



TRINIDAD AND TOBAGO.

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No. 15—1944.

[L.S.]

Am repealed by Ord 14/1950

I ASSENT,

A. B. WRIGHT,
Acting Governor.
6th June, 1944.

AN ORDINANCE to amend the Police Ordinance,
Ch. 11. No. 1.

[8th June, 1944.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Police (Amendment) Ordinance, 1944, and shall be read as one with the Police Ordinance, hereinafter referred to as the Principal Ordinance. Short title and construction. Ch. 11. No. 1.

Section 2 of
Principal
Ordinance
amended.

2. Section 2 of the Principal Ordinance is hereby amended by—

(a) inserting therein immediately after the definition of "Force" the following definition:—

" "medical board" means a board of medical officers appointed by the Director of Medical Services, whenever necessary for the purposes of this Ordinance ;"

(b) substituting the following for the definition of "non-commissioned officer" :—

" "non-commissioned officer" includes any chief inspector, inspector, sub-inspector, sergeant-major, staff sergeant, sergeant instructor, station sergeant, sergeant, corporal, lance corporal, and acting lance corporal of the Force ;"

Sections 13,
14 and 15 of
the Principal
Ordinance
repealed and
replaced.

3. Sections 13, 14 and 15 of the Principal Ordinance, appearing under the heading "Warrant Officers, non-commissioned officers and constables", are hereby repealed and replaced by the following:—

" *Non-commissioned officers and constables.*

Appointment
of non-
commissioned
officers and
constables.

13. Subject to the provisions of this Ordinance and of the regulations made thereunder, the Commissioner may appoint or enlist fit and proper persons to be non-commissioned officers or constables of the Force.

Inspectors.

14. Chief inspectors, inspectors, and sub-inspectors shall rank in the Force senior to other non-commissioned officers.

Commissioner
may allot
duties.

15. Subject to the provisions of this Ordinance and of the regulations made thereunder the Commissioner may from time to time give directions as to the duties to be performed by non-commissioned officers or by any class of non-commissioned officers or by constables."

4. Subsection (2) of section 29 of the Principal Ordinance is hereby amended by substituting a full stop for the colon at the end of the first proviso thereto and by deleting the second proviso thereto.

Section 29 of
the Principal
Ordinance
amended.

5. Section 32 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Section 32 of
Principal
Ordinance
repealed and
replaced.

“Revocation
of appointment,
interdiction,
dismissal, &c.,
of non-
commissioned
officer or
constable.

32. (1) Subject to the provisions of the regulations made under this Ordinance, the Commissioner may revoke the appointment of any non-commissioned officer or constable or may reduce any non-commissioned officer to a lower grade on the ground of inefficiency: Provided that the Commissioner shall not exercise the powers conferred on him by this subsection without first obtaining the approval of the Governor.

(2) Any non-commissioned officer or constable who is charged with any offence punishable under section 37 or 38 of this Ordinance or punishable on summary conviction or indictment may be interdicted by the Commissioner from the exercise of his duties as a member of the Force until the charge has been finally disposed of but shall nevertheless remain subject to the discipline of the Force: Provided that a non-commissioned officer of the rank of sub-inspector or of a higher rank shall not be interdicted without the approval of the Governor.

(3) A non-commissioned officer or constable who has been interdicted under the provisions of the last preceding subsection shall, during the period of interdiction, receive half the pay of his grade together with the other emoluments he may be entitled to, unless regulations made under this Ordinance prescribe that only a portion of such other emoluments shall be payable during a period

of interdiction. If the proceedings against such non-commissioned officer or constable do not result in any conviction or punishment against such non-commissioned officer or constable, he shall be entitled to receive the full amount of his pay and other emoluments (if any) which he would have received if he had not been interdicted. If any conviction or punishment is recorded or awarded, such non-commissioned officer or constable shall not be entitled to any part of his pay or other emoluments (if any) stopped under this subsection unless the Governor (in the case of non-commissioned officers of the rank of sub-inspector and of any higher rank) or the Commissioner (in the case of non-commissioned officers below the rank of sub-inspector and of constables) otherwise direct.

(4) The Governor may at any time dismiss from the Force or dispense with the services of any non-commissioned officer or constable whom he may consider unfit for further service in the Force."

Section 38 of
the Principal
Ordinance
repealed and
replaced.

6. Section 38 of the Principal Ordinance is hereby repealed and replaced by the following section:—

"Other
offences.

38. (1) Every non-commissioned officer or constable charged with any of the following offences, that is to say—
refusing or neglecting to serve or execute any warrant or process lawfully directed to be by him served or executed,
drunkenness,
absence from duty without leave,
sleeping on his beat,
wilfully disobeying any regulation or order of the Force,
any act, conduct, disorder, or neglect to the prejudice of good order or discipline or in violation of duty in his office, or any other misconduct as a member of the Force,

shall be liable—

(a) on conviction before the Commissioner to one or more of the following punishments :—

dismissal ;

confinement to barrack cells for any number of days not exceeding seven ;

punishment drill not exceeding fourteen days ;

confinement to barracks for any number of days not exceeding twenty-eight ;

reduction to a lower rank or lower rate of pay ;

fine not exceeding ten dollars ;

reprimand or severe reprimand ; or

(b) on conviction before any other officer deputed by the Commissioner to one or more of the following punishments :—

confinement to barracks for any number of days not exceeding twenty-eight ;

punishment drill not exceeding fourteen days ;

fine not exceeding five dollars ;

reprimand or severe reprimand ;

Provided that no sentence of dismissal shall be carried out without the confirmation thereof by the Governor.

Forfeiture
of pay.

(2) In addition to such other punishment as may be awarded, absence without leave shall entail forfeiture of pay for the period of absence and in the computation of such period any part of a day shall count as a whole day.

Confinement to
barrack cells.

(3) Confinement to barrack cells awarded under this section shall entail forfeiture of pay for the period of confinement.

Payment
of fine.

(4) Any fine imposed under this section shall be levied by stoppage from the offender's pay."

New section
38A of the
Principal
Ordinance.

7. A new section, to be numbered 38A, is hereby inserted in the Principal Ordinance immediately after section 38 thereof:—

"Procedure
before
Commissioner.

38A. In recording a conviction under section 37 or 38 of this Ordinance, the Commissioner may act on evidence recorded by any other officer deputed by him to enquire into the charge: Provided that in any such case—

- (a) the non-commissioned officer or constable against whom the charge is preferred shall be given the opportunity of appearing before the Commissioner and of addressing the Commissioner in his defence; and
- (b) the Commissioner may, of his own motion or at the request of the non-commissioned officer or constable, call or permit to be called any further evidence, or may call or permit to be called for further examination any witnesses who gave evidence before the officer deputed by the Commissioner as aforesaid."

Amendment
of the title of
Part IV of the
Principal
Ordinance.

8. The title of Part IV of the Principal Ordinance is hereby amended to read "PENSIONS AND GRATUITIES".

Section 46 of
the Principal
Ordinance
repealed and
replaced.

9. Section 46 of the Principal Ordinance is hereby repealed and replaced by the following section:—

"Pensions to
non-commis-
sioned officers
and
constables.
In cases of
disability.

46. (1) The Governor may order any non-commissioned officer or constable, who may be disabled by infirmity of mind or body, to be retired, and such officer or constable, if he has completed ten years of faithful service, may thereupon be granted such pension as the Governor may direct, not exceeding one-fortieth of a month's salary for each completed

month of service: Provided that it shall not be lawful to grant any such pension unless the Governor is satisfied by the certificate of a medical board that the officer or constable is incapable from infirmity of mind or body of performing the duties of his office and unless he is further satisfied by such certificate or otherwise that such infirmity was contracted while the officer or constable was in the service and is likely to be permanent.

If unable to re-enlist after 10 years service.

(2) If a non-commissioned officer or constable who has served in the Force for ten years or more shall not at the end of any period of re-enlistment obtain the permission of the Commissioner to re-enlist as provided be section 29 (2) of this Ordinance, or shall be dismissed or shall have his services dispensed with in accordance with subsection (4) of section 32 of this Ordinance, such non-commissioned officer or constable, if not otherwise eligible for pension, may be granted such monthly pension, not exceeding one-eightieth of a month's pay for each completed month of service, as the Governor may direct.

On attaining age of 50 after 20 years service.

(3) Subject as herein contained, any non-commissioned officer or constable not disabled as aforesaid who has served in the Force for not less than twenty years and has attained the age of fifty years may be granted a monthly pension of such sum not exceeding one-fortieth of a month's pay for each completed month of service, as the Governor may direct.

Reduced pension and gratuity.

(4) A non-commissioned officer or constable may at his option, to be exercised not later than one month after his retirement in the case of a pension awarded under subsection (1) or (2) of this section and not later than one year next before the date of his retirement in the case of a pension awarded under subsection (3) of this section, be paid

in lieu of the pension for which he is eligible, a pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made in the pension :

Provided always—

- (a) that the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed to the Commissioner ;
- (b) that, if a non-commissioned officer or constable has exercised the option, his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under this subsection ;
- (c) that the Governor in Council may, in cases where it appears equitable to do so, extend the period within which the option must be exercised under the foregoing provisions of this subsection.

Pension
may be
forfeited.

(5) Nothing herein contained shall be construed to entitle any non-commissioned officer or constable absolutely to any pension, or to prevent his being dismissed without pension ; and if any non-commissioned officer or constable to whom a pension has been granted under this Ordinance is sentenced to a term of imprisonment by any competent court in the Colony or elsewhere for any crime or offence, or quits the Colony 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, then in every such case it shall be lawful for the Secretary of State, or (if the pensioner is resident in the Colony) for the Governor, to direct that such pension shall forthwith

cease: Provided always that the pension shall be restored with retrospective effect in the case of a person who, after conviction, at any time receives a pardon: Provided further that where a pension ceases for the reason aforesaid, it shall be lawful for the Secretary of State or the Governor, as the case may be, to 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 Secretary of State or the Governor, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly."

10. Section 48 of the Principal Ordinance is hereby repealed and replaced by the following section:—

"Gratuities.

48. (1) When the Governor shall have ordered any non-commissioned officer or constable to be retired in accordance with subsection (1) of section 46 of this Ordinance and is satisfied of the matters, and in the manner, mentioned in the proviso to the said subsection but such officer or constable has not served in the Force for ten years, such officer or constable may be granted by way of gratuity such sum not exceeding one-twelfth of a month's pay for each completed month of service as the Governor may direct.

(2) Any non-commissioned officer or constable who has served in the Force 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 obtain the permission of the Commissioner to re-enlist as provided by subsection (2) of section 29 of this Ordinance, or

Section 48 of the Principal Ordinance repealed and replaced.

(b) is dismissed or has his services dispensed with under subsection (4) of section 32 of this Ordinance, may be granted by way of gratuity such sum not exceeding one-twenty-fourth of a month's pay for each completed month of service as the Governor may direct."

New section
48A of the
Principal
Ordinance.

11. A new section, to be numbered 48A, is hereby inserted in the Principal Ordinance immediately after section 48 thereof as follows:—

"Special
allowance for
injuries.

48A. When the Governor is satisfied that a non-commissioned officer or constable 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 non-commissioned officer or constable may be granted in respect of such injury, in addition to any pension or gratuity granted to him under this Ordinance, an allowance in proportion to his injury of such monthly amount as the Governor 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:

Provided that—

- (i) no such allowance together with any pension granted under this Ordinance shall 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 (4) of section 46 of this Ordinance shall be ignored in calculating any such pension ;

(ii) the allowance shall be less than the above mentioned maximum by such amount as the Governor shall think reasonable in the following cases, namely—

(a) where the injured officer or constable has continued to serve for not less than one year after the injury in respect of which he retires ;

(b) where the injured officer or constable is forty-five years of age or upwards at the date of the injury ; or

(c) where the injury is not the sole cause of the retirement ;

(iii) before granting an allowance under this section, the Governor shall obtain 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 ;

(iv) when the officer or constable so injured has not qualified for any pension under this Ordinance but is entitled to a gratuity under section 48 of this Ordinance, 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 may direct."

Sections 50-52
of the
Principal
Ordinance
repealed.

12. Sections 50, 51 and 52 of the Principal Ordinance are hereby repealed.

Passed in Council this nineteenth day of May, in the year of Our Lord one thousand nine hundred and forty-four.

W. J. BOOS,
Clerk of the Council.