

SPECIAL RESERVE POLICE ACT

CHAPTER 15:03

Act

14 of 1946

Amended by

20 of 1953

38 of 1967

45 of 1979

2 of 2013

25 of 2019

*11 of 2021

(*See Note on page 2)

Current Authorised Pages

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Note on Subsidiary Legislation

The following Subsidiary Legislation have been omitted:

- (a) Special Reserve Police (Extra Duty Pay) Regulations (GN 27/1970);
- (b) Gratuity Approval Resolution (GN 36/1971).

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

Note on Act No. 11 of 2021

Amendments made to this Act by Act No. 11 of 2021 took effect on 30th July 2021 by LN 200/2021.

CHAPTER 15:03

SPECIAL RESERVE POLICE ACT

ARRANGEMENT OF SECTIONS

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SCHEDULE.

CHAPTER 15:03

SPECIAL RESERVE POLICE ACT

1950 Ed.
Ch. 11 No. 3.
14 of 1946.

An Act to provide for the establishment of a Special Reserve Police service.

Commencement.

[11TH APRIL 1946]

Short title.

1. This Act may be cited as the Special Reserve Police Act.

Interpretation.
[38 of 1967
45 of 1979].

2. In this Act—

“Commissioner” and “Deputy Commissioner” mean respectively the persons appointed to the offices of Commissioner of Police and Deputy Commissioner of Police in accordance with section 123 of the Constitution;

“constable” means a constable appointed under this Act;

“dependants” means such of the members of the family of the deceased member of the Special Reserve Police as were wholly or in part dependent upon his income at the time of his death, and where such member of the Special Reserve Police, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his income, or, being an illegitimate child leaves a parent or grandparent so dependent upon his income, shall include such an illegitimate child and parent or grandparent respectively. However, a person shall not be deemed to be a partial dependent of a member of the Special Reserve Police unless he was dependent partially on contributions from the member for the provision of the ordinary necessities of life suitable for persons in his class and position;

Ch. 15:01.

“district” and “division” mean police district and division as defined for the purposes of the Police Service Act;

“First Division Officer” means any of the officers specified in the First Schedule to the Police Service Act;

“Police Service” means the Police Service established by section 3 of the Police Service Act.

3. In addition to the supplemental bodies of Police established under the Supplemental Police Act, a new supplemental body of Police styled “Special Reserve Police” shall be established under this Act.

Special Reserve
Police
established.

Ch. 15:02.

4. (1) The Special Reserve Police or any part thereof may be called out for service by the Commissioner, Deputy Commissioner or any other First Division Officer in cases of external aggression or internal disturbance, actual or threatened.

Duties.
[38 of 1967
45 of 1979].

(2) The Commissioner may, whenever additional police may be required for the preservation of good order, the protection of persons or property or the performance of any other duty exercisable by members of the Police Service, call out members of the Special Reserve Police on full-time, part-time or temporary service.

(3) Every member of the Special Reserve Police shall whether or not he has been called out for service under this section attend and carry out such parades and drills in such places and at such times and in such manner as may be ordered by the officer in command of his division, and when he has been called out for service under this section, shall carry out such duties of the Police Service and in such places and at such times and in such manner as may be ordered by the Commissioner or Deputy Commissioner or any other First Division Officer or by the officer in command of the division or by any member of the Special Reserve Police who is senior to him.

(4) Every member of the Special Reserve Police shall, while on parade or at drill or on duty obey all lawful orders which may be given to him by the Commissioner or Deputy Commissioner or any other First Division Officer or by the officer in command of the division or by any member of the Special Reserve Police who is senior to him.

(5) No member of the Special Reserve Police shall leave his division during any period in which the Special Reserve Police is called out for service under subsection (1) without the permission of the officer in command of the division, and if the

permission is granted he shall comply with any conditions attached to the permission.

Disciplinary
punishment.
[45 of 1979].

5. (1) Every member of the Special Reserve Police who commits any of the following offences:

- (a) insubordination;
- (b) wilful disobedience of a lawful order;
- (c) any contravention of section 4(5);
- (d) absence from parade, drill, or duty without leave;
- (e) making away with, pawning, selling, losing by carelessness or wilfully damaging a uniform or any part thereof or any article which has been supplied to him at the public expense for the performance of his duties as a member of the Special Reserve Police;
- (f) any act, conduct or neglect to the prejudice of good order and discipline or in violation of duty in his office, or any other misconduct as a member of the Special Reserve Police,

shall on conviction before the officer in command of his division be liable to one or more of the following punishments:

- (i) dismissal;
- (ii) reduction to a lower rank;
- (iii) a fine not exceeding one hundred and fifty dollars;
- (iv) extra parades, drill and duties.

(2) Any member of the Special Reserve Police who is dissatisfied with the decision of his senior officer in any matter may appeal to the Commissioner, who may make such order as the circumstances may require, and whose decision shall be final.

(3) The Commissioner may, without any appeal, reduce any punishment imposed by any senior officer on any member of the Special Reserve Police and no sentence of dismissal shall be valid until confirmed in writing by the Commissioner.

(4) A member of the Special Reserve Police shall not be convicted unless the charge against him has been investigated in his presence and he has been given sufficient opportunity to defend himself.

6. Subject to the general order and directions of the Minister, the Commissioner shall have the general command and superintendence of the Special Reserve Police, and he shall be responsible to the Minister for their efficient condition and for the proper carrying out of this Act.

Command.

7. (1) Subject to the provisions mentioned above, the Special Reserve Police in each division shall consist of such numbers and ranks as may from time to time be directed by the Commissioner, with the sanction of the Minister.

Number and distribution of Special Reserve Police. [45 of 1979].

(2) The powers and authority of any member of the Special Reserve Police under this Act may be exercised in any part of Trinidad and Tobago.

8. Every male person who is—

(a) over 18 years of age;

(b) able-bodied; and

(c) of good character,

shall be deemed to be qualified for appointment as a member of the Special Reserve Police.

Qualification for appointment.

9. The Commissioner may by writing under his hand appoint fit and proper persons to be members of the Special Reserve Police and such members shall be assigned such ranks and be posted to such division or district as the Commissioner may direct.

Appointment of members. [45 of 1979].

10. (1) On appointing any person to be a member of the Special Reserve Police under this Act, the Commissioner shall deliver or cause to be delivered to him a precept authorising him to act as such.

Precept of appointment and oath of office. [20 of 1953 45 of 1979].

(2) The precept may be in the form contained in the Schedule.

Schedule.

(3) When he receives the precept, the person who is appointed shall take and subscribe, before any First Division Officer, the following oath of office:

I, of, do swear that I will well and truly serve the State as a member of the Special Reserve Police for Trinidad and Tobago; so help me God.

(4) On receiving the precept and taking and subscribing the oath, the person who is appointed shall become a member of the Special Reserve Police established under the provisions of this Act.

Resignation.
[45 of 1979].

11. Any member of the Special Reserve Police may at any time on giving one month's notice in writing to the Commissioner resign his appointment as a member.

Revocation of
appointment.
[45 of 1979].

12. The appointment of any member of the Special Reserve Police may be revoked at any time by the Commissioner.

Penalty for
refusing to
serve.
[38 of 1967
45 of 1979].

13. Any member of the Special Reserve Police who, without reasonable cause, neglects or refuses to serve when called out by the Commissioner, the Deputy Commissioner or any other First Division Officer shall, unless he is dealt with under section 5, be liable on summary conviction to a fine of three hundred dollars or to imprisonment for one month.

Delivery of
articles supplied
on leaving.
[45 of 1979
25 of 2019].

14. (1) Every member of the Special Reserve Police who resigns his appointment or otherwise ceases to form part of the Special Reserve Police shall forthwith deliver up to the person appointed by the Commissioner for that purpose every article whatsoever which has been supplied to him at the public expense for the performance of his duties as a member of the Special Reserve Police and which he has not been expressly authorised to keep or use for his private benefit.

(2) Every person who fails to comply with this section is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment of five years and any

Magistrate or Justice may issue a warrant to search for and seize all such articles as aforesaid which are not so delivered up, wherever the same may be found, and to arrest the person in whose possession the same may be found.

15. (1) When any member of the Special Reserve Police dies any person in possession of any articles which had been supplied to such member at the public expense for the performance of his duties as a member of the Special Reserve Police, shall be bound, within fourteen days after the death, to deliver any such articles over to the member of the Police Service in charge of the Police Station nearest to which such person resides.

Delivery up of articles having belonged to a deceased member. [45 of 1979 25 of 2019].

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

16. There shall be established in the manner hereinafter mentioned a fund to be called the Special Reserve Police Reward Fund (in this Act referred to as the “Reward Fund”) and the fund shall be kept by the Commissioner and administered in the manner directed by this Act and shall be appropriated to the payment of—

Reward Fund. [45 of 1979].

- (a) such rewards as the Minister may from time to time award or direct to be paid to members of the Special Reserve Police; and
- (b) such special compensation for injuries received by members of the Special Reserve Police in the execution of their duty as the Minister may from time to time award.

17. The Commissioner shall keep an account of all moneys paid into and disbursed from the Reward 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

Account to be kept.

and authority for each disbursement, and shall deposit all moneys received for the credit of the Reward Fund as soon as practicable in the Post Office Savings Bank to a special account. When the sum standing to the credit of the Reward Fund exceeds two thousand, four hundred dollars the Minister shall decide to what purpose the surplus shall be put.

Duty allowance.
[2 of 2013].

***17A.** Notwithstanding any other provision in this Act or in any other written law, the President may by Order, grant a duty allowance to members of the Special Reserve Police.

Powers of
members of
Special Reserve
Police.
[38 of 1967].

Ch. 15:01.

18. (1) Every member of the Special Reserve Police while on duty in the capacity of a member shall have, exercise and enjoy all the powers, authorities, privileges and immunities, and shall perform all the duties and have all the responsibilities of a member of the Police Service constituted under the Police Service Act.

(2) A member of the Special Reserve Police shall be deemed to be on duty in the capacity of a member when he is called out for service under section 4(1) or (2).

(3) Any fine imposed on a member of the Special Reserve Police under section 5 may be deducted from any pay to which he is or may become entitled under this Act, and, if so deducted, shall be paid to the credit of the Reward Fund; and any bribe or gift of money coming into the possession of any such member, and the value of any goods given as a bribe to any such member, shall be paid to the credit of the said Fund.

Assaults and
retaliatory
action.
[25 of 2019].

18A. (1) A person who—

(a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

a member of the Special Reserve Police in the execution of his duty, or any person aiding or assisting such a member in the execution of his duty, with intent to impede, intimidate or retaliate against such a member while engaged in the execution of his duty, commits an offence.

*Section 17A took effect from 1st October 2012.

(2) A person shall not intentionally take any retaliatory action against—

- (a) a member of the Special Reserve Police;
- (b) the relatives, friends, associates or property of a member of the Special Reserve Police,

on account of that member's execution of his duties.

(3) A person shall not intentionally take any retaliatory action against—

- (a) any person aiding or assisting a member of the Special Reserve Police in the execution of his duty;
- (b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting a member of the Special Reserve Police in the execution of his duty.

(4) For the purpose of subsections (2) and (3), "relative" means, in relation to a member of the Special Reserve Police or a person aiding or assisting that member in the execution of his duty, as the case may be—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependant;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the member of the Special Reserve Police or the person who aided or assisted the member in the execution of his duty.

(5) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

Workmen's
Compensation
Act.
Ch. 88:05.
[38 of 1967].

19. Members of the Special Reserve Police shall not be regarded as workmen for the purposes of the Workmen's Compensation Act, but the principles of that Act may be followed in computing compensation granted under this Act in respect of permanent disability or death.

Personation of
member of the
Special Reserve
Police.
[25 of 2019].

20. (1) Any person not being a member of the Special Reserve Police who in any way pretends to be a member thereof for the purpose of doing any act which such person would not be entitled to do, if not a member of the Special Reserve Police, called out for service, is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.

(2) Any person who has in his possession any badge or baton or other equipment furnished for the use of a member of the Special Reserve Police and who does not satisfactorily account for his possession thereof, is liable on summary conviction, in addition to any other punishment to which he has subjected himself, to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.

Members of
body of Police
established
under Defence
Regulations
deemed to be
members of
Special Reserve
Police.

21. Members of the Special Reserve Police established under the Defence (Special Reserve Police) Regulations, 1942 at the date of the commencement of this Act of any rank shall be deemed to be members of the Special Reserve Police established under this Act and to hold corresponding ranks therein and it shall not be necessary for the Commissioner to deliver a precept to any such member nor for any such member to take the oath of office prescribed by section 10.

Regulations.
[38 of 1967].

22. (1) The Minister may make Regulations generally for giving effect to the provisions of the Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), Regulations made under that subsection may provide for—

(a) the organisation of the Special Reserve Police;

- (b) the establishment of different ranks and the precedence and command to be had or exercised by the holders of such ranks;
- (c) the conditions of service, enrolment, promotion, demotion, resignation, dismissal or suspension of members of the Special Reserve Police;
- (d) the training of members of the Special Reserve Police;
- (e) the discipline and guidance of the Special Reserve Police;
- (f) the setting up of Disciplinary Boards to investigate breaches of discipline and to award punishment, if necessary, and the powers and duties of the Disciplinary Boards;
- (g) ensuring the compulsory attendance of witnesses and the production of documents before any Disciplinary Board;
- (h) the payment of wages and of subsistence allowances, travelling allowances and out of pocket expenses to members of the Special Reserve Police and the rates at which and conditions upon which such wages or allowances or both shall be paid to different ranks of the Special Reserve Police;
- (i) medical attention and examination of any member of the Special Reserve Police who sustains injury whilst on duty;
- (j) the grant to members of the Special Reserve Police who are injured in the execution of their duty of sick benefit and the conditions upon which and the rates at which the benefit shall be payable to members of different ranks;
- (k) the grant to members of the Special Reserve Police who consequent upon injuries received in the course of their duty as such are permanently incapacitated from following their normal employment or whose earning power in such employment is impaired, pensions or gratuities

and the conditions upon which and the rates at which such pensions or gratuities may be granted to different ranks of the Special Reserve Police;

(l) the grant, subject to the following conditions and such other conditions as may be prescribed, at such rates as may be prescribed, of a pension or gratuity to the widow and child or children, or dependent, of any member of the Special Reserve Police who dies as a result of injuries received:

(i) in the actual discharge of his duty; and

(ii) without his own default; and

(iii) on account of circumstances specially attributable to the nature of his duty;

(m) supplies, accommodation and uniform of members of the Special Reserve Police;

(n) controlling the use of transport for the carrying out of duties by members of the Special Reserve Police.

(3) Regulations made under paragraphs (h), (j), (k) and (l) of subsection (2) shall be subject to negative resolution of Parliament.

38 of 1967.

(4) Notwithstanding the repeal by the Special Reserve Police (Amendment) Act, 1967 of the former sections 12, 20(2) and 21(1), (2) and (3), these sections and any Rules or Regulations respecting the Special Reserve Police shall remain in force and continue to have effect until other provisions are substituted therefor by Regulations made under this section.

(5) For the purposes of subsection (2)(l) “child” includes—

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased member of the Special Reserve Police for support; and

(c) an adopted child, adopted in a manner recognised, by law, before the date of the injury, and wholly or mainly dependent upon the deceased member of the Special Reserve Police for support.

23. Regulations 136 and 150(2) of the Police Service Regulations, made under section 78 of the Police Service Act, are deemed to be applicable to a member of the Special Reserve Police and shall apply *mutatis mutandis* until such time as Regulations are made under section 22.

Regulations 136 and 150(2) of the Police Service Regulations to apply to Special Reserve Police. [11 of 2021]. Ch. 15:01.

SCHEDULE

Section 10(2).

FORM OF PRECEPT

REPUBLIC OF TRINIDAD AND TOBAGO.

SPECIAL RESERVE POLICE ACT

To of

I, , Commissioner of Police, do under and by virtue of the power and authority in me vested by the Special Reserve Police Act, hereby appoint you to be a and I do issue to you this precept authorising you to act as a

Dated this day of 20.....

.....
Commissioner of Police