
Third Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 32 of 1979

[L.S.]

AN ACT to amend the Defence Act, 1962.

[Assented to 12th October, 1979]

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

1. This Act may be cited as the Defence (Amend-Short titlement) Act, 1979.

Section 2
amended

2. Section 2 of the Defence Act (hereinafter referred to as "the Act") is amended—

- (a) by deleting the definition of "the Commander" in section 2(k);
- (b) by inserting in its appropriate alphabetical order the following definition—

" "the Chief of Defence Staff" means the officer appointed by the President under section 183."

Section 5
amended

3. Section 5 of the Act is amended—

- (a) in subsection (1)(a) by adding immediately after the word "forces" the words "(hereinafter referred to as "the regiment")";
- (b) in subsection (2) by substituting the word "Council" for the word "Minister" occurring in line three.

Act No. 7 of
1962 amended

4. The Act is amended by inserting immediately after Part I the following new part—

"PART IA

THE DEFENCE COUNCIL

Establish-
ment of
Defence
Council

5B. (1) There is established a Defence Council (in this Act referred to as "the Council") consisting of—

- (a) the Minister who shall be the Chairman;
- (b) Two other members of the Cabinet appointed by the Prime Minister one of whom shall be the Vice-Chairman;
- (c) the Chief of Defence Staff;
- (d) the Permanent Secretary in the Ministry responsible for the Trinidad and Tobago Defence Force who shall be the Secretary.

(2) Where the Chairman is absent at a meeting of the Council the Vice-Chair-

man shall perform the functions of the Chairman at that meeting.

(3) Where the Secretary is absent at a meeting of the Council, the person presiding at the meeting may nominate any member to perform the duties of Secretary for that meeting.

(4) Where a member referred to at subsection (1)(b) is by reason of illness or otherwise temporarily unable to perform his functions as a member, the Prime Minister may appoint some other Minister to the Council during the period of such illness or inability.

Functions of
the Council

5c. (1) Subject to subsection (2) the Council shall be responsible under the general authority of the Minister for the command, administration and discipline of and all other matters relating to the Force.

(2) The responsibility of the Council shall not extend to the operational use of the Force for which responsibility shall vest in the Chief of Defence Staff subject to the general or special directions of the Minister.

(3) The Council may delegate its powers or duties to any of its members and such delegation shall be published in the *Gazette*.

Procedure
and pro-
ceedings
of the
Council

5d. (1) The quorum of the Council shall be three members of whom not more than two shall be members of the Cabinet.

(2) The Council may otherwise make rules for the proper discharge of its functions and the regulation of its procedure and proceedings."

5. Section 6 of the Act is repealed and replaced as follows:—

"Establish-
ment of
Commissions
Board

6. (1) There is established a Commissions Board (hereinafter referred to as "the Board") appointed by the President and

Section 6
repealed and
replaced

consisting of—

- (a) the Chairman of the Public Service Commission who shall be the Chairman;
- (b) a member of the Judicial and Legal Service Commission;
- (c) one member of the public;
- (d) the Commanding Officer of the Regiment;
- (e) the Commanding Officer of the Coast Guard.

(2) A Member referred to at (b) or (c) of subsection (1) shall hold office for a period of not less than three nor more than five years as may be specified in his instrument of appointment.

(3) Where the Commanding Officer of either the regiment or the coast guard is also the Chief of Defence Staff he shall nominate an officer to the President to serve in his stead.

(4) An officer of the Force shall be Secretary of the Board.

(5) The Board may with the approval of the Minister make rules for the proper discharge of its functions and the regulation of its proceedings.”.

Act No. 7 of
1962 amended

6. The Act is amended by inserting immediately after section 6 the following new sections—

“Board to
make recom-
mendations
for appoint-
ment or pro-
motion up
to rank of
Major/
Lieutenant
Commander

6A. The Board shall advise the President through the Minister on appointments to Commissions and promotions in the Force up to the rank of Major/Lieutenant Commander.

Recom-
mendations
for appoint-
ment for
promotion
of other
officers

6B. The Minister after consultation with the Prime Minister shall advise the President on appointments to Commissions and promotions in the Force above the rank referred to in Section 6A.

President
to act in
accordance
with recom-
mendation

6c. In making appointments or promotions under this Act, the President shall act in accordance with the advice given by the Board under section 6A or by the Minister under section 6B as the case may be.

Appeal to
Council

6d. (1) A Member of the Force who is aggrieved by the failure of the Board to recommend him for an appointment to a commission or a promotion may appeal to the Council through the Board.

(2) The Board shall act in conformity with any finding or determination of the Council in respect of an appeal."

7. Section 7 of the Act is amended—

Section 7
amended

(a) in subsection (1) by substituting for the words "is vested in Her Majesty, and exercised on Her Majesty's behalf by the Governor" occurring in lines two and three the words "and the power of promotion of persons holding commissions in the Force are vested in the President;"

(b) by deleting subsection (3).

8. Section 8 of the Act is repealed and replaced as follows:—

Section 8
repealed
and replaced

"Appoint-
ment, pro-
motion, etc.
of officers
to be
Gazetted

8. The appointment of a person to a commission, the promotion of an officer whether permanent or acting and the retirement or resignation of an officer shall be notified in the *Gazette*."

9. The Act is amended—

Act No. 7 of
1962 amended

(a) in section 14 by substituting for the word "Minister" occurring in line five the word "Council";

- (b) in section 18—
 - (i) in subsection (1) by substituting for the words “Governor or the Commander” occurring in lines three and four and for the word “Governor” occurring in line five the word “Council”;
 - (ii) in subsection (2) by substituting for the words “specified by the Governor” occurring in line three the word “prescribed”;
- (c) in section 86—
 - (i) in subsection (1) by substituting for the word “Minister” occurring in line two the word “Council”;
 - (ii) in subsection (3) by substituting for the words “Minister” and “he” occurring in line one the words “Council” and “it” respectively;
- (d) in section 106(1)(c) by substituting for the word “Governor” occurring in line two the word “Council”;
- (e) by adding at the end of section 107 the words “acting on the recommendation of the Advisory Committee on the power of pardon.”;
- (f) in section 109—
 - (i) in subsection (1) by substituting for the word “Governor” occurring in line one the word “Council” and by deleting the words “to the Governor” occurring in line three;
 - (ii) in subsection (2) by substituting for the word “Governor” occurring in line one the word “Council”;
- (g) in section 123 by substituting for the word “Minister” wherever it occurs the word “Council”;

(h) in section 124(2) by substituting for the word "Minister" occurring in line four the word "Council";

(i) in section 158 by renumbering it section 158(1) and adding immediately thereafter the following new subsection—

" (2) Officers or men of the Force against whom an order is made by an officer authorised under section 156, 159 or 160 may in accordance with the regulations, apply to a board of officers for a further examination of the case in respect of which the order was made and the Board shall after considering the case, give such directions to the officer who made the order as it thinks fit.

(3) Any forfeiture or deductions imposed under section 154, 155, 156 or 157 or under the regulations may be remitted by the Council or such other authority as may be provided for by such regulations."

(j) in section 182—

(i) in subsection (1) by inserting the word "such" before the word "order" in line three and substituting for the words "in the same order as they are set out in this section", occurring in lines four and five, the words "as may be prescribed by the Council".

(ii) in subsection (2) by substituting for the word "Minister" occurring in line three the word "Council";

(k) By repealing and replacing section 183 as follows:—

Chief of
Defence
Staff

"183 (1) There shall be appointed by the President on the advice of the Minister after consultation with the Prime Minister, a Chief of Defence Staff.

(2) The Chief of Defence Staff who shall be appointed from among the officers of the Force shall be vested with responsibility for the operational use of the Force and shall in the exercise of any power connected with such responsibility conform with any special or general directions of the Minister."

- (l) in section 184 by substituting for the word "Governor" occurring in line one the word "Minister";
- (m) in section 186—
 - (i) in subsection (1) by substituting for the word "Governor" occurring in line five the word "Council";
 - (ii) by repealing and replacing subsection (2) as follows—

“ (2) On receiving any such complaint the Council shall investigate the complaint and may grant any redress it thinks necessary or where so required by the complainant the Council shall make a report on the complaint to the President in order to receive his directions.”;
- (n) in section 187 by substituting for the word "Minister" wherever it occurs in subsections (2) and (3) the word "Council";
- (o) in section 203—
 - (i) by inserting immediately after the word "Governor" occurring in the penultimate line of subsection (4) the words "the Council";
 - (ii) by inserting immediately after the word "Minister" wherever it occurs in subsections (6) and (7) the words "the Council";

- (p) in section 217 by substituting for the word "Governor" occurring in line one the word "Minister";
- (q) in section 223 by substituting for the word "Governor" wherever it occurs the word "Minister";
- (r) in section 228 by substituting for the word "Governor" occurring in line one the word "Minister" .

10. A reference to "the Commander" in the Act shall be read and construed as a reference to "the Chief of Defence Staff".

Reference to
Commander
read and
construed as
Chief of
Defence Staff

11. Regulation 4 of the Sixth Schedule—Part II is repealed and replaced as follows:—

Regulation 4 of
Sixth Schedule
Part II
repealed and
replaced

"Promotions" 4. An officer is eligible for substantive promotion to the rank of Captain, Major or other corresponding rank where he has passed the appropriate promotion examination and has been recommended for promotion to the Board by his Commanding Officer.

Passed in the House of Representatives this 3rd day of August, 1979.

J. E. CARTER
Clerk of the House

Passed in the Senate this 14th day of August, 1979.

R. L. GRIFFITH
Clerk of the Senate