment, relocation, care and rehabilitation of socially displaced persons.

Establishment of  
Social Displacement  
Unit

**5.** The Unit shall be responsible for—

Functions of the Unit

- (a) co-ordinating and monitoring of the voluntary and involuntary removal of socially displaced persons from the streets and other public places;
- (b) co-ordinating and monitoring of activities pertinent to the rehabilitation of socially displaced persons;
- (c) identifying the factors that lead to social displacement and implementing educational and other programmes aimed at preventing an increase in the population of socially displaced persons;
- (d) the establishment and monitoring of care standards for the socially displaced;
- (e) the establishment of the Social Displacement Fund;
- (f) advising and making recommendations to the Board on all other matters pertaining to the care of the socially displaced and such other matters as the Minister may refer to it.

Staff

**6.** The staff of the Unit shall include the following persons:

- (a) an Executive Director;
- (b) an Executive Assistant;
- (c) a Social Work Specialist;
- (d) a Psychologist;
- (e) a Medical Doctor;
- (f) a Registered Nurse;
- (g) two Social Workers;
- (h) one Job Placement Officer;
- (i) one Research Officer;
- (j) one Clerk Typist I;
- (k) a Psychiatrist;
- (l) a Field Officer.

Social Displacement  
Fund

**7. (1)** A Social Displacement Fund (hereinafter referred to as “the Fund”) is hereby established for the purposes of this Act.

(2) The purpose of the Fund is to finance social displacement projects as are identified by the Unit.

(3) The resources of the Fund shall consist of—

- (a) any monies that may from time to time be appropriated by Parliament;
- (b) contributions from corporate and individual citizens;
- (c) contributions from regional and international agencies; and
- (d) all other sums of money that may in any manner become payable to or vested in the Fund.

(4) The accounts of the Fund shall be audited annually by the Auditor General.

### PART III

#### SOCIAL DISPLACEMENT BOARD

Establishment of  
Social Displacement  
Board

**8. (1)** A Social Displacement Board (hereinafter referred to as “the Board”) is hereby established for the purposes of this Act.

(2) The Board shall consist of a Chairman and eleven other members all of whom shall be appointed by the Minister.

(3) Every appointment shall be for a term of three years but may be revoked by the Minister for any reasonable cause before the expiration of that term.

(4) The quorum of the Board shall be six.

(5) The members appointed in accordance with subsection (2) shall include—

- (a) a representative of the Ministry of Social and Community Development;
- (b) a representative of the Ministry of Health;
- (c) a representative of the Trade Union Movement;
- (d) one attorney-at-law of at least five years standing admitted to practice in Trinidad and Tobago;
- (e) a representative of a non-governmental organisation;
- (f) a qualified accountant;
- (g) a representative of the Association of Social Workers;
- (h) a representative of the Businessmen's Association;
- (i) a representative nominated by the Chief Secretary of the Tobago House of Assembly;
- (j) a representative of the San Fernando City Corporation;
- (k) a representative of the Port-of-Spain City Corporation;
- (l) the Executive Director of the Unit who shall be an *ex officio* member of the Board.

(6) A person who has a financial interest in an institution for the care of socially displaced persons shall not be eligible for membership on the Board.

(7) The Chairman of the Board shall preside at all meetings of the Board.

(8) At a meeting of the Board from which the Chairman is absent, the members present shall appoint one of their number to act as Chairman at that meeting.

(9) The Chairman may at any time resign his office by letter addressed to the Minister.

(10) A member may at any time resign his office by letter addressed to the Chairman, who shall cause it to be forwarded to the Minister.

(11) The appointment of a person as a member and the termination of office of a member whether by death, resignation, revocation, effluxion of time or otherwise shall be notified in the *Gazette*.

(12) If a member is unable to perform the functions of office owing to his absence from Trinidad and Tobago or for any other reason, the Minister may appoint a new member.

Secretarial Services

**9.** The Unit shall provide Secretarial Services to the Board.

Custody and use of Seal

**10.** (1) There shall be a seal of the Board which shall be kept in the custody of the Chairman and may be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman and one other member and the Secretary.

(2) The seal of the Board shall be attested by the signature of the Chairman or the Secretary.

(3) All documents made by the Board, other than those required by law to be under seal, and all decisions of the Board may be signified under the hand of the Chairman or Secretary.



(4) Service upon the Board of a notice, order or other document shall be executed by delivering it, or sending it by registered post addressed to the Secretary at the office of the Board.

**11.** (1) The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of business. The meetings shall be held at a place and time to be determined by the Board. Procedure and meetings of the Board

(2) The Chairman may at any time call a special meeting of the Board within seven days of the receipt of a requisition for that purpose addressed to him by three members.

(3) The Secretary shall keep the minutes of each meeting in proper form.

(4) The Chairman shall certify a copy of the confirmed minutes at a subsequent meeting and forward it to the Minister.

(5) The Board may co-opt one or more persons to attend a particular meeting of the Board for the purpose of assisting or advising the Board, but a co-opted person shall not have the right to vote.

(6) Subject to this Act, the Board may regulate its own procedure.

**12.** (1) The Board shall be responsible for— Functions, powers and duties of the Board

- (a) the overall policy and direction of the Unit;
- (b) the management of the Social Displacement Fund; and
- (c) assisting the Unit in the attainment of the objectives of the Unit.

## PART IV

### ASSESSMENT AND CARE CENTERS

**13.** (1) The Minister shall establish assessment centres and may by order designate an existing facility to be an assessment centre. Establishment of assessment centres

(2) Assessment centres established or designated as such under this section shall be under the control of the Unit.

(3) The Unit shall be responsible for monitoring the assessment, evaluation, relocation and rehabilitation of socially displaced persons who are admitted to an assessment centre.

Voluntary admission  
to assessment centre

**14.** A socially displaced person may voluntarily seek admission to an assessment centre and if he is admitted to that centre he shall be required to abide by the conditions of admission imposed by this Act or any regulations made under this Act.

Investigations

**15.** Where a field officer determines upon investigation that a socially displaced person is unwilling to seek admission to an assessment centre and cannot be persuaded to do so, the field officer shall submit to the Unit a written report on the case.

Applications to Court  
for removal order

**16. (1)** Where upon receipt of the Report referred to in section 5 the unit is satisfied that all efforts to persuade the person named in the Report to be admitted to an assessment centre have failed, the unit shall make an application in the prescribed form to the court for an order to admit that person to the centre.

(2) Where the court is satisfied on the evidence presented that a person named in that application is a socially displaced person, the court shall make an order requiring that person to be admitted to an assessment centre.

(3) The person referred to in subsection (1) shall be served with a copy of the Order referred to in subsection (2) and the field officer shall advise him that he is entitled to legal aid in accordance with the Legal Aid and Advice Act.

(4) Notwithstanding any other written law to the contrary, the order is deemed to be a summons—

- (a) issued in accordance with section 42 and served in accordance with section 43 respectively of the Summary Courts Act; Chap. 4:20 and
- (b) requiring the person to appear in court on the day and time stated therein to show cause why he should not be admitted to the centre.

**17.** The procedure governing the making of an <sup>Procedure</sup> application under the Summary Courts Act shall apply <sup>Chap. 4:20</sup> *mutatis mutandis* to the making of an application for an Order under this Act.

**18.** (1) Where the court makes an order under <sup>Involuntary removal</sup> subsection 16(2), the Unit shall arrange for a field officer to remove the socially displaced person named in the order in a humane manner, and in such a way that his dignity is preserved.

(2) A field officer shall not remove a socially displaced person unless that officer is accompanied by a police officer.

(3) Where a field officer removes a socially displaced person in accordance with this section, the Unit shall inform the next of kin or closest relative of the socially displaced person as soon as it is reasonably practicable to do so.

**19.** (1) The Minister may, subject to this Act, issue a <sup>Establishment of care centres</sup> certificate approving the use of any house or home as a care centre authorising the person named in the certificate to admit a socially displaced person for care and treatment as—

- (a) an urgent admission;
- (b) a voluntary admission; or
- (c) a medically recommended person.

(2) Every person who has been admitted to a care centre shall be under the care and supervision of a medical practitioner and a social worker.

(3) A house shall not be used as a care centre unless—

- (a) it satisfies the criteria relating to standards of care as set out in the regulations; and
- (b) a certificate has been issued under subsection (1).

(4) An application for a certificate shall be made in the prescribed form.

(5) A certificate shall not be issued or renewed unless the house, its location with regard to the neighbouring premises and its proposed facilities and equipment adhere to the standards of care as established by the Unit and the Minister is satisfied as to the character and fitness of the applicant.

(6) A certificate issued under this section shall be displayed in a conspicuous part of the house in respect of which it was issued.

(7) Every care centre shall be under the supervision of a Medical Practitioner.

(8) The manager of a Care Centre shall be paid a fee in an amount to be determined by the Minister from time to time in respect of each person admitted to the care centre.

Offences and  
penalties

**20.** A person who contravenes section 19(3) or 19(6) or any regulations made under this Act commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for one year.

Assessment to be  
made within fourteen  
days

**21.** (1) Where a person has been admitted into an assessment centre in accordance with the provisions of this Act, the Centre shall undertake an initial assessment at the time of admission.

(2) The Unit shall, within fourteen days from the date of admission, conduct a further assessment of that person to determine whether he should be discharged from the assessment centre or should be admitted to one of the following:

- (a) a mental institution;
- (b) a medical institution;
- (c) a detoxification or drug rehabilitation centre; or
- (d) a care centre,

as a beginning of the care process, that would facilitate rehabilitation and reintegration into the society.

**22.** Every person admitted to a care centre shall be <sup>Manager of care centre</sup> the responsibility of the Manager of the centre.

**23.** The Unit shall review the case of each resident of <sup>Unit to review the case of residents</sup> a care centre on a monthly basis to assess his suitability for discharge from the centre.

**24.** The Unit shall have the power to recommend that <sup>Discharge of residents</sup> any resident may be discharged from a care centre either conditionally or unconditionally.

**25.** (1) A relative or friend who is willing and able to <sup>Discharge to the care of a relative</sup> provide for a socially displaced person who is being cared for at a care centre, may apply to the Director to have that person placed under the care and control of that relative or friend.

(2) Where the Director is satisfied that the applicant can provide adequate care and support for the socially displaced person, he may discharge that person into the care of the applicant.

(3) Where for any reason the care and support of the relative or friend of the socially displaced person ceases, the relative or friend shall inform the Director of the cessation of such care and support as soon as it is reasonably practicable to do so.

Person in care centre  
to work

**26.** (1) A person residing in a care centre may be required to engage in any suitable work, for which the Unit certifies him to be capable, either with a view to fitting him for employment outside of the care centre or with a view to his contributing to his maintenance in the care centre.

(2) A person residing in a care centre who attends work outside the care centre shall be deemed, while engaged in such employment, to be a resident of the care centre.

Persons residing in  
centres may be  
transferred to a  
hospital

**27.** A person residing in a care centre may, if so directed by the Unit, be transferred to a hospital or other medical institution for treatment, and shall be deemed to be a resident of the care centre while receiving such treatment.

Transfer to another  
care centre

**28.** The Unit may transfer a person residing in a care centre to another care centre.

Sanctions for leaving  
without permission  
of care centre

**29.** Where upon investigation, a Field Officer determines that a person—

- (a) without permission of the Manager, leaves a care centre to which he has been admitted in accordance with section 16 of this Act; or
- (b) having obtained permission from the Manager, leaves a care centre for a limited time or for a specified purpose and fails to return at the expiration of that time or when that purpose has been accomplished and without reasonable excuse returns to street life,

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one month.

Sanctions for  
behaving in a  
disorderly manner

**30.** A person residing in a care centre who—

- (a) takes part in any assault or attack on any officer of the care centre;

- (b) aggravates or repeatedly assaults any other person residing in the care centre; or
- (c) willfully destroys or steals any property of the care centre, or of the staff or other residents of the care centre,

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months.

**31.** Any person who is reasonably suspected of <sup>Arrest without a warrant</sup> having committed an offence under section 29 or 30 and who refuses or fails to accompany a police officer to, or to appear before a Magistrate's Court when required to do so for the purposes of this Act, may be arrested without a warrant.

**32.** A person who has completed serving a sentence <sup>Return to care centre after serving sentence</sup> imposed on him under section 29 or 30 shall be returned to a care centre, and the Unit shall have the power to grant admission to such person after he has served his sentence.

**33.** The Minister may make regulations for the <sup>Regulations</sup> purpose of giving effect to the provisions of this Act and in particular for—

- (a) prescribing anything that is required to be prescribed by this Act;
- (b) governing the issue or withdrawal of a certificate;
- (c) prescribing the fees payable in respect of the issue or renewal of a certificate;
- (d) prescribing the constitution and functions of the Unit;
- (e) regulating the management of assessment and care centres and the admission of persons to these centres;

- (f) the care, control and rehabilitation of persons residing in care centres;
- (g) prescribing the forms to be used for the purpose of this Act; and
- (h) prescribing standards of care.

Passed in the House of Representatives this 14th day of August, 2000.

D. DOLLY  
*Acting Clerk of the House*

Passed in the Senate this 5th day of October, 2000.

N. COX  
*Clerk of the Senate*

Senate amendments agreed to by the House of Representatives on the 6th day of October, 2000.

D. DOLLY  
*Acting Clerk of the House*