

JUDICIAL AND LEGAL SERVICE ACT

CHAPTER 6:01

Act
22 of 1977
Amended by

193/1977	92 of 1991
194/1977	13 of 1992
147/1978	60 of 1996
176/1978	12 of 1997
28/1979	203 of 1997
107/1979	204 of 1997
108/1979	213 of 1997
109/1979	19 of 2000
110/1979	32 of 2000
2 of 1980	93/2002
47 of 1980	186/2003
*24 of 1981	208/2003
124/1981	115/2005
21 of 1986	271/2007
(225/1986)	65/2008
91 of 1991	150/2008

*See Note on page 2

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Note on Adoption of the Public Service Commission Regulations (Subsidiary Legislation—Ch. 1:01)

With respect to the adoption of the Public Service Commission Regulations by the Judicial and Legal Service Commission, *see* Gazette Notice No. 358 published in the *Trinidad and Tobago Gazette*, Vol. 23, No. 51, dated 23rd February 1984.

Note on Act No. 24 of 1981 *re* amendments to Act

Act No. 24 of 1981 made several amendments to this Act, but Act No. 24 of 1981 had not, up to the date of the last revision of this Act, been brought into operation.

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JUDICIAL AND LEGAL SERVICE ACT

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Judicial and Legal Service

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CHAPTER 6:01

JUDICIAL AND LEGAL SERVICE ACT

An Act to make provision for the establishment, classification, remuneration and entitlement of officers of a Judicial and Legal Service; and for other matters concerning the relationship between the Government and the Judicial and Legal Service. 22 of 1977.

[24TH MAY 1977]

Commencement.

1. This Act may be cited as the Judicial and Legal Service Act. Short title.

PART I

PRELIMINARY

2. In this Act—

Interpretation.

“allowance” means compensation payable—

- (a) in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature;
- (b) for the duties that an officer is required to perform in addition to the duties of his grade where those duties relate to an office in the same grade or a higher grade;

“Chief Legal Officer” means the Director of Public Prosecutions, the Solicitor General or the Chief Parliamentary Counsel;

“classification” means the assignment of an office to a grade;

“Commission” means the Judicial and Legal Service Commission established under section 110 of the Constitution;

Ch. 1:01.

“judicial office” means a public office set out in the Second Schedule;

Second
Schedule.

“judicial officer” means the holder of a judicial office or a person who is appointed to act in such an office;

“Judicial and Legal Service” or “the Service” means the Judicial and Legal Service established under section 3;

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- First Schedule. “legal office” means a public office set out in the First Schedule;
 “legal officer” means the holder of a legal office or a person who is appointed to act in such an office;
 “office” means an office in the Judicial and Legal Service;
 “officer” means a judicial officer or a legal officer;
 “public office” and “public service” have the meaning assigned by section 3 of the Constitution;
 “remuneration” means pay and allowances;
 “Remuneration Order” means an order made under section 6(1)(a) or (b).
- Ch. 1:01.

PART II

ESTABLISHMENT AND STRUCTURE OF THE JUDICIAL AND LEGAL SERVICE AND PRACTICE BY LEGAL OFFICERS

Establishment of Judicial and Legal Service. **3.** (1) There is hereby established a Judicial and Legal Service.

First Schedule. Second Schedule. *(2) The public offices in the public service set out in the First and Second Schedules shall be deemed to constitute the Judicial and Legal Service.

Ch. 1:01. (3) Section 111 of the Constitution applies to the judicial offices and the legal offices.

(4) Section 141 of the Constitution applies to the holders of the judicial offices and legal offices.

(5) An officer who immediately before the commencement of this Act held or was acting in a public office set out in the First or Second Schedule shall, as from the commencement of this Act, continue to hold or act in the like office in the Judicial and Legal Service and with the same remuneration and conditions of service as obtained immediately prior to the commencement of this Act, until other provisions are made under this Act.

* The offices set out in the First and Second Schedules are law offices for the purposes of section 26(1) of the Legal Profession Act (Ch. 6:50)— See LN 256/1986.

4. (1) Subject to section 3 and to the Constitution, the President may by Order prescribe the classification or title of an office set out in the First or Second Schedule.

Classification
and title of
offices.
Ch. 1:01.
First Schedule.
Second
Schedule.

(2) The classification and title of an office referred to in subsection (1) shall be observed in all records and communications of the Commission, the Auditor General, the Treasury and in all departmental estimates and Parliamentary returns and appropriations.

5. (*Repealed by Act No. 21 of 1986*).

PART III

TERMS AND CONDITIONS OF SERVICE

6. (1) Subject to section 3 and to the Constitution, the President may by Order prescribe—

Remuneration
Orders.
Ch. 1:01.

- (a) the pay in respect of an office;
- (b) allowances and benefits that attach to an office and that any such allowance or benefit is exempt from income tax or any other tax;
- (c) the other terms and conditions of service of an officer.

(2) The salaries and allowances payable to officers are a charge on the Consolidated Fund.

7. Except where the contrary is otherwise provided in a Remuneration Order, increase of pay that may be granted in respect of an office in a grade in accordance with the Remuneration Order shall be annual; so, however, that no increase of pay shall be made in respect of an office in a grade in which the officer performing the duties of such office has not completed a period of twelve months continuous duty in such office.

Increments.

8. An officer shall hold office subject to the provisions of the Constitution, of this Act and the Regulations and of any other written law and, unless some other period of employment is specified, for an indeterminate period.

Tenure of office.
Ch. 1:01.

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Extension of
service.
[12 of 1997].
Second
Schedule.

8A. Notwithstanding any other written law, any of the judicial officers referred to in Part I of the Second Schedule may with the permission of the Commission and in the interest of the Service continue to serve as such for a period of not more than three years after he has reached the prescribed age of retirement.

Officers and
political
activities.

9. (1) An officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a Council.

Ch. 2:01.

(2) An officer may not be a scrutineer under the Representation of the People Act or an election agent or an assistant to an election agent of a Parliamentary, Municipal or Council candidate.

Taking of oaths.
[193/1977].

10. (1) Every officer who is appointed to, or to act in, an office after the commencement of this Act shall take and subscribe the oath or affirmation of allegiance and of office set out in Part I of the Fourth Schedule.

Fourth
Schedule.

Fifth Schedule.

(2) A legal officer and the secretary to the holder of an office specified in the Fifth Schedule shall take and subscribe the oath or affirmation of office and secrecy set out in Part II of the Fourth Schedule.

(3) The President may by Order add to, vary or amend the offices specified in the Fifth Schedule.

Modes of
termination of
appointment.

11. (1) The modes by which the appointment of an officer may terminate are as follows:

- (a) on dismissal or removal in consequence of disciplinary proceedings;
- (b) on compulsory retirement;
- (c) on voluntary retirement;
- (d) on retirement for medical reasons;
- (e) on resignation;
- (f) on the expiry of an appointment for a specified period;
- (g) on the abolition of office;

- (h) in the case of an officer on probation, on the termination of appointment;
- (i) in the public interest;
- (j) in the case of a female officer on grounds of marriage.

(2) An officer who intends to resign his office shall give such period of notice as may be prescribed.

PART IV

ADMINISTRATION

12. (1) The Ministry of Legal Affairs shall comprise the Departments of Civil Law, of Criminal Law, of Legislative Drafting and of Accounting which shall be headed respectively by the Solicitor General, the Director of Public Prosecutions, the Chief Parliamentary Counsel and a public officer to be designated Permanent Secretary in the Ministry.

Ministry of
Legal Affairs.

(2) The Civil Law Department shall include the Departments of the Chief State Solicitor and of the Registrar General.

(3) For the purposes of section 85 of the Constitution a Chief Legal Officer is a Permanent Secretary.

Ch. 1:01.

(4) The Permanent Secretary in the Ministry shall be the Accounting Officer of the Ministry for the purpose of the Exchequer and Audit Act and shall exercise such supervision in respect of such other matters as may be directed by the Minister under section 85 of the Constitution.

Ch. 69:01.

(5) In this section “Minister” means the member of the Cabinet responsible for the administration of legal affairs.

13. Subject to sections 76(2) and 90 of the Constitution, the Permanent Secretary of the Ministry or department concerned may exercise control and supervise the legal officers set out in Part V of the First Schedule that are assigned to that Ministry or department.

Other Ministries
and
departments.
Ch. 1:01.
First Schedule.

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The Law
Commission.
Ch. 1:01.

14. Subject to the Constitution and to any written law, the Chairman of the Law Commission may exercise control and supervision over the legal and other public officers assigned to the Law Commission.

Judicial officers.
[2 of 1980
47 of 1980
13 of 1992].
Ch. 1:01.

15. (1) Subject to the Constitution and to any written law, control and supervision may be exercised over—

(a) the Masters of the High Court, the Chief Magistrate and the Registrar and Marshal, by the Chief Justice;

(b) other judicial officers mentioned—

(i) in Part I, by the Chief Magistrate under the direction of the Chief Justice;

(ii) in Part II, by the Registrar and Marshal under the direction of the Chief Justice;

(iii) in Part III, by the Chief Justice;

(iv) in Part IV, by the Chairman of the Appeal Board;

(v) in Part V, by the President of the Industrial Court.

(1A) The Chief Justice may by Order delegate to the Chief Magistrate any administrative function relating to Magistrates or Magistrates' Courts vested in him by law, and any such delegation shall have effect as if it were a delegation under section 52 of the Interpretation Act.

Ch. 3:01.

(2) In this section "Part" means a Part of the Second Schedule.

Second
Schedule.

PART V

GENERAL

Regulations for
the Judicial and
Legal Service.
[194/1977].
Ch. 1:01.

16. Subject to section 3 and to the Constitution, the President may make Regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or

convenient to be prescribed, for carrying out or giving effect to this Act and in particular for the following:

- (a) prescribing the probationary period on first appointment of an officer and for the reduction of such period in appropriate cases;
- (b) prescribing conditions for the termination of the first appointment of an officer on probation;
- (c) prescribing the procedure for the recovery of any penalties from an officer;
- (d) regulating the hours of attendance of officers and keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (e) adding an office to, or deleting an office from, the First or Second Schedule; First Schedule.
Second
Schedule.
- (f) regulating the duties and the conduct of officers;
- (g) regulating the granting of leave to officers;
- (h) prescribing any administrative functions of a Chief Legal Officer and of the Permanent Secretary;
- (i) prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes.

17. Except as otherwise provided in this Act, the Civil Service Act, and any Orders or Regulations made thereunder shall not apply to the Judicial and Legal Service or to an officer. Application of
Civil Service
Act.
Ch. 23:01.

Sections 3 and 4.

[194/1977
147/1978
176/1978
28/1979
107/1979
91/1991
60/1996
203/1997
19/2000
32/2000
115/2005
65/2008].

***FIRST SCHEDULE**

LEGAL OFFICES

PART I

CIVIL LAW DEPARTMENT

Solicitor General.
Deputy Solicitor General.
Assistant Solicitor General.
Senior State Counsel.
State Counsel IV.
State Counsel III.
State Counsel II.
State Counsel I.
Chief State Solicitor.
Deputy Chief State Solicitor.
Assistant Chief State Solicitor.
Senior State Solicitor.
State Solicitor II.
State Solicitor I.
Registrar General.
Deputy Registrar General.
Assistant Registrar General.
Senior Assistant Registrar General.
Examiner of Title.
Specialist Legal Officer.
Controller of the Intellectual Property Office.
Deputy Controller of the Intellectual Property Office.

PART II

CRIMINAL LAW DEPARTMENT

Director of Public Prosecutions.
Deputy Director of Public Prosecutions.
Assistant Director of Public Prosecutions.
Senior State Counsel.
State Counsel IV.
State Counsel III.
State Counsel II.
State Counsel I.

* See footnote to section 3(2).

PART III

LEGISLATIVE DRAFTING DEPARTMENT

Chief Parliamentary Counsel.
Deputy Chief Parliamentary Counsel.
Assistant Chief Parliamentary Counsel.
Senior Parliamentary Counsel.
Parliamentary Counsel III.
Parliamentary Counsel II.
Parliamentary Counsel I.

PART IV

LAW COMMISSION

Director of Law Revision.
Commission Secretary.
Senior Legal Research Officer.
Legal Research Officer II.
Legal Research Officer I.
Assistant Legal Research Officer.
Senior Parliamentary Counsel.
Parliamentary Counsel II.
Parliamentary Counsel I.
Law Reform Officer.
Legislative Draftsman.

PART V

OTHER MINISTRIES AND DEPARTMENTS

Treasury Solicitor.
Legal Adviser.
Senior State Counsel.
State Counsel IV.
State Counsel III.
State Counsel II.
State Counsel I.
Head of the Legal Division in the Office of the Ombudsman.
Chief State Counsel, Inland Revenue Division, Ministry of Finance.
Assistant Chief State Counsel, Inland Revenue Division,
Ministry of Finance.
Registrar, Environmental Commission.

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Sections 3, 4
and 16.
[108/1979
2 of 1980
124/1981
213/1997
93/2002
186/2003
208/2003
271/2007
150/2008].

***SECOND SCHEDULE**

JUDICIAL OFFICES

PART I

Chief Magistrate.
Deputy Chief Magistrate.
Senior Magistrate.
Magistrate.
Magistracy Registrar and Clerk of the Court.
Magistrate (Appointed on Contract).
Coroner.
Coroner (Appointed on Contract).

PART II

Master of the High Court.
Registrar and Marshal.
Deputy Registrar and Marshal.
Assistant Registrar and Deputy Marshal.

PART III

Court Executive Administrator.
Administrative Secretary to the Chief Justice.

PART IV

Registrar, Appeal Board.

PART V

Registrar, Industrial Court.
Assistant Registrar, Industrial Court.

PART VI

Registrar, Equal Opportunity Tribunal.

Section 5.
[109/1979
21 of 1986].

THIRD SCHEDULE

(Repealed by Act No. 21 of 1986)

* See footnote to section 3(2).

FOURTH SCHEDULE

Section 10.

PART I

**OATH (OR AFFIRMATION) OF ALLEGIANCE AND
OF OFFICE**

I, (A.B.), do swear by
(solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago
and will uphold the Constitution and the law, and that I will conscientiously,
impartially and to the best of my knowledge, judgment and ability discharge the
functions of my office and do right to all manner of people after the laws and
usages of Trinidad and Tobago without fear or favour, affection or ill will.

PART II

OATH (OR AFFIRMATION) OF OFFICE AND SECRECY

I, (A.B.), do swear by
(solemnly affirm) that I will faithfully and honestly fulfil the duties that
devolve upon me by reason of my employment in (or in connection with) the
Judicial and Legal Service and that I will not, without due authority in that
behalf, in any manner whatsoever publish or communicate any facts or
information being facts or expressions of opinion based on such facts that
come to my knowledge by reason of such employment.

FIFTH SCHEDULE

Section 10.
[193/1977
110/1979
92/1991
204/1997
19/2000].

Director of Public Prosecutions.
Legal Adviser.
Solicitor General.
Chief Parliamentary Counsel.
Deputy Director of Public Prosecutions.
Deputy Solicitor General.
Deputy Chief Parliamentary Counsel.
Chief State Solicitor.
Registrar General.
Commission Secretary.
Treasury Solicitor.
Specialist Legal Officer.
Director of Law Revision.
Controller of the Intellectual Property Office.
Deputy Controller of the Intellectual Property Office.

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SUBSIDIARY LEGISLATION

256/1986. **LEGAL PROFESSION (LAW OFFICES) ORDER**

made under section 26(1) of the Legal Profession Act

Citation. **1.** This Order may be cited as the Legal Profession (Law Offices) Order.

Law Offices declared. First and Second Schedules. Ch. 90:03. **2.** The Offices set out in the First and Second Schedules to the Judicial and Legal Service Act are declared to be law offices for the purposes of section 26(1) of the Legal Profession Act.

Commencement. **3.** This Order comes into effect on the 1st day of January, 1987.

10/1987. **REMUNERATION (JUDICIAL AND LEGAL SERVICE) ORDER**

made under section 6(1) of the Act

Citation. **1.** This Order may be cited as the Remuneration (Judicial and Legal Service) Order.

Increments to cease. **2.** A reference to increments in any written law made in or under the Judicial and Legal Service Act shall cease to have effect from the 23rd January 1987.

LEGAL SERVICE (VACATION LEAVE) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Interpretation.
 3. Annual leave entitlement.
 4. Application for annual leave.
 5. Minimum annual leave.
 6. Deferred annual leave.
 7. Casual absences.
 8. No forfeiture of leave.
 9. No leave earned while on leave.
 10. Accumulation of annual leave.
 11. Officer's leave upon retirement or transfer.
 12. Officer to take excess leave.
 13. Referral.
 14. Saving.
-

230/2000. **LEGAL SERVICE (VACATION LEAVE) REGULATIONS**

made under section 16

Citation. **1.** These Regulations may be cited as the Legal Service (Vacation Leave) Regulations.

Interpretation. **2.** In these Regulations—
 “annual leave” means annual vacation leave;
 “Head of Department” means a public officer who has been assigned the supervision of a department of Government in accordance with section 85 of the Constitution;
 “Minister” means a Minister other than the Attorney General;
 “Officer” means the holder of a legal office as prescribed by the Judicial and Legal Service Act;
 “Service” means the Legal Service.

Annual leave entitlement. **3.** (1) Every officer, including a Chief Legal Officer shall be entitled to annual leave based on length of service as follows:

<i>Grades</i>	<i>1 to 10 years continuous service</i>	<i>Over 10 years continuous service</i>
All officers	28 working days	35 working days

(2) In the calculation of annual leave, Saturdays, Sundays and public holidays shall not be counted.

(3) For the purpose of this regulation, “service” includes other service in the public service.

Application for annual leave. **4.** (1) An application for annual leave by the Chief Legal Officer shall be made to the Attorney General and Minister of Legal Affairs (*in these Regulations referred to as the Attorney General*).

(2) An application for annual leave by an officer in the Ministry of the Attorney General and Legal Affairs shall be made to the Chief Legal Officer at least two months before the date of the commencement of such leave.

(3) The Attorney General shall be informed of the decision of the Chief Legal Officer on the application at

subregulation (2) at least one month before the date of the commencement of the leave.

(4) Where the leave has been approved, but the Attorney General is of the opinion that the exigencies of the Service are such as not to permit the officer proceeding on leave, the Attorney General may direct the Chief Legal Officer to withdraw his approval and to defer the leave.

(5) An application for annual leave by an officer serving other than in the Ministry of the Attorney General and Legal Affairs shall be made to his Permanent Secretary or Head of Department as the case may be.

5. An officer, including a Chief Legal Officer, shall not take less than fourteen working days annual leave in any one year. Minimum annual leave.

6. An officer, including a Chief Legal Officer, who, owing to the exigencies of the Service, is required to defer his annual leave or any part thereof, shall, in the year following that in respect of which his annual leave or any part thereof was deferred be granted such deferred leave together with his annual leave for that year. Deferred annual leave.

7. (1) An officer may, with the approval of the appropriate Chief Legal Officer, Permanent Secretary, or Head of Department as the case may be, be allowed casual absences from work to a maximum of fourteen working days per annum which shall be deducted from his annual leave. Casual absences.

(2) Without prejudice to any other action that may be taken against an officer, casual absence from work without the approval of the Chief Legal Officer, Permanent Secretary or Head of Department may be treated as leave without pay or may be deducted from his annual leave entitlement.

8. Subject to regulation 10, annual leave once earned shall not be forfeited. No forfeiture of leave.

9. An officer, including a Chief Legal Officer, shall not earn leave while on vacation leave. No leave earned while on leave.

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Judicial and Legal Service

[Subsidiary]

Legal Service (Vacation Leave) Regulations

Accumulation
of annual leave.

10. (1) Subject to this regulation, an officer, including a Chief Legal Officer, may not accumulate more than ninety days annual leave.

(2) A Chief Legal Officer may be permitted to accumulate more than ninety days annual leave only with the consent of the Attorney General.

(3) An officer may be permitted to accumulate more than ninety days leave only with the consent of the Chief Legal Officer, Permanent Secretary or Head of Department as the case may be.

Officer's leave
upon retirement
or transfer.

11. (1) Where an officer, including a Chief Legal Officer, resigns from the Service and he has accumulated leave, he shall be entitled to take such leave immediately prior to the date of his resignation.

(2) Where an officer, including a Chief Legal Officer, is transferred to another Department, and has accumulated leave prior to his transfer, he shall not lose such leave upon his transfer, but shall be entitled to take such leave upon such terms and conditions that governed his leave prior to his transfer.

Officer to take
excess leave.

12. Where, upon the coming into force of these Regulations, an officer, including a Chief Legal Officer, has accumulated annual leave in excess of ninety days, he may be required to take all or such part of the excess as is agreed upon by the Permanent Secretary or Head of Department or in the case of a Chief Legal Officer, by the Attorney General.

Referral.

13. Any matter of disagreement between an officer and a Chief Legal Officer, Permanent Secretary or Head of Department in relation to his application for annual leave shall be referred to the Attorney General or the appropriate Minister as the case may be for his ruling.

Saving.

14. Nothing in these Regulations shall be construed as depriving an officer, including a Chief Legal Officer, of any annual leave for which he may have been eligible before the coming into force of these Regulations.