

**STRATEGIC SERVICES AGENCY ACT**

**CHAPTER 15:06**

**Act**  
**24 of 1995**  
Amended by  
39 of 1997  
\*4 of 2016

(\* See Note on page 2)

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**Note on Act No. 4 of 2016**

Amendments made to this Act by Act No. 4 of 2016 took effect on 4th October 2017 by LN 112/2017.

**CHAPTER 15:06**

**STRATEGIC SERVICES AGENCY ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

1. Short title.
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**SCHEDULE.**

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**CHAPTER 15:06**

**STRATEGIC SERVICES AGENCY ACT**

24 of 1995. **An Act to provide for the establishment of the Strategic Services Agency and for matters connected therewith.**

Commencement. [4TH OCTOBER 1995]

Short title. **1.** This Act may be cited as the Strategic Services Agency Act.

Interpretation. **2.** In this Act—

[4 of 2016]. “Agency” means the Strategic Services Agency established under section 3;

Ch. 16:01. “ammunition” has the same meaning assigned to that expression in section 2 of the Firearms Act;

“crime prevention” means combatting serious crime;

Ch. 11:25. “dangerous drugs” has the same meaning assigned to that expression in the Dangerous Drugs Act;

“firearms” has the same meaning assigned to that expression in section 2 of the Firearms Act;

“Minister” means the Minister to whom responsibility for national security is assigned;

“precursor chemicals” has the same meaning assigned to that expression in the Dangerous Drugs Act;

“prohibited weapon” has the same meaning assigned to that expression in section 2 of the Firearms Act;

“serious crime” includes offences related to homicide, treason, terrorist acts, terrorist financing, hijacking, kidnapping, trafficking in persons, trafficking in children, gangs, illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals, dangerous drugs, corruption, money laundering, smuggling, arms and ammunition, chemical, biological and nuclear weapons and weapons of mass destruction, cybercrime, transnational crime or any offence which carries a penalty of not less than five years’ imprisonment;

“Services” means the Ministry of National Security, the Customs and Excise Division, the Trinidad and Tobago Police Service, the Trinidad and Tobago Defence Force and any other Ministry or Department so declared by Order of the Minister;

“trafficking in children” has the same meaning assigned to that expression in section 3 of the Trafficking in Persons Act;

Ch.12:10.

“trafficking in persons” has the same meaning assigned to that expression in section 3 of the Trafficking in Persons Act.

**3.** (1) The Strategic Services Agency is hereby established, consisting of the Director and employees of the Agency.

Establishment of Agency.

(2) The functions of the Agency shall be exercised by the Director after consultation with the Minister.

**4.** (1) Subject to subsection (2), the Director shall be appointed by the President for a term not exceeding five years terminable at any time and shall be eligible for reappointment at the expiration of the term.

The Director.

(2) Where, for any reason, the Director is absent or incapacitated, the President may appoint another person as Director for a term not exceeding six months in the first instance and for subsequent terms not exceeding six months and that person shall be vested with the powers and perform the duties and functions of the Director under this Act and shall be paid the subsisting remuneration of the Director.

(3) The remuneration and pension entitlements of the Director shall be fixed, and be subject to review, by the President.

(4) The Director shall—

- (a) be responsible for the operational, investigative and administrative control of the Agency;
- (b) prepare an annual report on the operations of the Agency which shall be submitted to the Minister within one month after the end of the year to which the report relates; and
- (c) be the principal adviser to the Minister on matters relating to this Act.

(5) The Director shall be subject to the directions of the Minister.

Staff.

**5.** (1) The Agency may—

- (a) employ staff as it considers necessary for the due performance of its duties and functions;
- (b) provide for the remuneration and other terms and conditions of their employment;
- (c) exercise disciplinary control over or terminate the appointment of persons employed under this section;
- (d) establish procedures relative to the presentation, consideration and adjudication of grievances of employees.

(2) Every employee of the Agency shall, at the commencement of his duties with the Agency, take the oath of allegiance and secrecy stated in the Schedule.

Schedule.

Functions of  
Agency.  
[39 of 1997  
4 of 2016].

**6.** (1) The main functions of the Agency are to—

- (a) act as an office for centralising information that could facilitate the detection and prevention of serious crime, for co-ordinating operations for the suppression of serious crime and for co-operating with the Services or the corresponding Services of other countries;
- (b) develop strategic intelligence and make recommendations to Government on the formation of policies in relation to serious crime;
- (c) prepare crime prevention strategies and stimulate action towards and monitor the implementation of the agreed strategies;
- (d) advise on policy formation in respect of the development of human resources engaged in crime prevention activities and maintain an inventory of all training undertaken and seek to identify opportunities for training;

- (e) disseminate information and intelligence to the Services;
- (f) provide intelligence and analytical support for the appropriate operational and intelligence arms of the Services;
- (g) assist in identifying sophisticated criminal activity and those who engage in it;
- (h) help the law enforcement effort by identifying links between individuals and organisations involved in serious crime;
- (i) provide strategic intelligence to assist and promote the efficient and effective use of operational resources so as to enable the development of law enforcement strategies;
- (j) identify new trends in, and patterns of criminal activity;
- (k) provide a nucleus of specialist intelligence personnel who are able to advise and assist investigating officers concerning operational priorities and deployment of resources;
- (l) establish channels of communication with the Services and the corresponding Services of other countries and provide a national focal point for the promotion and exchange of information and intelligence about serious crime;
- (m) do all such things as are incidental or conducive to the attainment of the objectives of the Agency.

(2) In addition to the aforementioned functions, the Agency shall—

- (a) give its assistance to the Services to which cases of serious crime have been referred;
- (b) provide a central point for the receipt of all disclosures made under laws pertaining to serious crime and develop such disclosures through the intelligence process and disseminate to the Services for further action;

- (c) *(Deleted by Act No. 39 of 1997)*;
- (d) prepare, update, monitor and co-ordinate all matters relating to crime prevention programmes;
- (e) negotiate foreign technical assistance for crime prevention programmes;
- (f) contribute to the training of staff of the Services in crime prevention;
- (g) establish and maintain close contact with corresponding Services in other countries in order to achieve—
  - (i) a rapid exchange of information in respect of all aspects of offences related to serious crime;
  - (ii) broad co-operation in investigations concerning serious crime so as to establish—
    - A. the identity, description, place of residence, movements, assets and activities of persons involved in serious crime,
    - B. the details regarding transactions related to serious crime,
    - C. the movement of proceeds and property derived from serious crime,
    - D. the movement of dangerous drugs, precursor chemicals, weapons of mass destruction, prohibited weapons, firearms, arms and ammunition as well as equipment, material and instrumentalities used in serious crime, and
    - E. the movement of persons involved in trafficking in persons and trafficking in children;

- (h) maintain databases of persons involved in serious crime;
- (i) facilitate the exchange of personnel and other experts and the posting of liaison officers;
- (j) co-operate with corresponding Services in other countries to organise, where appropriate, regional and international conferences and seminars to stimulate co-operation.

7. (1) An officer in the Public Service or Police Service may, with the approval of the appropriate Service Commission and the consent of the Minister, consent to be seconded to the service of the Agency upon such terms and conditions as may be acceptable to the Director and the officer. Secondment.

(2) Where secondment is effected, the Agency shall make such arrangements as may be necessary to preserve the rights of the officer seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded.

(3) A period of secondment shall not exceed five years.

(4) An officer who has been seconded to the Agency in pursuance of this section may, with the approval of the appropriate Service Commission, be transferred from the Agency to an office in the Public Service or Police Service on the termination of his service with the Agency.

(5) For the purposes of this Act, a person shall be taken to be seconded to the Agency if being the holder of a substantive office in the Public Service or Police Service he has been assigned for duty with the Agency.

8. (1) Subject to subsection (2), no employee of the Agency shall disclose any information obtained or accessible in the course of the performance of duties and functions under this Act unless so authorised by the Director. Disclosure of information.

(2) Disclosure referred to in subsection (1) is permissible for the following reasons only:

Ch. 11:25.

- (a) for the investigation or prosecution of a serious crime, an offence under the Dangerous Drugs Act or any other contravention of the laws of Trinidad and Tobago; or
- (b) for the investigation of a serious crime or a dangerous drugs offence committed abroad or contravention of the laws of any other country which is party to the 1988 Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances or with whom Trinidad and Tobago has a mutual legal assistance treaty.

(3) Any person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for ten years.

Funds.  
[4 of 2016].

**9.** (1) The funds and resources of the Agency shall be—

Ch. 11:27.

- (a) money allocated by Parliament for the use of the Agency;
- (b) money received by the Agency from the Seized Assets Fund established under section 58 of the Proceeds of Crime Act or as a result of the contribution by Trinidad and Tobago to any international endeavour to forfeit the assets of persons involved in serious crime;
- (c) donations or gifts to the Government of Trinidad and Tobago by other governments and regional and international bodies to assist in crime prevention.

(2) The funds of the Agency shall be applied in the meeting of any obligation or the discharge of any function of the Agency.

Accounts and  
audit.

**10.** (1) The Agency shall keep proper accounts and records of the transactions and affairs of the Agency and shall do all things

necessary to ensure that all payments out of the moneys of the Agency are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Agency and the incurring of liability by the Agency.

(2) The Agency shall submit a financial statement in respect of a financial year to the Minister no later than three months after the close of the financial year

(3) The accounts of the Agency shall be audited by the Auditor General annually or by an auditor authorised by him for such purpose.

(4) The Agency shall forward to the Minister a copy of the audited statement of accounts together with any report thereof made by the Auditor General not later than one month after the receipt thereof and the Minister shall ensure that the audited statement of accounts and report are laid in Parliament within one month thereafter, or if Parliament is not in session, within one month after the commencement of the next sitting.

(5) In addition to the annual audit, the Auditor General may, at any time, audit the accounts and examine the records of financial transactions of the Agency and shall forthwith draw to the attention of the Director and Minister any irregularities disclosed by such audit and examination, which, in the opinion of the Auditor General, are of sufficient importance to be so reported.

**11.** The financial year of the Agency shall be the financial Financial year.  
year as defined in section 3 of the Constitution of the Republic of Trinidad and Tobago.

**12.** The principal office of the Agency shall be in the city of Principal office.  
Port-of-Spain in the island of Trinidad.

**13.** The Minister shall cause to be laid in Parliament an Annual report.  
annual report on the operations of the Agency within one month after he has received it, or if Parliament is not then in session, within one month after the commencement of the next session.

Regulations.

**14.** Subject to negative resolution of Parliament, the Minister may make Regulations generally to give effect to this Act and in particular regarding—

- (a) the exercise of the powers and the performance of the duties and functions of the Agency; and
  - (b) the conduct and discipline of employees and the disciplinary procedures to be observed in the adjudication of grievances.
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**SCHEDULE**

**OATH OF ALLEGIANCE AND SECRECY**

I, ..... do swear and declare that I will honestly and faithfully serve and fulfil the duties that devolve upon me by reason of my employment in the Strategic Services Agency, and that I will not divulge any information being facts or expressions of opinions based on such facts gained by me as a result of my employment to any unauthorised person, orally or in writing, without the previous sanction of the Director. I understand that these provisions apply not only during the period of my employment but also after my employment with the Agency has ceased.

Signed .....

Date .....

.....  
*Director,*  
*Strategic Services Agency*

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**SUBSIDIARY LEGISLATION**

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**STRATEGIC SERVICES AGENCY (PERSONNEL)  
REGULATIONS**

ARRANGEMENT OF REGULATIONS

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**SCHEDULE.**

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[Subsidiary]

[38/2020].

**STRATEGIC SERVICES AGENCY (PERSONNEL)  
REGULATIONS**

*made under section 14*

**PART I**

**PRELIMINARY**

Citation.

**1.** These Regulations may be cited as the Strategic Services Agency (Personnel) Regulations.

Interpretation.

**2.** In these Regulations—

“Act” means the Strategic Services Agency Act;

Ch. 15:06.

“Director” means the Director of the Agency appointed under section 4 of the Act;

“employee” means an employee of the Agency and does not include the Director.

Application.

**3.** (1) These Regulations shall apply to every employee, whether the employee is appointed or seconded to an office in the Agency for an indeterminate period, for a specified period or on probation.

(2) A copy of these Regulations shall be transmitted to every employee on his assumption of duty.

**PART II**

**RECRUITMENT AND PROBATION**

Recruitment.

**4.** (1) A candidate for appointment as the Director or an employee of the Agency shall—

(a) be a citizen of Trinidad and Tobago;

(b) in the case of—

(i) the Director, be not less than thirty-five years of age; or

(ii) an employee, be not less than eighteen years of age;

- (c) be required to pass a medical examination conducted by a registered medical practitioner approved by the Agency;
- (d) successfully clear security vetting;
- (e) be required to undergo psychophysiological detection of deception examinations, psychological testing, and testing for dangerous drugs;
- (f) be of good character as evidenced by—
  - (i) a police certificate of character;
  - (ii) a testimonial from a member of standing in the community described in the Schedule; and
  - (iii) not having pending or proven criminal charges or convictions;
- (g) possess the minimum qualifications and experience for the position for which he applies; and
- (h) be required to submit a declaration of all his income, assets and liabilities.

Schedule.

(2) The Agency shall bear the cost of the examinations and testing referred to in subregulations (1)(c) and (e).

5. The probationary period of an employee of the Agency on first appointment shall be such period of not less than six months and not more than one year, as the Director may determine.

Probation.

### PART III

#### TERMS AND CONDITIONS OF EMPLOYMENT

6. (1) An employee shall hold office subject to the provisions of the Act, these Regulations, his contract of employment, standard operating procedures and any other written law.

Terms and conditions of employment.

(2) An employee shall be subject to periodical psychophysiological detection of deception (PDD) examinations.

Manner of termination of employment.

7. An employee's contract of service may be terminated—
- (a) on his dismissal as a consequence of disciplinary proceedings;
  - (b) on his compulsory separation from the Agency upon the attainment of the age of sixty-five years;
  - (c) on voluntary separation;
  - (d) on separation for medical reasons;
  - (e) on resignation;
  - (f) on the expiry or on the termination of an appointment—
    - (i) for a specified period; or
    - (ii) on probation; or
  - (g) on the abolition of office.

Resignation.

8. An employee who intends to resign his office in the Agency shall give such period of notice as may be stipulated in his contract of employment with the Agency.

Grant of three months' salary on the death of an employee.

9. When an employee dies, the Director shall order that an amount equal to three months' salary of the employee, as at the date of his death, be paid to such person as has been nominated by the employee in writing.

#### PART IV

#### CODE OF CONDUCT

Confidentiality of employees.

10. (1) Subject to section 8 of the Act, an employee shall not divulge any information obtained as a result of his employment with the Agency, unless so authorised by the Director.

(2) Subject to section 8 of the Act, an employee shall not express any opinion on any matter to any person based on the

information he obtained as a result of being an employee of the Agency, unless so authorised by the Director.

(3) The duty of confidentiality referred to in subsections (1) and (2) shall continue for a period of ten years from the date the employee is no longer employed with the Agency.

(4) An employee who contravenes subregulations (1), (2) or (3) is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for ten years.

**11.** An employee shall honestly, faithfully, efficiently and effectively discharge the duties of his office for which he is employed and any other related duties which are reasonably required of him.

Manner of discharging of duties.

**12.** (1) An employee shall obtain the approval of his Head of Division prior to proceeding on leave.

Absence without leave.

(2) An employee shall not be absent from duty without leave or reasonable excuse.

(3) An employee who is desirous of proceeding on leave outside of Trinidad and Tobago, shall indicate same in his leave application together with any other relevant information as stipulated by the standard operating procedures to be approved by his Head of Division prior to proceeding on such leave.

(4) Where an employee needs to proceed on leave in the cases of an emergency, he shall—

- (a) obtain the permission of his Head of Division, which may be given either orally or in writing; and
- (b) where the permission was communicated orally, the employee shall submit his request for leave in writing within three days thereafter.

**13.** (1) An employee—

- (a) shall obtain the written consent of the Director before directly or indirectly engaging in any

Activities outside of the Agency.

trade, undertaking or practice for remuneration, whether in, or outside of Trinidad and Tobago;

- (b) shall not engage in any activity, occupation or undertaking in, or outside of Trinidad and Tobago, which would impair his suitability as an employee or in any way conflict with the interest of the Agency;
- (c) who invests in, or acquires an interest in shares in any company carrying on business in, or outside of Trinidad and Tobago or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in, or outside of Trinidad and Tobago shall inform the Director in writing—
  - (i) within thirty days after his investment or acquisition; or
  - (ii) where he becomes aware of the acquisition after the expiration of thirty days, as soon as practicable but not less than thirty days thereafter; and
- (d) shall not, directly or indirectly, be involved in any financial or other interest or undertaking which may compromise his job performance or office.

(2) Where an actual or potential conflict of interest arises, in relation to subregulations (1)(b) to (d), the employee shall immediately inform the Director in writing.

(3) The Director shall cause an investigation to be undertaken to determine the nature and degree of the conflict of interest and the appropriate course to be taken to resolve such conflict which may include—

- (a) determining that no action is required to be taken;
- (b) requiring the employee to discontinue from undertaking the activity that constitutes the conflict within a specified period;

(c) assigning the employee to other duties;  
(d) suspension; or  
(e) termination of employment,  
and shall forthwith inform the employee of his decision.

**14.** An employee shall not engage in any activity which is reasonably likely to bring the Agency into disrepute or which may call into question his ability to impartially implement, administer or advise on Government policy.

Employee not to bring Agency into disrepute.

**15.** (1) An employee shall not publicise or communicate to the media or to any person any opinion or any documents, data, papers or information in whatever form which may have arisen or come into his possession as a result of being an employee of the Agency, unless he has received prior written authorisation from the Director.

Employee not to publish or produce information.

(2) An employee shall not make any unauthorised disclosure, or make copies for purposes unrelated to the performance of his duties, of documents, data, papers or information of which that employee has become aware in the course of his employment with the Agency, unless he has received prior written authorisation from the Director.

(3) An employee who contravenes subregulations (1) and (2), commits an act of misconduct, which may lead to dismissal.

(4) An employee of the Agency shall not have the legal custody of the documents of the Agency and commits an act of misconduct where, even though served with a *subpoena* for production of evidence, he produces any document in Court without the permission of the Director.

**16.** An employee shall not, on his own behalf or on behalf of the Agency, receive payment for the preparation or delivery of a lecture or presentation, in pursuance of his duties or the functions of the Agency, unless he receives the written approval of the Director.

Payments for lectures and presentations.

Indebtedness.

**17.** An employee shall not incur indebtedness to the extent that it compromises that employee's job performance or brings the Agency into disrepute.

Bankruptcy.

**18.** An employee against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall, within seven days, report that fact to the Director in writing.

Employee not to solicit intervention.

**19.** An employee shall not solicit the intervention or influence of members of Parliament, Ministers, members of a Commission or prominent members of the community to support or advance his individual claims in the Agency.

Gifts.

**20.** (1) Except with the permission in writing of the Director, an employee shall not accept any gift or reward from any member of the public or from any organisation or agency in the course of official duties.

(2) Notwithstanding subregulation (1), an employee may accept a gift offered by—

- (a) a representative of a foreign government on the occasion of an official visit;
- (b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation; or
- (c) fellow employees on marriage, retirement, or other social or celebratory occasion, and

except in relation to paragraph (c), the employee shall immediately report the fact in writing to the Director and deliver the gift to him, and thereafter the Director shall determine the appropriate course of action.

Bribery.

**21.** (1) An employee who accepts a bribe or fails to report an offer of a bribe commits an act of misconduct.

(2) An employee who is offered a bribe shall immediately inform the Director in writing, who shall cause an

investigation to be undertaken into the matter within three days of receiving the report and upon receiving the investigative report shall determine the appropriate course of action to be taken.

**22.** (1) An employee who desires to initiate legal proceedings against another employee or against a member of the public shall immediately inform the Director in writing. Legal proceedings.

(2) An employee who is a party to any legal proceedings shall immediately inform the Director in writing.

(3) An employee who is the subject of legal proceedings or in any way involved in any legal proceedings shall immediately inform the Director in writing.

**23.** An employee who is charged with a criminal offence shall, without delay, report the matter in writing to the Director. Criminal offences.

**24.** (1) An employee who, without reasonable excuse, does an act which— Misconduct.

(a) amounts to failure to perform any required lawful duty in a proper manner;

(b) contravenes any of the Regulations or standard operating procedures of the Agency;

(c) contravenes any law; or

(d) is otherwise prejudicial to the interest of national security or the efficient conduct of the Agency or tends to bring the Agency into disrepute,

commits an act of misconduct.

(2) Notwithstanding the generality of subregulation (1), an employee commits an act of misconduct if he commits any of the following:

(a) discreditable conduct, which is committed where an employee acts in a disorderly manner prejudicial to discipline or reasonably likely to bring discredit to the Agency;

- (b) insubordinate or oppressive conduct, which is committed where an employee—
- (i) is insubordinate by word, act or demeanour;
  - (ii) is oppressive or tyrannical in his conduct towards any member of the Agency;
  - (iii) exercises authority unreasonably or abuses that authority in the course of performing his required duties;
  - (iv) uses obscene, abusive or insulting language to any member of the Agency;
  - (v) assaults any member of the Agency;
  - (vi) sexually harasses or sexually assaults any member of the Agency;
  - (vii) signs or circulates any petition or statement with regard to any matter concerning the Agency, except through an authorised channel; or
  - (viii) calls or attends an unauthorised meeting to discuss any matter concerning the Agency;
- (c) disobedience to orders, which is committed where an employee disobeys or, without good and sufficient cause, omits or neglects to carry out a lawful order, written or otherwise;
- (d) neglect of duty, which is committed where an employee—
- (i) withholds a report or allegation of breach of the Regulations committed by another employee;
  - (ii) leaves his place of duty to which he has been ordered or assigned, without due permission or sufficient cause;
  - (iii) notifies any person, directly or indirectly, of any surveillance or other operations;

- (iv) fails to report a matter which is his duty to report or which he ought reasonably to report;
  - (v) fails to report anything to the Director which he knows concerning a criminal offence, or fails to disclose to the Director any intelligence or information which he, or any person within his knowledge, can give for or against any person convicted of, or charged with, a criminal offence;
  - (vi) omits, without reasonable excuse, to make any necessary entry, whether in writing, electronically or otherwise in any official document, book, register, or other record in any form whatsoever; or
  - (vii) while absent from duty on account of sickness, intentionally does any act or engages in any conduct to impede his return to duty;
- (e) falsehood or prevarication, which is committed where an employee—
- (i) knowingly makes or signs a false statement in an official document, book, register, report or other record in any form whatsoever;
  - (ii) wilfully or negligently makes any false, misleading or inaccurate statement; or
  - (iii) without good and sufficient cause, destroys or damages any Agency document, official documents or record, or alters or erases any entry therein;
- (f) corrupt practice, which is committed where an employee—
- (i) fails to promptly and correctly account for, or return any money or property received by him in his official capacity;

- (ii) directly or indirectly solicits without the consent of the Director or any gratuity, bribe, gift, subscription or reward without the consent of the Director;
  - (iii) knowingly places himself under pecuniary, personal, intimate or other obligation to any person who is of investigative interest to the Agency; or
  - (iv) improperly uses his position as an employee of the Agency for his private advantage;
- (g) malingering, which is committed where an employee feigns or exaggerates any sickness or injury with a view to evading duty;
- (h) loss or damage to clothing, equipment or other property, which is committed where an employee—
- (i) wilfully or negligently abandons, or causes any loss or damage to any book, document, clothing, equipment or other property of the Agency entrusted to his care; or
  - (ii) fails to report any loss or damage referred to in subparagraph (i);
- (i) being unfit for duty, which is committed where an employee is, while on, or required for duty, unfit for duty through drunkenness or the use of drugs;
- (j) drinking intoxicating liquor on duty, using drugs on duty or soliciting intoxicating liquor or drugs while on duty, which is committed where an employee—
- (i) drinks intoxicating liquor or uses drugs, while he is on duty;
  - (ii) demands, or endeavours to persuade any other person to give him, or to purchase

or obtain for him, any intoxicating liquor or drugs while he is on duty; or

- (iii) reports for duty or is on duty under the influence of intoxicating liquor, with the odour of intoxicating liquor on his breath or under the influence of drugs;
- (k) lending, borrowing or accepting money, which is committed where an employee compromises his ability to discharge his responsibility by lending, borrowing or accepting money from the Director or another employee;
- (l) being an accessory to an act of misconduct, which is committed where an employee conspires, aids, abets, encourages or is knowingly an accessory to an act of misconduct;
- (m) using any property or facility of the Agency for a purpose not connected with his official duties without the prior written consent of the Director;
- (n) being habitually irregular in the time of arrival or departure from the place of employment;
- (o) having a criminal charge proved against him; or
- (p) participating in the meetings of any political organisation while on duty or while on official business without the consent of the Director.

(3) In this regulation “drugs” includes any intoxicant other than alcohol.

#### PART V

#### DISCIPLINE

**25.** (1) Where an employee is alleged or suspected to have committed an act of misconduct, the allegation or suspicion of the act of misconduct shall be reported immediately to the employee’s Head of Division. Discipline.

(2) The Head of Division shall, within two days, assign an employee (hereinafter referred to as “the investigator”) to investigate the allegation or suspicion of misconduct.

(3) The Head of Division shall consider—

(a) the gravity of the act of misconduct the employee is alleged or suspected to have committed;

(b) the nature of the act of misconduct the employee is alleged or suspected to have committed; and

(c) whether the investigation can be effectively conducted if the employee is present at work,

to determine whether the employee ought to be suspended with pay pending the outcome of the disciplinary process set out in this Part.

(4) Where an employee is alleged or suspected to have committed a criminal offence or acted contrary to the interests of national security, the Head of Division may authorise the employee’s conduct to be investigated discreetly prior to utilising the procedure in this Part.

(5) An investigator acting pursuant to subregulation (2) shall—

(a) obtain written statements from persons who have knowledge of the matter under investigation;

(b) collect or cause to be collected relevant information and evidence;

(c) obtain a written statement from the employee under investigation (hereinafter referred to in this Part as “the employee”); and

(d) identify the act of misconduct, if any, with which the employee should be charged.

(6) The investigator shall, not later than ten days after being appointed, complete the investigation.

(7) The investigator may apply to the Head of Division during the time specified in subregulation (6) for an extension of time, but such extension shall not exceed ninety days.

(8) The investigator shall, within five days of completing the investigation, submit a report to the Head of Division containing—

- (a) a recommendation on whether disciplinary charges should be laid;
- (b) any list of disciplinary charges to be laid;
- (c) which of the disciplinary procedures referred to in subregulation (9) should be adopted; and
- (d) all relevant evidence and information.

(9) The Head of Division shall review the report and where he determines that disciplinary charges ought to be laid against the employee, the Head of Division shall—

- (a) determine, in accordance with the standard operating procedures, whether to—
  - (i) convene a meeting with the employee to discuss the alleged misconduct; or
  - (ii) refer the matter to a disciplinary committee appointed under subregulation (13);
- (b) direct the investigator to provide the employee with the following:
  - (i) a written statement of the charge providing sufficient particulars as will demonstrate to the employee the nature of the allegations on which the charge is based;
  - (ii) a notice informing the employee of the date, time and place he is to attend a meeting referred to in paragraph (a)(i); or
  - (iii) a notice informing the employee that a disciplinary committee referred to in paragraph (a)(ii) has been convened to determine the charge.

(10) At the meeting referred to in subregulation (9)(a)(i), the Head of Division shall meet with the employee as soon as practicable and give him an opportunity to answer the charge.

(11) Within two days after the holding of the meeting referred to in subregulation (9)(a)(i), the Head of Division shall decide whether the employee is guilty of committing an act of misconduct.

(12) Where the Head of Division finds that an employee committed an act of misconduct, the following penalties may be imposed:

- (a) an oral warning;
- (b) a written warning; or
- (c) suspension without pay for a period of up to a week.

(13) Where an allegation of misconduct is referred to the disciplinary committee in accordance with subregulation (9)(a)(ii), the Head of Division shall, within seven days, appoint a disciplinary committee (“the committee”) consisting of at least three employees, including an employee with human resource experience and, where possible, two employees senior to the employee.

(14) The committee shall—

- (a) determine whether the employee should provide a written and oral defence to the charge and inform him accordingly;
- (b) determine whether any other person should provide written or oral evidence to the committee;
- (c) notify the employee of the date, time and place that he is to appear before the committee;
- (d) adopt any additional procedure that the justice of the case demands;
- (e) consider the statements, information and evidence and determine the matter within

fourteen days of the committee being presented with the final item of evidence; and

(f) at the close of the hearing, immediately inform the employee in writing of the committee's decision with reasons and the proposed penalty.

(15) The committee may impose the following penalties:

(a) a written warning;

(b) suspension without pay for a period of up to a month; or

(c) dismissal.

(16) The employee shall have fourteen days from the date he is informed of the committee's decision and proposed penalty to provide, in writing, any mitigating factors for consideration by the committee as to why the proposed penalty ought not to be imposed.

(17) The committee shall, within seven days, consider any response by the employee before coming to a final decision on the penalty to be imposed.

(18) Where an employee who has been found guilty of misconduct disagrees with the final decision of the committee, the employee may, within fourteen days, appeal the committee's decision by writing to the Director, indicating the following:

(a) whether he appeals the finding of guilt;

(b) whether he appeals the penalty imposed;

(c) whether he appeals both the finding of guilt and the penalty imposed;

(d) the grounds for appealing the committee's decision; and

(e) a detailed statement explaining the grounds for appealing the committee's decision and the reasons for his disagreement with the decision.

(19) Upon receipt of the written appeal, the Director shall consider the grounds of appeal, the statement explaining the

grounds of appeal, the committee's decision together with its reasons, all the statements and evidence and thereafter make, within thirty days of receiving the written notice of appeal, a final decision on the matter.

(20) The Director, in making his final decision, may—

- (a) uphold the finding of guilt; or
- (b) quash the decision of the committee.

(21) Where the Director upholds the finding of guilt, he may—

- (a) uphold the penalty given by the committee;
- (b) increase the penalty;
- (c) reduce the penalty; or
- (d) make such other, as he sees appropriate, in the circumstances as the interest of justice requires.

#### PART VI

#### PERSONNEL MATTERS

Employee may be required to report for duty at any time.

**26.** Notwithstanding an employee's terms of service, an employee may be required to report for duty at any time, if the exigencies of the Agency so require.

Attendance records.

**27.** (1) A senior employee designated by the Director (hereinafter referred to as a "designated senior employee") shall keep and maintain attendance records and update them at least once a month.

(2) Upon examination of the attendance records, where the designated senior employee discovers that an employee has been habitually late or irregular in his attendance, the designated senior employee shall issue a letter of caution to the employee.

Religious days.

**28.** (1) Subject to subregulation (2), the Director or a designated senior employee may permit an employee to be absent from duty on the basis that the employee's religious persuasion prohibits his working on, or during a particular day.

(2) The employee shall apply, in writing, to the Director or designated senior employee specifying the denomination of the religious persuasion to which he belongs and the day or part of the day that he is prohibited from working.

(3) In granting an employee permission under subregulation (1), the Director may arrange for the employee to work outside the normal hours of work during the month in which the employee is permitted to be absent for a period or periods commensurate with the period during which the employee has been permitted to be absent from duty.

**29.** (1) Subject to subregulation (2), an employee shall not accumulate more than thirty days' vacation leave. Vacation leave.

(2) An employee may be permitted to accumulate more than thirty days' vacation leave only with the written consent of the Director.

**30.** The Agency shall keep an updated personnel record for each employee containing all matters connected with an employee's employment with the Agency and such particulars as may be prescribed by the standard operating procedures of the Agency. Personnel records.

**31.** (1) A performance appraisal report shall be completed for each employee by a senior employee for every twelve months of service provided by the employee. Performance appraisal.

- (2) A performance appraisal report shall—
- (a) be in such form as may be prescribed by the standard operating procedures; and
  - (b) be completed no less than three months after the twelve months' period of service referred to in subregulation (1).

[Regulation  
4(1)(f)].

### SCHEDULE

A member of standing from the community must be a citizen of Trinidad and Tobago and be included in one of the following categories:

- (1) Minister of Religion registered under law to perform marriage;
- (2) Managing Director, Director and Manager of Banks and Companies;
- (3) Professionals (University Graduates) (State qualifications);
- (4) Member of Parliament, Mayor, Borough or County Councillor;
- (5) Notary Public/Justice of the Peace/Commissioner of Affidavits;
- (6) Senior Public Servants (Range 30 and above);
- (7) Police Officer (Corporal and above rank)—Include Regimental Number;
- (8) Prison Officer II and above rank—Include Regimental Number;
- (9) Fire Sub-Officer and above rank—Include Regimental Number;
- (10) Member of Defence Force (Corporal/Leading Seaman and above rank)—Include Regimental Number; or
- (11) School Principal, Vice-Principal, Lecturer, Graduate Teacher (Teacher I and above rank).

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STRATEGIC SERVICES AGENCY REGULATIONS

39/2020.

*made under section 14*

1. These Regulations may be cited as the Strategic Services Agency Regulations. Citation.

2. In these Regulations—

Interpretation.

“Act” means the Strategic Services Agency Act;

“Agency” means the Strategic Services Agency, established under section 3 of the Act;

“Director” means the Director of the Strategic Services Agency, established under section 3 of the Act;

“Minister” means the Minister to whom responsibility for national security is assigned.

3. The Director shall take all reasonable steps to ensure that the work of the Agency is limited to what is necessary and appropriate for the purposes of the proper discharge of its functions in accordance with the Act. Special responsibilities of the Director.

4. (1) The Agency shall—

Security of information and intelligence.

(a) implement strict arrangements to ensure that information and intelligence in its custody or under its control are secure and protected and such arrangements shall apply to the collection, storage, access, use, alteration, disclosure, disposal, destruction, exchange and dissemination of the information and intelligence;

(b) create and abide by strict protocols related to the access to information and intelligence in its custody or under its control;

(c) institute security arrangements which create and maintain a record of persons who access information and intelligence in its custody or

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under its control, including a record of the date and time of access;

- (d) ensure that information and intelligence in its custody and under its control and obtained under the Interception of Communications Act are treated in accordance with the requirements of that Act; and
- (e) create and maintain a record of the destruction of any information and intelligence in its custody or under its control, which record shall include the date of the destruction, the reason for destruction, the officer who authorised the destruction, and written certification by the officer who carried out the destruction, that the relevant information and intelligence were destroyed.

(2) The arrangements and security protocols referred to in this Regulation shall consist of both appropriate physical and technological measures.

Internal  
standard  
operating  
procedures.

**5.** (1) The Director shall develop and implement internal standard operating procedures for the Agency.

(2) The Director may appoint a committee to advise him on the development and implementation of internal standard operating procedures.

(3) The internal standard operating procedures shall be in accordance with the requirements of the Act and any other written law which seeks to protect the secrecy of information and intelligence.

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