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4th Session First Parliament Trinidad and Tobago  
14 Elizabeth II

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TRINIDAD AND TOBAGO

**Act No. 30 of 1965**

27.8.66  
150/66.

33-1971 (R. 38.1973)  
3-1976

[L.S.]

AN ACT to make provision for the classification of the Police Service, to provide a procedure for the settlement of disputes between the Government and the Police Service, to provide for matters concerning the relationship between the Government and the Police Service, to consolidate, amend and revise the law relating to the Police Service and for matters connected with and incidental thereto.

*[Assented to 22nd January, 1966]*

BE IT ENACTED by the Queen's Most Excellent Majesty, <sup>Enactment</sup> by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Police Service Act, <sup>Short title</sup> 1965.

(2) This Act shall come into force on such date as the Governor-General may appoint by proclamation published in the *Gazette* and the Governor-General may appoint different dates on which different sections or parts of this Act shall come into force.

#### PRELIMINARY

#### Interpretation

#### 2. In this Act—

- (a) “allowance” means compensation payable—
- (i) in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature;
  - (ii) for duties that a police 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;
- (b) “appropriate recognised association” means an association recognised by the Minister of Finance under section 23 as the bargaining body for any class or classes of police officers;
- (c) “classification” means the assignment of an office to a grade.
- (d) “Commission” means the Police Service Commission established and constituted under section 99 of the Constitution;
- (e) “Commissioner” and “Deputy Commissioner” means respectively the persons appointed to the offices of Commissioner and Deputy Commissioner in accordance with section 98 of the Constitution;
- (f) “Constitution” means the Constitution of Trinidad and Tobago set out in the Second Schedule means respectively the persons appointed to the offices of Commissioner and Deputy Commissioner in accordance with section 98 of the Constitution;
- (f) “Constitution” means the Constitution of Trinidad and Tobago set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order in Council, 1962, and any amendment thereof;
- (g) “dispute” means any matter respecting police officers upon which agreement has not been reached between the Department and the appropriate police association and which has been reported to the Minister under sections 14 and 15;

- (h) "former Ordinance" means the Police Ordinance ch. 11, No. 1 repealed by this Act;
- (i) "grade" includes a range given in the Classification of Offices set out in the Third Schedule;
- (j) "office" means an office in the Police Service assigned to a grade;
- (k) "pay" means the rate of pay assigned to an office in a grade by a Remuneration Order;
- (l) "Personnel Department" or "the Department" means the Personnel Department established under the Civil Service Act, 1965;
- (m) "Police Service" means the Service established <sup>Third Schedule</sup> by section 3;
- (n) "police officer" means a person who is appointed to perform the duties of an office of continuing indeterminate duration;
- (o) "remuneration" means pay and allowances;
- (p) "Special Tribunal" means the Special Tribunal established by subsection (1) of section 21 of the Civil Service Act, 1965.

## PART I

### ESTABLISHMENT AND STRUCTURE OF THE POLICE SERVICE

3. (1) The several public offices, being the office of a <sup>Establishment</sup> member of the Police Force, from time to time set out in <sup>of Police Service</sup> the Third Schedule shall be deemed to constitute the Trinidad and Tobago Police Service, which is hereby established for the purposes of this Act.

(2) A member of the Police Force who holds such a public office, that by subsection (1) is deemed to be an office in the Police Service shall be referred to as a police <sup>officer</sup> ~~officer~~ in the Trinidad and Tobago Police Service, which is hereby established for the purposes of this Act.

(2) A member of the Police Force who holds such a public office, that by subsection (1) is deemed to be an office in the Police Service shall be referred to as a police officer.

(3) Every person who immediately before the commencement of this Act held or was acting in the office of member of the Police Force shall, as from the commencement of this Act, continue to hold or act in the like office in the Police Service, by whatever title called.

(4) In this section "Police Force" has the meaning assigned to that expression in section 105 of the Constitution.

(5) References to the Police Force or to any member thereof in any enactment in force immediately before the commencement of this Act shall, as from the commencement of this Act, be read and construed as references to the Police Service or to a member thereof, respectively.

Governor-General authorized to issue arms to Police Service

4. It shall be lawful for the Governor-General to issue arms and ammunition to the Police Service, and for any member thereof to carry and use the same for lawful purposes.

#### CLASSIFICATION AND DIVISION OF THE POLICE SERVICE

Classification of offices

5. (1) The Governor-General may, from time to time by order in writing published in the *Gazette*, add to, vary or amend the Classification of offices set out in the Third Schedule.

(2) The Classification of offices set out in the Third Schedule shall be the basis hereafter for any Classification Order made under this section.

(3) The classification titles of the offices set out in the Third Schedule shall be observed in all records and communications of the Police Service Commission, the Auditor General, the Treasury and in all departmental estimates and Parliamentary returns and appropriations.

Divisions of Police Service

6. (1) The Police Service shall consist of two Divisions, that is to say—

- (a) the First Division; and
- (b) the Second Division.

Composition of respective Divisions.  
First Schedule

(2) The First Division shall include the offices specified in the First Schedule and such other offices as the Governor-General may, by Order, prescribe from time to time.

Second Schedule

(3) The Second Division shall include such offices as may be prescribed in the Second Schedule and such other offices as the Governor-General may, by Order, prescribe

Composition of respective Divisions.  
First Schedule

(2) The First Division shall include the offices specified in the First Schedule and such other offices as the Governor-General may, by Order, prescribe from time to time.

Second Schedule

(3) The Second Division shall include such offices as may be prescribed in the Second Schedule and such other offices as the Governor-General may, by Order, prescribe from time to time.

Remuneration Orders

7. (1) The Governor-General may, by Order—

- (a) determine the pay in respect of an office in a grade;
- (b) establish the allowances that may be paid in addition to pay;

- (c) give effect to any agreement entered into between the Chief Personnel Officer on behalf of the Minister of Finance and the appropriate recognized association; and
- (d) give effect to an award made by the Special Tribunal.

(2) An Order made in respect of matters specified in paragraphs (a) and (b) of subsection (1) shall be referred to as a Remuneration Order.

8. Except where the contrary is otherwise provided in a Increments Remuneration Order, increases 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 police officer performing the duties of such office has not completed a period of twelve months continuous duty in such office.

#### TENURE

9. A police officer shall hold office subject to the Tenure of office provisions of this Act and any other enactment and any regulations made thereunder and, unless some other period of employment is specified, for an indeterminate period.

10. A police officer who is appointed to an office in the Term appointments police service for a specified period shall cease to be a police officer at the expiration of that period.

11. A police officer may resign his office by giving such Resignation

10. A police officer who is appointed to an office in the Term appointments police service for a specified period shall cease to be a police officer at the expiration of that period.

11. A police officer may resign his office by giving such Resignation period of notice as may be prescribed by Regulations.

## PART II

DUTIES OF THE PERSONNEL DEPARTMENT IN RELATION  
TO THE POLICE SERVICEPowers and  
duties

**12.** (1) In addition to any duties or powers imposed or conferred by any other enactment, the Personnel Department shall in relation to the Police Service carry out such duties as are imposed on it in this Act and the regulations, and without limiting the generality of the foregoing shall have the following duties:—

(a) (i) to maintain the classification of the Police Service; and

(ii) to keep under review the rates of remuneration to police officers on behalf of the Minister of Finance;

(b) to provide for and establish procedures for consultation and negotiation between the Department and the appropriate recognized association or associations in respect of—

(i) the classification of offices;

(ii) any grievances;

(iii) remuneration;

(iv) the terms and conditions of employment

(2) The Minister of Finance may from time to time make recommendations with regard to the remuneration to be paid to police officers.

Consideration of  
recommendations  
on pay rates

(3) The Minister of Finance shall before making recommendations pursuant to subsection (2),

(a) consider the requirements of the police service;

(b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside

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recommendations  
on pay rates

(c) The Minister of Finance shall before making recommendations pursuant to subsection (2),

(a) consider the requirements of the police service;

(b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the Police Service and the relationship of the duties of the various grades within the Police Service; and

(c) be guided by the consideration specified in paragraphs (a) to (d) of subsection (2) of section 9 of the Industrial Stabilisation Act, 1965.

(4) Prior to formulating any recommendations under subsection (2), the Minister of Finance may require the Personnel Department to consult with representatives of the appropriate recognised association of police officers with respect to the matters specified in subsection (1).

13. Where—

(a) the representatives of the appropriate recognised association request a consultation with respect to matters specified in subsection (1) of section 12, or

Consultation with associations of Police officers

(b) the Minister of Finance directs that such consultation is necessary and desirable, the Department shall consult with the representatives of such association in respect of the matters aforesaid.

14. Where the Personnel Department consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 12 at the request of such representatives, and the Personnel Department and the appropriate recognised association are, within twenty-one days of the commencement of such consultation and negotiation, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on such report being made a dispute shall be deemed to exist as to such matter.

Where no agreement reached after consultations

15. Where the Personnel Department before making proposals with respect to matters specified in section 12 does not consult with representatives of the appropriate recognised association, the Personnel Department shall submit the proposals to the appropriate recognised association for consideration and agreement, save that where the Personnel Department before making proposals with respect to matters specified in section 12 does not consult with representatives of the appropriate recognised association, the Personnel Department shall submit the proposals to the appropriate recognised association for consideration and agreement, save that where the Personnel Department and the appropriate recognised association are, within twenty-one days of the submission of the proposals as aforesaid, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on such report being made a dispute shall be deemed to exist as to such matter.

Department to submit proposals to association for approval

Department to submit proposals to association for approval

Agreement to be recorded and signed

16. Where the Department and the appropriate recognised association reach agreement on any of the matters specified in subsection (1) of section 12, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the Minister of Finance and shall be binding upon the Government and the police officers to whom the agreement relates.

For purposes of sections 12 to 16 Personnel Department subject to Minister of Finance

17. Notwithstanding the provisions of subsection (1) of section 13 of the Civil Service Act, 1965, in the exercise of its duties and functions under sections 12, 13, 14, 15 and 16, the Personnel Department shall be subject to the direction of the Minister of Finance.

Disputes to be referred to Special Tribunal

18. (1) Where a dispute is deemed to exist under section 14, or 15, the Minister of Finance shall refer the dispute for settlement to the Special Tribunal within twenty-one days from the date on which the dispute was reported to him.

(2) Where the Minister fails to refer the dispute to the Special Tribunal within the time specified in subsection (1), the appropriate recognised association that is a party to the dispute shall do so within twenty-one days from the date of the expiration of the time specified in the said subsection.

(3) For the purposes of this Act the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association.

Special Tribunal powers of awards

19. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 18 and shall make an award on the dispute.

(2) An award made by the Special Tribunal shall be final.

Special Tribunal powers of awards

19. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 18 and shall make an award on the dispute.

(2) An award made by the Special Tribunal shall be final.

(3) In addition to taking into account any submissions, arguments, and evidence presented or tendered by or on behalf of the appropriate recognised association and the Chief Personnel Officer, the Special Tribunal in its judgment shall be guided by the considerations specified in paragraphs (a) to (d) of subsection (9) of the Industrial Stabilisation Act, 1965.



Regulations governing recognition

**24.** The Governor-General may make regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the Minister of associations formed pursuant to subsection (1) of section 23.

Association to make rules

**25.** (1) Every association formed pursuant to subsection (1) of section 23 shall make rules providing for the good government of the association and for carrying out the objects of the association, and with respect to such rules the following provisions shall have effect—

(a) the rules shall contain provisions in respect of the several matters mentioned in the Fourth Schedule;

(b) a copy of the rules and every amendment thereto shall be delivered by the association to every police officer who is a member of that association on demand on payment of the prescribed sum.

(2) The rules of an association shall be filed with the Registrar General, and any amendments thereof shall have effect from the date on which they are filed unless some later date is specified from which they shall have effect.

Complaints by members of association

**26.** (1) On any complaint in writing signed by not less than fifty financial members of the appropriate recognised association or, in the case of an association representing police officers in the First Division, not less than five financial members, respecting the rules or business of the association, the Registrar shall inquire into the complaint and may either dismiss it or if after giving the complainants and the association an opportunity of being heard, he finds the complaint to be justified may either—

(a) so declare, but make no order under this subsection; or

association, the Registrar shall inquire into the complaint and may either dismiss it or if after giving the complainants and the association an opportunity of being heard, he finds the complaint to be justified may either—

(a) so declare, but make no order under this subsection; or

(b) make an order specifying the steps which the association must take to remove the cause for complaint.

(2) It shall be the duty of the Registrar to furnish a statement either written or oral, for the reasons for any decision which he gives under this section.

(3) Any order made by the Registrar shall be binding on the association and failure to comply with such order shall render the association liable to withdrawal of recognition by the Minister of Finance.

(4) The Registrar may order the association to pay the complainant out of the funds of the association or a complainant to pay to the association a specified sum in respect of the costs incurred by the complainant or the association, as the case may be, and such sum shall be recoverable summarily as a civil debt.

**27.** (1) On the commencement of this Part, the former Association shall be deemed to be dissolved, but all the rights, privileges and advantages and all the liabilities and obligations that, immediately before the commencement of this Part, the former association was entitled or subject to, are hereby transferred and conferred or imposed upon the appropriate recognised association that is the bargaining body for substantially the same class or classes of police officers as the former association. Dissolution of former association

(2) In this section, the expression "former association" means the Police Association established under section 45 of the former Ordinance.

#### PART IV

##### GENERAL POWERS, DUTIES, FUNCTIONS, OBLIGATIONS, ETC., OF MEMBERS OF THE POLICE SERVICE

**28.** A police officer shall not be debarred from voting at any election if, under the laws governing the said election, he has the right to vote. Police officers voting

**29.** A police officer is disqualified for membership of the House of Representatives and the Senate, and of a Police officers and political

**28.** A police officer shall not be debarred from voting at any election if, under the laws governing the said election, he has the right to vote. Police officers voting

**29.** A police officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a County Council. Police officers and political activities

**30.** (1) Subject to this section a police officer may not— Public statements by police officers on certain matters

(a) in any public place or in any document or any other medium of communication whether within Trinidad and Tobago or not, publish any information or expressions of opinion on matters of national or international political controversy;

(b) be a scrutineer under the Representation of the People Ordinance or an election agent or an assistant to an election agent of a Parliamentary, Municipal or County Council candidate.

(2) The provisions of paragraph (a) of subsection (1) shall not apply—

(a) where a police officer is acting in the execution of his official duties;

(b) subject to this section—

(i) where the information or opinion is published in the course of a lecture or address, the subject matter of which is approved by the Minister to whom responsibility for the Police is assigned, made or given at any educational institution in the *bona fide* pursuit of the professional activities of the police officer; or

(ii) where the information or opinion is expressed in an article or other literary contribution, the subject matter of which is approved by the Minister to whom responsibility for the Police is assigned, to a journal or other periodical or document prepared in pursuit of the profession as aforesaid.

(3) In this section—

“publish” means to communicate the information or opinion to any other person whether by word or in writing and includes the broadcasting of words and pictures by wireless telegraphy; and in relation to any writing means exhibiting in public or causing to be read or seen or showing or delivering or causing to be shown or delivered in order that the writing may be broadcasted in order that the writing may be broadcasting of words and pictures by wireless telegraphy; and in relation to any writing means exhibiting in public or causing to be read or seen or showing or delivering or causing to be shown or delivered in order that the writing may be read or seen by any person.

**31.** (1) Every police officer of the First Division in the Police Service and every Inspector shall *ex officio* be a Justice of the Peace in and for the whole of Trinidad and Tobago, and shall take the oath as such Justice. Certain police officers to be Justices

(2) As such Justice every such police officer shall at all times act ministerially for the purposes of the preservation of the peace, the prevention of crime and the detection

and committal of offenders, and for carrying out the other objects of this Act, but he shall not in any way act judicially as a Justice, either in any court or in any other manner, except when specially appointed so to act.

**32.** Every person for the time being serving in the Police Service shall be deemed a member of the Police Service, and shall have and enjoy all the rights, powers, authorities, privileges, and immunities conferred on a member of the Police Service by any enactment which is now in force or may hereafter be passed.

Status of  
member of the  
Police Service

**33.** Every police officer shall have all such rights, powers, authorities, privileges, and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject or liable to, or may hereafter have or be subject or liable to, either by Common Law or by virtue of any law which now is or may hereafter be in force in Trinidad and Tobago.

Every police  
officer to be  
a constable

**34.** Where, in any enactment, powers are conferred upon police officers of a certain grade, such powers may lawfully be exercised by police officers of any higher grade.

General power  
of police  
officers

**35.** It shall be the duty of all Police officers—

General duties  
of police  
officers

- (a) to preserve the peace and detect crime and other infraction of the law;
- (b) to apprehend and bring before Justices persons found committing any offence rendering them liable to arrest without warrant, or whom they may reasonably suspect of having committed any such offence, or who may be charged with having committed any such offence;
- (c) to summon before Justices and to prosecute persons reasonably suspected of having committed any such offence, or who may be charged with having committed any such offence;
- (c) to summon before Justices and to prosecute persons reasonably suspected of having committed offences in the following cases—
  - (i) in all cases of offences punishable on indictment where the alleged offence is of a serious nature, and it is, in the opinion of a police officer, desirable in the public interest that the prosecution should be undertaken by the Police Service; and

- (ii) in all cases of offences, whether punishable on summary conviction or on indictment where an order to that effect is made by the Governor-General or the Attorney General;
- (d) to serve and execute at any time (including Sundays) all process which they may be directed by competent authority to serve or execute;
- (e) to keep order in and within the precincts and in the vicinity of all courts of competent jurisdiction during all sittings of such courts;
- (f) to repress internal disturbances
- (g) generally, to do and perform all the duties appertaining to the office of a constable.

Power to arrest  
without a  
warrant

**36.** (1) It shall be lawful for any police officer to arrest without a warrant—

- (a) any person whom he suspects upon reasonable grounds of having committed a felony;
- (b) any person who shall be charged by any other person with committing an aggravated assault in any case in which such police officer shall have good reason to believe that such assault has been committed although not within his view, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender;
- (c) any person who commits a breach of the peace in his presence;
- (d) any person who obstructs a police officer while a warrant has been obtained for the apprehension of the offender;
- (c) any person who commits a breach of the peace in his presence;
- (d) any person who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;
- (e) any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;

- (f) any person whom he finds lying or loitering in any highway, yard or other place between the hours of eight o'clock in the evening and five o'clock in the morning and not giving a satisfactory account of himself;
- (g) any person whom he finds in any highway, yard or other place between the hours of eight o'clock in the evening and five o'clock in the morning and whom he suspects upon reasonable grounds of having committed or being about to commit a felony;
- (h) any person found between the hours of eight o'clock in the evening and five o'clock in the morning having in his possession without lawful excuse any implement of housebreaking;
- (i) any person for whom he has reasonable cause to believe a warrant of arrest has been issued.

1. ...  
2. ...  
3. ...

(2) Without prejudice to the powers conferred upon a police officer by subsection (1), it shall be lawful for any police officer, and for all persons whom he shall call to his assistance, to arrest without warrant any person who within view of any such police officer shall offend in any manner against any law whose name and residence shall be unknown to such police officer and cannot be ascertained by him.

Power to arrest for offence committed within view

(3) Any warrant lawfully issued by a Magistrate or Justice for apprehending any person charged with any offence may be executed by any police officer at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

Power to arrest without having warrant in possession

**37.** (1) It shall be lawful for any police officer of the First Division or for any police officer of any other Division who is authorised by the Commissioner to take and person apprehended, be shown to him as soon as practicable after his arrest.

Power to take measurements, photos and

**37.** (1) It shall be lawful for any police officer of the First Division or for any police officer of any other Division who is authorised by the Commissioner, to take and record for the purposes of identification the measurements, photographs and finger print impressions of all persons who may from time to time be in lawful custody but if such measurements, photographs and finger print impressions are taken of a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a court, all records relating to such

Power to take measurements, photos and finger prints

measurements, photographs and finger print impressions shall be forthwith destroyed to the satisfaction of, or handed over to such person.

(2) Any person who shall refuse to submit to the taking and recording of his measurements, photographs or finger print impressions shall be taken before a Magistrate who, on being satisfied that such person is in lawful custody, shall make such order as he thinks fit authorizing a police officer to take the measurements, photographs and finger print impressions of such person.

**Punishment  
of serious  
offences**

**38.** (1) Any police officer who—

- (a) begins, raises, abets, countenances, or excites mutiny, or causes or joins in any sedition amongst the members of the Police Service; or
- (b) coming to the knowledge of any actual or intended mutiny, rebellion, or insurrection, does not without delay give information thereof to a police officer above the rank of Inspector or to a Justice,

shall be guilty of an offence punishable on indictment, and liable to imprisonment for three years.

(2) Any police officer who—

- (a) being present at any assemblage tending to riot, does not use his utmost endeavours to suppress the same; or
- (b) assaults a Justice or any superior officer; or
- (c) draws or lifts, or offers to draw or lift, any weapon or offers any violence against any such Justice or superior officer; or
- (d) wilfully permits the escape of a prisoner; or
- (e) uses unnecessary violence to or ill-uses any prisoner; or
- (e) draws or lifts, or offers to draw or lift, any weapon or offers any violence against any such Justice or superior officer; or
- (d) wilfully permits the escape of a prisoner; or
- (e) uses unnecessary violence to or ill-uses any prisoner; or
- (f) pawns, sells, makes away with or wilfully spoils or damages his arms, accoutrements, clothing or any public property,

shall be guilty of an offence and liable, on summary conviction to a fine of two hundred and fifty dollars, or to be imprisoned for six months.

39. Unless he is specially authorized to do so by the regulations, no police officer shall be entitled to keep or use for his private benefit any article whatever which has been supplied to him at the public expense, but he shall hold every such article at the order and disposal of the Government.

Public property  
not to be used  
privately

40. (1) Every police officer who is dismissed from the Police Service, or resigns his office, or otherwise leaves the Police Service, shall forthwith deliver over to the person authorised by the regulations or appointed for that purpose every article whatsoever which has been supplied to him at the public expense and which he has not been expressly authorised to keep or use for his private benefit.

Delivery up  
of articles  
supplied on  
leaving the  
Police Service

(2) Every person who contravenes this section shall be liable, on summary conviction, to a fine of fifty dollars, or to imprisonment for three months; and it shall be lawful for any Justice to issue his warrant to search for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession the same may be found.

41. When any warrant or order of any Justice is delivered to any constable, such constable shall, if the time will permit, deliver the same to the police officer under whose immediate command he is, and such officer shall direct one or more of the constables under his orders and such assistant or assistants as he thinks proper to execute such warrant or order, and every such warrant or order may be executed by any constable.

Execution of  
warrants

42. When any action shall be brought against any police officer for any act done in obedience to the warrant of any Magistrate or Justice, the party against whom such action shall be brought shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the Magistrate or Justice issuing the same, but may plead the general issue and give such warrant in evidence; and, on proving that the signature thereto, is the handwriting of the person whose name shall appear subscribed thereto, and that the act or acts complained of was or were done in obedience to such warrant, the Court shall give judgment for the defendant in such action, who shall recover full costs of suit.

Action against  
police officer  
for acting on  
warrant

Assault, &c.,  
on police  
officer

**43.** Every person who assaults, obstructs, or resists any police officer in the execution of his duty, or aids or incites any other person so to assault, obstruct, or resist any police officer or any person aiding or assisting such police officer in the execution of his duty, shall be liable, on summary conviction, to a fine of two hundred and forty dollars, or to imprisonment for six months.

Refusing to  
aid police  
officer  
assaulted

**44.** If any person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and such person refuses or neglects to aid and assist accordingly, he shall be liable, on summary conviction, to a fine of one hundred and twenty dollars, or to imprisonment for three months.

Harbouring  
police  
officer

**45.** (1) Every person who knowingly harbours or entertains or, either directly or indirectly, sells or gives any intoxicating liquor to any police officer or permits any police officer to abide or remain in his house (except in case of extreme urgency) when on duty, and any person who, by threats or by offer of money, gift, spirituous liquor, or any other thing, induces or endeavours to induce any police officer to commit a breach of his duty as such or to omit any part of such duty, shall be liable, on summary conviction, to a fine of one hundred and twenty dollars, or to imprisonment for one month.

(2) If any person being a licensed distiller, or is keeper of a spirit or liquor shop, or employed in connection with the business of any such distiller or keeper, convicted under this section, the proceedings and the evidence shall be forwarded to the Governor-General, and the said distiller or keeper shall, in addition to any other penalty under this section, be liable to have his licence forfeited or suspended by the Governor-General, irrespective of any penalty suffered under the conviction.

(3) On the trial of any complaint in respect of any offence under this section, if the other facts constituting the offence are established, it shall not be necessary to prove guilty knowledge or intention, but the onus of disproving it shall lie upon the defendant.

(3) On the trial of any complaint in respect of any offence under this section, if the other facts constituting the offence are established, it shall not be necessary to prove guilty knowledge or intention, but the onus of disproving it shall lie upon the defendant.

Personation  
of police  
officer

**46.** Every person not being a police officer who puts on or assumes, either in whole or in part, the dress, name, designation, or description of any police officer; or any

dress, name, or designation, resembling and intended to resemble the dress, name, or designation of any police officer, or in any way pretends to be a police officer, for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority, shall be liable, on summary conviction, to a fine of two hundred and fifty dollars, or to imprisonment for three months.

47. A person, other than a police officer, who, not being specially authorized in writing by the Commissioner so to do, Prohibition on wearing police uniform, &c.

- (a) wears the uniform of a police officer or any portion thereof;
- (b) wears any costume or any article of clothing or apparel so closely resembling the uniform or any portion thereof of a police officer, that he may reasonably be mistaken for a police officer,

is guilty of an offence and liable on summary conviction to a fine of one hundred and twenty dollars or to imprisonment for two months or to both such fine and imprisonment.

48. (1) Any person who knowingly uses or attempts to pass off any forged or false certificate, character, letter, or other document for the purpose of obtaining admission into the Police Service, or who, on applying for enlistment, shall make any false answer to any question which shall be put to him by a police officer, shall be liable, on summary conviction, to imprisonment for three months. Obtaining admission into Force by fraud

(2) Any police officer may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.

49. Where any police officer lays an information or makes a complaint against any person, any police officer conviction, to imprisonment for three months. Right to prosecute

(2) Any police officer may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.

49. Where any police officer lays an information or makes a complaint against any person, any police officer may appear before the Magistrate or Justice who is trying or enquiring into the matter of the said information or complaint, and shall have the same privileges as to addressing the said Magistrate or Justice, and as to examining the witnesses adduced in the said matter, as the police officer who laid the information or made the complaint would have had. Right to prosecute police cases

Improper  
possession of  
article supplied  
to police officer

50. Every person who has in his possession any article whatsoever which has been supplied at the public expense to any police officer, and which such police officer has not been expressly authorised to keep or use for his private benefit, and who does not satisfactorily account for his possession thereof, shall be guilty of an offence, and may be arrested without warrant by any police officer, and, on summary conviction, shall be liable to a fine of one hundred and twenty dollars, or to imprisonment for three months.

Delivery up  
of articles  
supplied to  
deceased  
police officer

51. (1) When any police officer dies, his next of kin, executor, or other representative, or the person in whose house he dies, being possessed of any articles which have been supplied to such police officer for the execution of his office, shall be bound, after due notice by any police officer, to deliver up to the person appointed for that purpose, all articles whatsoever which may have been supplied at the public expense to or which may have been in the possession of such police officer for the execution of his office at the time of his death, and which such police officer has not been expressly authorised to keep for his private benefit.

(2) Every person who contravenes this section shall be liable, on summary conviction, to a fine of fifty dollars, or to imprisonment for three months; and it shall be lawful for any Justice to issue his warrant to search for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession they may be found.

Unclaimed  
articles

52. (1) Where any property has come into the possession of the Police Service in connection with any criminal charge or under section 29 of the Pawnbrokers Ordinance, a court for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession they may be found.

Unclaimed  
articles

52. (1) Where any property has come into the possession of the Police Service in connection with any criminal charge or under section 29 of the Pawnbrokers Ordinance, a court of summary jurisdiction may, on application either by a police officer or by a claimant of the property, make an order for the delivery of the property to the person appearing to the Court to be the owner thereof or, if the owner cannot be ascertained, make such order with respect to the property as to the Court may seem meet.

(2) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.

(3) All property which has come into the possession of the Police Service under the circumstances mentioned in subsection (1) of this section and all property which has otherwise come into the possession of the Police Service in respect of which the owner has not been ascertained and no order of a competent court has been made with respect thereto shall be dealt with as follows—

- (a) when such property is a perishable article, or its custody involves unreasonable expense or inconvenience, the same may be sold as soon as convenient after it has come into the possession of the Police Service;
- (b) when such property consists of money, the same shall be dealt with in all respects as is hereinafter provided with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Police Service for three months;
- (c) in the case of any other property the same may be publicly sold at auction as soon as may be after it has remained in the possession of the Police Service for three months and has been advertised for fourteen days.

(4) The proceeds of sales hereby authorised shall, after deduction of expenses, be paid forthwith into the Treasury and deposited to the credit of the Police Award Fund; but property found by any person other than a police officer not being otherwise provided for by any law and which has not been claimed by the real owner may be  
(4) The proceeds of sales hereby authorised shall, after deduction of expenses, be paid forthwith into the Treasury and deposited to the credit of the Police Award Fund; but property found by any person other than a police officer not being otherwise provided for by any law and which has not been claimed by the real owner may be delivered to the finder on his claiming the same, but such delivery to the finder shall not be made until the property has remained in the possession of the Police Service three months.

(5) In the event of such property being of a nature which necessitates an immediate sale, the proceeds of the sale shall be deposited with the Accountant General and credited to the Police Award Fund. On the expiration of

three months such proceeds after deduction of the expenses of sale, may be delivered to the finder on his claiming the same, provided that the proceeds have not been claimed by the real owner.

(6) In all cases in which property deposited with the Police Service, or the proceeds thereof, is delivered to the finder, such finder may be required to execute a bond of indemnity to the Police Service in respect of such delivery.

Award to  
Police officers

53. Where, under any enactment by which on conviction any share of the penalty imposed is given to the informer, an information is laid by a police officer, and a penalty is imposed, the share of such penalty given by the enactment to the informer shall not be paid to such informer but shall be paid by the Magistrate or Justice or other person receiving the same into the Treasury; but the Governor-General may at any time grant by way of award to any police officer whom, in respect of special services in reference to any such conviction, he considers worthy of such award any sum not exceeding the share of the penalty paid into the Treasury.

Award  
Fund

54. The Award Fund established under the former Ordinance shall continue to be kept by the Commissioner and administered in the manner directed by this Act, and shall be appropriated to the payment of—

- (a) such gratuities and awards as the Governor-General may from time to time award or direct to be paid to police officers;
- (b) such compassionate gratuities to the widows and orphans, being legitimate, of police officers as, in exceptional circumstances, the Governor-General may allow;
- (c) such compassionate gratuities to persons dependent on deceased police officers, other than widows and legitimate orphans as, in exceptional circumstances, the Governor-General may allow;
- (c) such compassionate gratuities to persons dependent on deceased police officers, other than widows and legitimate orphans as, in exceptional circumstances, the Governor-General may allow;
- (d) such award as, under section 55, a Judge of the High Court may grant to police officers;
- (e) such special compensation for injuries received by police officers in the execution of their duty as the Governor-General may from time to time award;

- (f) such sums as may from time to time become payable to finders of property sold under section 52.

**55.** If, on the trial of any case in the High Court in its criminal jurisdiction, the Judge before whom the case is tried is of opinion that any police officer has distinguished himself in apprehending or detecting and bringing to justice the perpetrator or abettor of any crime, the Judge shall have authority to grant an award, not exceeding one hundred dollars, to such police officer; and such award shall be paid on the certificate of the Judge.

Granting of special reward for apprehension of criminal and bringing him to justice

**56.** (1) All fines or penalties inflicted upon any police officer under this Act or under the regulations shall be retained from his pay by the deduction of not more than half the amount which may be due to him on any day of payment until the whole be paid, and shall be paid to the credit of the Award Fund.

Fines and bribes to be payable to the Fund

(2) Any bribe or gift of money coming into the possession of any police officer and the value of any goods given as a bribe to any such police officer, shall be paid to the credit of the Award Fund.

**57.** The Commissioner shall keep an account of all moneys paid into and disbursed from the Award Fund, and shall submit to the Auditor General at the end of each month a statement showing all receipts and disbursements, and shall state thereon the reasons and authority for each disbursement, and shall deposit all moneys received for the credit of the Award Fund as soon as practicable in the Post Office Savings Bank to a special account. When the sum standing to the credit of the Award Fund shall exceed two thousand four hundred dollars the Governor-General shall decide to what purpose the surplus shall be put.

Account to be kept

the credit of the Award Fund as soon as practicable in the Post Office Savings Bank to a special account. When the sum standing to the credit of the Award Fund shall exceed two thousand four hundred dollars the Governor-General shall decide to what purpose the surplus shall be put.

#### CANTEENS

**58.** (1) Notwithstanding the provisions of any enactment to the contrary, it shall be lawful for the keepers for the time being of the Police Canteens in Port-of-Spain and San Fernando respectively, and for the keeper of any other Police Canteen authorised by the Governor-General, to sell wine, ale, beer, and spirits by retail in any such

Sale of Liquor in canteens

canteen to and for the use of the members of the Police Service without having previously obtained a licence for that purpose.

(2) It shall be lawful for the Governor-General to make rules in regard to the hours during which such canteens shall be kept open on each day for the sale of wine, ale, beer, and spirits, and for the proper management and control of the canteens.

Police Station  
to be lock-up

**59.** Every Police Station shall be deemed to be a lock-up house for the temporary confinement of persons charged with offences, in which such persons may be received and detained according to law. In all such stations there shall be provided some secure place of confinement.

## PART V

### GENERAL, REGULATIONS

Police officer  
to take oath

**60.** Every police officer, shall, on his appointment, take and subscribe the oath or affirmation of office and secrecy set out in the Fifth Schedule.

Mode of  
leaving service

**61.** The modes by which a police officer may leave the Police Service 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 or other termination of an appointment for a specified period;
- (g) on the abolition of office;
- (h) on voluntary retirement;
- (i) on retirement for medical reasons;
- (j) on resignation;
- (k) on the expiry or other termination of an appointment for a specified period;
- (l) on the abolition of office.

Age of retirement  
for police  
officers

**62.** (1) A police officer in the Second Division shall be required to retire from the Police Service on his attaining the age of fifty-five years but may, with the approval of the Police Service Commission, be permitted to retire on his attaining the age of fifty years.

(2) A police officer in the First Division shall be required to retire from the Police Service on attaining the age of sixty years, but may, with the approval of the Police Service Commission, be permitted to retire on his attaining the age of fifty-five years, Provided that a police officer in this Division who has had a continuous period of not less than thirty years service, may with the permission of the Governor-General be permitted to retire on attaining the age of fifty years.

63. The pensions, gratuities and other allowances to be granted in respect of the service of police officers in the First Division shall be determined in accordance with the provisions of the Pensions Ordinance and the Regulations made thereunder.

Pensions, &c.,  
to be granted  
to police  
officers in the  
First Division.  
Ch. 9. No. 6

64. The pensions, gratuities and other allowances to be granted in respect of the services of police officers in the Second Division shall be determined in accordance with the provisions set out in the Sixth Schedule.

Pension, &c.,  
to be granted  
to police  
officers

65. (1) The Governor-General may make regulations for carrying out or giving effect to this Act, and in particular for the following matters namely :—

Regulations for  
the Police  
Service

- (a) for prescribing classifications for officers in the police service, including qualifications, duties and remunerations;
- (b) for prescribing the procedure for appointments from within the police service;
- (c) for prescribing the probationary period on first appointment and for the reduction of such period in appropriate cases;
- (d) for prescribing conditions for the termination of first appointments;
- (e) for prescribing the procedure for the recovery of any penalties from a police officer;
- (f) for regulating the hours of attendance of police officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (g) for regulating the duties to be performed by police officers;
- (h) for regulating the granting of leave to police officers;

- (i) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff developing programmes;
- (j) the enlistment, training and discipline of the Police Service;
- (k) the description and issue of arms, ammunition, accoutrements, uniform and necessaries to be supplied to the Police Service;
- (l) for prescribing and providing for the use of powers under this Act or the regulations;
- (m) for regulating generally the terms and conditions of temporary employment;
- (n) generally, for the good order and government of the Police Service.

(2) Regulations made under subsection (1) may provide that any of the regulations—

- (a) shall not apply to all or any female officers; or
- (b) shall apply only to female police officers or to such of them as may be specified.

(3) Any Regulations and any other regulations respecting the police service in operation at the coming into operation of this Act shall have effect in relation to police officers under this Act until regulations have been made under this Act.

Repeal  
Ch. 11. No. 1

**66.** The Police Ordinance is hereby repealed.

## FIRST SCHEDULE

(Section 6 (2))

## OFFICES IN THE FIRST DIVISION OF THE POLICE SERVICE

Commissioner  
Deputy Commissioner  
Assistant Commissioner  
Senior Superintendent  
Superintendent  
Assistant Superintendent

## SECOND SCHEDULE

(Section 6 (3))

## OFFICES IN THE SECOND DIVISION OF THE POLICE SERVICE

Inspector  
Sergeant  
Corporal  
Constable

## THIRD SCHEDULE

(Section 2)

## CLASSIFICATION OF OFFICES IN THE POLICE SERVICE

<i>Old Title of Post</i>	<i>New Title of Post</i>
	RANGE 8
Bandsman (Apprentice)	Police Band Apprentice
	RANGE 9
Saddler	Saddler
	RANGE 14
Bandsman (Constable)	Police Bandsman I
Constable	Police Constable
	RANGE 16
Master Tailor (Senior Tailor)	Tailor II
	RANGE 20
Corporal	Police Bandsman II
Corporal	Police Corporal
	RANGE 27
Sergeant	Police Sergeant
Sergeant	Police Bandsman III
	RANGE 32
Inspector	Assistant Director Police Band
Inspector	Police Inspector
	RANGE 40
Assistant Superintendent of Police	Assistant Superintendent of Police
	RANGE 46
Director of Music	Director of Police Band
	RANGE 47
Superintendent of Police	Superintendent of Police
	RANGE 51
Inspector	Assistant Director Police Band
Inspector	Police Inspector
	RANGE 40
Assistant Superintendent of Police	Assistant Superintendent of Police
	RANGE 46
Director of Music	Director of Police Band
	RANGE 47
Superintendent of Police	Superintendent of Police
	RANGE 51
Senior Superintendent of Police	Senior Superintendent of Police
	RANGE 55
Assistant Commissioner of Police	Assistant Commissioner of Police
	RANGE 59
Deputy Commissioner of Police	Deputy Commissioner of Police
	RANGE 65
Commissioner of Police	Commissioner of Police

## FOURTH SCHEDULE

(Section 25)

## MATTERS TO BE INCLUDED IN RULES OF A POLICE ASSOCIATION

1. The name of the Association and the place of meeting for its business.
2. The whole of the objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association.
3. The manner of making, altering, amending, and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee, treasurer, and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspecting of the books and names of members of the Association by every person having an interest in its funds.
7. The manner of dissolution.
8. The protection of voting rights of members of the Association and the general conduct of elections.
9. The powers, duties and functions of the Executive Committee of the Association.
10. Disputes between members of the Association and the Executive Committee thereof.
11. Prohibition against admission to membership with respect to a Police Officer who is a member of an appropriate recognised Association.

FIFTH SCHEDULE

(Section 60)

OATH\*/AFFIRMATION\* OF OFFICE AND SECRECY

I, .....do swear\*/do solemnly and sincerely affirm\*/that I will well and truly serve our Sovereign Lady the Queen, in the office of.....without favour or affection, malice or ill will, and that I will cause Her Majesty's peace to be kept and preserved; and that I will prevent, to the utmost of my power, all offences against the same; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law and 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 my being the holder of such office. So help me God.†

\*delete whichever is inapplicable.
†delete in case of affirmation.

SIXTH SCHEDULE

(Section 64)

PENSIONS AND GRATUITIES PAYABLE TO POLICE OFFICERS IN THE SECOND DIVISION

1. In this Schedule "police officer" means a police officer in the Second Division. Definition of police officer for purpose of Schedule

2. (1) As a contribution towards the special superannuation allowances to police officers herein provided, there shall be deducted from the pay of every police officer a sum at such yearly rate as the Governor-General from time to time directs, not being greater rate than one and a quarter per centum; and all sums so deducted shall be paid into the Treasury on or before the eighth day of every month. Contribution to superannuation allowances

(2) In the event of any police officer leaving the Police Service without being eligible for a pension or gratuity under the provisions of this Act, whether by reason of dismissal or otherwise, he shall be entitled to the return in full of all deductions made from his pay under subsection (1) but the Governor-General may direct that any amount due to the Crown in respect of any liability or defalcation be deducted from any amount so returnable.

3. (1) Subject to subsection (2) a police officer who is disabled by infirmity of mind or body may be retired, and if such police officer has completed ten years of satisfactory service, may thereupon be granted a monthly pension not exceeding one-hundred and eightieth of a month's pay for each completed month service. Pension to Police officer in case of disability

(2) A pension shall not be granted under subsection (2) unless it is stated in a certificate of a medical board that the police officer to whom the certificate refers is incapable from infirmity of mind or body of performing the duties of his office and that such infirmity is likely to be permanent.

(3) If a police officer to whom this part applies or has served in the Police Service for ten years or more does not at the end of any period of re-enlistment obtain permission under the Regulations to re-enlist as provided or shall be dismissed or shall have his services dispensed with in accordance with the Regulations, such ..... If unable to re-enlist after ten years service

(2) A pension shall not be granted under subsection (2) unless it is stated in a certificate of a medical board that the police officer to whom the certificate refers is incapable from infirmity of mind or body of performing the duties of his office and that such infirmity is likely to be permanent.

(3) If a police officer to whom this part applies or has served in the Police Service for ten years or more does not at the end of any period of re-enlistment obtain permission under the Regulations to re-enlist as provided or shall be dismissed or shall have his services dispensed with in accordance with the Regulations, such police officer is not otherwise eligible for pension, may be granted a monthly pension not exceeding one-nine hundred and sixtieth of a month's pay for each completed month of service. If unable to re-enlist after ten years service

(4) Subject as herein continued, any police officer not disabled as aforesaid who has attained the age of fifty years, and has served in the Police Service— On attaining the age of 50

(a) for not less than twenty years; or

(b) for not less than ten years and has retired from the Police Service with the approval of the Minister of Finance,

may be granted a monthly pension not exceeding one four hundred and eightieth of a month's pay for each completed month of service.

Police officers transferred to other public service

(5) Where a period of service as a police officer is or has been immediately followed by service in a pensionable office in other public service as defined for the purposes of the Pensions Ordinance, such police officer shall, notwithstanding anything contained in the subsection (4), be entitled to a monthly pension under this Act not exceeding one fourth and eighth of a month's pay for each completed month of service if he has served in the Police Service for not less than ten years; and if he ultimately retires from such other public service at an age less than fifty years at which he is permitted by the Law or Regulations of that service to retire with a pension, the pension which may be granted to him under this Act shall be payable from the date of such retirement, notwithstanding that he shall not be fifty years of age.

(6) A police officer may if he has exercised his option as provided in subsection (7) but not otherwise, be paid, in lieu of any pension for which he is eligible, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

(7) (a) The option referred to in subsection (6) shall be exerciseable, and if it has been exercised may be revoked—

- (i) not later than one month after the retirement if the police officer in case of a pension awarded under subsection (1) or (2) and
- (ii) not later than the day immediately preceding the date of the retirement of the police officer in the case of a pension awarded under subsection (3) or of his retirement from other public service in the case of a pension awarded under subsection (5);

but the Governor-General may, if it appears to him equitable in all the circumstances so to do, allow any such police officer to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under this Act.

(b) The date of the exercise of the option by a police officer shall be deemed to be the date of the receipt of his written notification addressed to the Commissioner.

(c) Subject to the provisions of paragraph (a), if a police officer has exercised the option his decision shall be irrevocable so far as concerns any pension to be granted to him under this section.

(d) If a police officer who has not exercised the option dies after he has finally retired but before a pension has been awarded under this Act, the Governor-General may grant a gratuity and a reduced pension as provided for in paragraph (a) of this subsection as if the police officer before his death had exercised the option.

(8) Nothing herein contained shall be construed to entitle any police officer absolutely to any pension, or to prevent his being dismissed without pension, subject to subsections (9) and (10), if any such police officer to whom a pension has been granted under this Act is sentenced to a term of imprisonment by any competent court in Trinidad and Tobago or elsewhere for any crime or offence, or quits Trinidad and Tobago after having reason to know that a charge of having committed any indictable or summary offence has been laid against him, and before such charge has been heard and determined, the Governor-General may direct that such pension shall forthwith cease.

(9) A police officer whose pension has ceased in pursuance of subsection (8) and who at any time receives a pardon in respect of the offence for which he had been convicted, shall be entitled to have such pension restored to him with effect from the date on which such pension was ceased.

granted under this Act is sentenced to a term of imprisonment by any competent court in Trinidad and Tobago or elsewhere for any crime or offence, or quits Trinidad and Tobago after having reason to know that a charge of having committed any indictable or summary offence has been laid against him, and before such charge has been heard and determined, the Governor-General may direct that such pension shall forthwith cease.

(9) A police officer whose pension has ceased in pursuance of subsection (8) and who at any time receives a pardon in respect of the offence for which he had been convicted, shall be entitled to have such pension restored to him with effect from the date on which such pension was ceased.

(10) The Governor-General may, where a pension ceases for the reasons set out in subsection (8) cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself in such proportions and manner as the Governor-General thinks proper, and such moneys shall be paid or applied accordingly.

Payments out of pensions

4. (1) Where an order of maintenance is made against any police officer to whom a pension has been granted under this Act, the Governor-General may, on its being proved to him that there is no reasonable probability of such order being

satisfied, from time to time cause to be deducted from the moneys payable to such person such sum or sums as the Governor-General may deem expedient and may cause the same to be applied to satisfy wholly or in part the said order.

(2) Where any person to whom a pension has been granted hereunder has left Trinidad and Tobago and has deserted and left his wife or child in Trinidad and Tobago without sufficient means of support is, by reason of such person's absence from Trinidad and Tobago, unable and would but for such absence be able, to obtain an order of maintenance, may from time to time cause to be deducted from the moneys payable to such person by way of pension such sum or sums as the Governor-General may deem expedient and apply the same for the maintenance and support of such wife or child.

5. (1) When a police officer has been retired in accordance with the provisions of subsection (1) of section 3 and the provisions of subsection (2) of the said section have been satisfied, but such police officer has not served in the Police Service for ten years, such police officer may be granted by way of gratuity a sum not exceeding one-twelfth of a month's pay for each completed month of service.

(2) Any police officer who has served in the Police Service for more than five years and less than ten years and who—

- (a) does not at the end of any period of enlistment or re-enlistment re-enlist; or
- (b) is dismissed or has his services dispensed with,

may be granted by way of gratuity such sums not exceeding one-twenty-fourth of a month's pay for each completed month of service.

6. If any police officer to whom a pension has been granted under this Part of the Police Service is subsequently enlisted in the Police Service, the payment of his pension may, if the Governor-General so directs, be suspended during the period of his subsequent enlistment.

to suspend pension in case of subsequent enlistment

7. (1) The period of service in respect of which pension or gratuity may be granted shall be unbroken but subject to the conditions contained in subsection (2), the period of service prior to a break of service may be counted together with service subsequent to such break in cases where the service was interrupted by reason of ill health or other cause not arising from misconduct or voluntary withdrawal from the Police Service.

(2) The conditions referred to in subsection (1)

- (a) any pension which at the time of the subsequent enlistment is being paid shall cease to be paid; and
- (b) if the Governor-General so requires, any gratuity paid in respect of the earlier period of service, or such part thereof as the Governor-General may determine, shall be refunded.

8. (1) Subject to subsection (2), when the Governor-General is satisfied that a police officer has been permanently injured—

- (a) in the actual discharge of his duty, and
  - (b) without his own default, and
  - (c) by some injury specifically attributable to the nature of his duty,
- and his retirement is thereby necessitated or accelerated, such police officer may be granted in respect of such injury, in addition to any pension or gratuity granted to him an allowance in proportion to his injury of such monthly amount as the Governor-General may direct, not exceeding the following :—

8. (1) Subject to subsection (2), when the Governor-General is satisfied that a police officer has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or accelerated, such police officer may be granted in respect of such injury, in addition to any pension or gratuity granted to him an allowance in proportion to his injury of such monthly amount as the Governor-General may direct, not exceeding the following :—

When his capacity to contribute to his support is—

slightly impaired	...	40/480ths of a month's pay;
impaired	...	80/480ths of a month's pay;
materially impaired	...	120/480ths of a month's pay;
totally destroyed	...	160/480ths of a month's pay.

(2) A police officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in paragraphs (a) and (c) of subsection (1), and in any such case, if the provisions of paragraph (b) of this section are also satisfied the rates of allowances shall be 60/480ths, 120/480ths and 240/480ths of a month's pay respectively instead of the rates of allowance hereinbefore in this section prescribed.

(3) (a) The allowance referred to in subsection (1) together with any pension granted hereunder shall not exceed 400/480ths of a month's pay as at the date of injury and for the purposes of this proviso any exercise of the option conferred by subsection (5) of section 3 shall be ignored in calculating any such pension.

(b) The allowance referred to in subsection (1) shall be less than the above-mentioned maximum by such amount as the Governor-General shall think reasonable in the following cases, namely—

- (i) where the injured police officer has continued to serve for not less than one year after the injury in respect of which he retires;
- (ii) where the injured police officer is forty-five years or upwards at the date of the injury; or
- (iii) where the injury is not the sole cause of the retirement.

(4) Before granting an allowance under subsection (1) the Governor-General shall be furnished with the report of a medical board (so far as may be possible) on the matters relevant to his decision, and shall be guided by such report.

(5) When the injured police officer has not qualified for any pension under this Act but is entitled to a gratuity under section 5, he may be granted, in lieu of such gratuity, a further allowance of such monthly sum (not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served) as the Governor-General may direct.

9. (1) If a police officer dies as a result of injuries received—

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Police Service, it shall be lawful for the Governor-General subject to subsection (2), to grant, in addition to the grant, if any, made under subsection (3)—

- (i) if the deceased police officer leaves a widow, a pension to her, while unmarried and of good character, according to such scale as may from time to time be fixed by the Governor-General;
- (ii) if the deceased police officer leaves a widow to whom a pension is granted under subparagraph (i) and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension payable under the said paragraph;
- (iii) if the deceased police officer leaves a child or children, but does not leave a widow or no pension is granted to the widow a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one quarter of the pension payable under subparagraph (i).
- (iv) if the deceased police officer leaves a child or children and a widow to whom a pension is granted under sub-paragraph (i), and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow until such ~~of the pension payable under the said paragraph;~~
- (iii) if the deceased police officer leaves a child or children, but does not leave a widow or no pension is granted to the widow a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one quarter of the pension payable under subparagraph (i).
- (iv) if the deceased police officer leaves a child or children and a widow to whom a pension is granted under sub-paragraph (i), and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow until such child attains the age of eighteen years, of an amount not exceeding one quarter of the pension payable under subparagraph (i);
- (v) if the deceased police officer does not leave a widow, or if no pension is granted to his widow and if his mother was wholly or mainly dependant on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

Pensions to dependants of police officers killed on duty and gratuity to widow, &c. of police officer who dies in the Service

who dies in the Service

subject to subsection (2), to grant, in addition to the grant, if any, made under subsection (3)—

- (i) if the deceased police officer leaves a widow, a pension to her,

(2) A pension shall not be payable under subsection (1) at any time in respect of more than six children, and where there are more than six children in respect of whom, but for this subsection, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age.

(3) In the case of a pension granted under paragraph (v) of subsection (1), if the mother is a widow at the time of the grant of such pension and subsequently remarries, such pension shall cease as from the date of the remarriage; and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

(4) A pension granted to a female child under subsection (1) shall cease upon the marriage of such child under the age of eighteen years.

(5) For the purposes of subsection (1) the word "child" shall include—

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependant upon the deceased police officer for support; and

(c) an adopted child, adopted in the manner recognized by law, before the date of the injury, and wholly or mainly dependant upon the deceased police officer for support.

(6) A police officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1).

(7) (a) If a police officer dies while in the Police Service, it shall be lawful for the Governor-General to grant to his widow or to his children or to any of his dependants a gratuity of an amount not exceeding one year's salary of such police officer, or his commuted pension gratuity, if any, whichever is the greater.

(b) Where a police officer, to whom either an unreduced pension or a gratuity and reduced pension has been granted, dies after retirement from the Police Service, and the sums paid or payable to him at his death on account of such unreduced pension, or gratuity and reduced pension, as the case may be, are less than the amount of the annual salary enjoyed by him at the date of his retirement, it shall be lawful for the Governor-General to grant to his widow or to his children or to any of his dependants a gratuity equal to the deficiency.

(c) In this subsection—

"commuted pension gratuity" means the gratuity, if any, calculated in the manner prescribed in subsection (5) of section 3, which might have been granted to the police officer if he had retired immediately before his death in circumstances rendering him eligible to receive a gratuity and reduced pension instead of an unreduced pension.

"dependants" has the same meaning as in the Workmen's Compensation Ordinance.

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Passed in the House of Representatives this 7th day of December, 1965.

I F CARTER

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J. E. CARTER

*Acting Clerk of the House of Representatives*

Passed in the Senate this 13th day of December, 1965.

A. A. DARLINGTON

*Acting Clerk of the Senate*

