

LEGAL NOTICE No. 214

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO, CHAP. 1:01
REGULATIONS

MADE BY THE POLICE SERVICE COMMISSION WITH THE CONSENT OF THE PRIME
MINISTER PURSUANT TO SECTION 129 OF THE CONSTITUTION

THE POLICE SERVICE COMMISSION (AMENDMENT)
REGULATIONS, 1990

1. These Regulations may be cited as the Police Service Commission Citation
(Amendment) Regulations, 1990.
2. The Police Service Commission Regulations are amended as follows: Amendment
of
Chap. 1:01
 - (a) in regulation 15—
 - (i) in subregulation (1), by deleting paragraphs (b), (c) and (d) and substituting the following paragraphs:
 - “(b) the Commissioner of Police or his nominee who shall be no lower in rank than a Deputy Commissioner of Police;
 - (c) a Deputy Commissioner of Police or Assistant Commissioner of Police nominated by the Commissioner of Police;
 - (d) a representative of the Ministry with the responsibility for the Police Service who shall be appointed by the Permanent Secretary of that Ministry.”; and
 - (ii) by deleting subregulations (2), (3), (4) and (5) and substituting the following subregulations:
 - “(2) The Promotions Advisory Board shall interview a police officer who has qualified for promotion to an office in the Second Division and the office of Assistant Superintendent of Police in the First Division in accordance with the Police Service Regulations.
 - (3) An officer being considered by the Promotions Advisory Board for promotion to an office shall be rated according to the criteria specified in regulation 20 and be placed on a list to be known as an Order of Merit List.
 - (4) Notwithstanding subregulation (2), the Commission may interview an officer for promotion to an office to, and within, the First or Second Division.”;
 - (b) by revoking Chapter VII;
 - (c) in regulation 75, by substituting for the words “or commits an offence prescribed in these Regulations,” the words “or commits an offence under these Regulations or the Police Service Regulations.”;

- (d) by revoking regulation 76;
- (e) in regulation 77—
- (i) in subregulation (1), by inserting after the word “offence” the words “other than an offence referred to in regulation 81”;
 - (ii) in subregulation (2) by substituting for the words “Subject to subregulation (3), the” the word “The”; and
 - (iii) by deleting subregulations (3) and (4);
- (f) in regulation 80, by deleting subregulation (5);
- (g) in regulation 81—
- (i) in subregulation (1) by deleting the words “and shall forthwith refer the matter to the Head of Division who may institute disciplinary proceedings against the officer”;
 - (ii) by inserting after subregulation (1) the following new subregulations:
 - “ (1A) The report or allegation referred to in subregulation (1) shall be referred to an officer senior to the officer against whom the report or allegation has been made including a Head of Division, other than a Head of Division who may be the disciplinary tribunal in respect of such report or allegation.
 - (1B) Such officer may charge the officer and refer the matter to a Head of Division to hear the matter in his capacity as a disciplinary tribunal pursuant to regulation 82.”;
 - (iii) in subregulation (3) by substituting for the words “appointed by the Head of Division and to proceedings cognisable thereby” the words “constituted in accordance with regulation 82”; and
 - (iv) in subregulation (4) by inserting after the word “attached” the words “and the Commissioner of Police and the Deputy Commissioner of Police”;
- (h) by revoking regulation 82 and substituting the following regulation:
- “Powers of Disciplinary Tribunal**
82. (1) The Head of Division may be appointed by the Commission by notice in writing to be a standing or special disciplinary tribunal in respect of a matter referred to in regulation 81, and determine such charge and impose any one of the penalties prescribed in regulation 104(1)(f), (g) or (h).
- (2) A fine imposed by the Head of Division pursuant to subregulation (1) shall not exceed—
- (a) where the Head of Division imposing the fine is a Superintendent, an amount calculated on four days pay to be deducted from the salary of the officer in no more than two instalments;

(b) where the Head of Division imposing the fine is an officer in the First Division other than a Superintendent, an amount calculated on four days pay per month to a maximum of three months to be deducted from the salary of the officer in no more than four instalments.

(3) A Head of Division appointed as a tribunal under this regulation shall not exercise any power as such in a matter where he is the person making the report or allegation.”;

(j) in regulation 83, by deleting subregulation (2) and substituting the following subregulations:

“ (2) The Commissioner may, on receipt of a certificate made under subregulation (1) impose a penalty prescribed in regulation 104(1)(c), (f), (g) or (h).

(3) Where a disciplinary tribunal during the course of hearing a charge against a police officer under regulation 82 is of the opinion that the matter is such that the officer has been inadequately charged with an offence to which regulation 82 applies, it may so certify and refer the matter to the Commissioner.

(4) The Commissioner shall on receipt of a certificate made under subregulation (3) refer the matter forthwith to an investigating officer to deal with under regulation 84 as if it were an allegation or an offence to which regulation 77 applies.”;

(k) in regulation 84—

(i) in subregulation (1), by inserting after the word “offence” the words “to which regulation 77 applies”; and

(ii) in subregulation (7), by deleting the words “subregulation (3)” and substituting the words “regulation 86(2)”;

(l) in regulation 89 by substituting for the words “regulation 77(2)” the words “regulation 84(6)”;

(m) in regulation 92, in subregulation (1), in paragraph (e), by substituting for the words “a review” the words “an appeal to the Public Service Appeal Board”;

(n) in regulation 95—

(i) by deleting subregulation (1) and substituting the following subregulation:

“ (1) The standard of proof in any proceedings under this Chapter shall be on the balance of probabilities.”; and

(ii) by deleting subregulation (4) and substituting the following subregulation:

“ (4) Any explanation in respect of an allegation or charge given by a police officer under regulation 84 shall be admissible at any hearing.”;

(o) in regulation 96, by deleting subregulation (3);

(p) in regulation 97—

(i) in subregulation (2), by deleting from paragraph (b) the words “(b) to (e)”;

(ii) in subregulation (3), by deleting the words, “other than dismissal,”;

(q) by revoking regulation 100, and substituting the following regulation:

“Commission
to exercise
disciplinary
control on
Commissioner

100. The Commission may, on its own initiative, hear, determine and impose a penalty in respect of an allegation of an act of misconduct by the Commissioner or Deputy Commissioner.”;

(r) in regulation 101—

(i) in subregulation (1), by deleting paragraph (c) and substituting the following paragraph:

“ (c) a penalty should be imposed, the Commission may impose any of the penalties specified in regulation 104.”;

(ii) by inserting after subregulation (1) the following subregulation:

“ (1A) The penalty of dismissal from office as a consequence of disciplinary proceedings shall be imposed only by the Commission.”;

(iii) in subregulation (2), by substituting for the words “and the penalty imposed on him, of his right to appeal for a review and of the time specified in regulation 109 for making such application” the words, “the penalty imposed on him and of his right to appeal to the Public Service Appeal Board”;

(iv) in subregulation (3)—

(A) in paragraph (a) by substituting for the words “review within the time specified in regulation 109 the penalty shall not take effect pending determination of the Review Board” the words “an appeal in accordance with the Public Service Appeal Board Regulations, the penalty shall not take effect pending the determination of the matter by the Public Service Appeal Board”;

- (b) in paragraph (b) by substituting for the words “application for review” the words “an application for an appeal to the Public Service Appeal Board”;
 - (v) in subregulation (4), by substituting for the words “review within the time specified in regulation 109” the words “an appeal to the Public Service Appeal Board in accordance with the Public Service Appeal Board Regulations”; and
 - (vi) in subregulation (5), by substituting for the word “review” the word “appeal”;
- (s) by revoking regulations 105, 106 and 107; and
(t) by revoking Chapter IX.

Dated this 12th day of July, 1990.

K. LALLA

Chairman of Police Service Commission

R. PERREIRA

Member of Police Service Commission

R. TOPPIN

Member of Police Service Commission

L. HARDING

Member of Police Service Commission

R. M. GOPAUL

Member of Police Service Commission

CONSENTED

Dated this 17th day of July, 1990.

A. N. R. ROBINSON

Prime Minister