

**LAWS OF TRINIDAD AND TOBAGO**

**JUDICIAL AND LEGAL SERVICE ACT  
CHAPTER 6:01**

**Act**  
**22 of 1977**  
Amended by  
193/1977  
194/1977  
147/1978  
176/1978  
28/1979  
107/1979  
108/1979  
109/1979  
110/1979  
2 of 1980  
47 of 1980  
124/1981  
\*24 of 1981

\*(See Note on page 2)

**Current Authorised Pages**

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-14	1/1990

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**Note**

**on**

**Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note**

**on**

**Adoption of the Public Service Commission Regulations**

**(Subsidiary Legislation—Chap. 1:01)**

With respect to the adoption of the Public Service Commission Regulations by the Judicial and Legal Service Commission, *see* Gazette Notice No. 358 published in the *Trinidad and Tobago Gazette* Vol. 23 No. 51 dated 23rd February, 1984.

**Note**

**on**

**Amendments to Act**

Act No. 24 of 1981 made several amendments to this Act, but Act No. 24 of 1981 had not, up to the date of the last revision of this Act (i.e. 31st December, 1985), been brought into operation.

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**CHAPTER 6:01**

**JUDICIAL AND LEGAL SERVICE ACT**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Interpretation.
3. Establishment of Judicial and Legal Service.
4. Classification and title of offices.
5. Legal officers entitled to practice.
6. Remuneration Orders.
7. Increments.
8. Tenure of office.
9. Officers and political activities.
10. Taking of oaths.
11. Modes of termination of appointment.
12. Ministry of Legal Affairs.
13. Other Ministries and departments.
14. The Law Commission.
15. Judicial officers.
16. Regulations for the Judicial and Legal Service.
17. Application of Civil Service Act.

**FIRST SCHEDULE.**

**SECOND SCHEDULE.**

**THIRD SCHEDULE.**

**FOURTH SCHEDULE.**

**FIFTH SCHEDULE.**

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## CHAPTER 6:01

## JUDICIAL AND LEGAL SERVICE ACT

22 of 1977.

An Act to make provision for the establishment, classification, remuneration and entitlement of officers of a Judicial and Legal Service; and for other matters concerning the relationship between the Government and the Judicial and Legal Service.

Commence-  
ment.[24<sup>TH</sup> MAY 1977]

Short title.

1. This Act may be cited as the Judicial and Legal Service Act.

## PART I

## PRELIMINARY

Interpretation.

2. In this Act—

“allowance” means compensation payable—

- (a) in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature;
- (b) for the duties that an 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;

“Chief Legal Officer” means the Director of Public Prosecutions, the Solicitor General or the Chief Parliamentary Counsel;

“classification” means the assignment of an office to a grade;

“Commission” means the Judicial and Legal Service Commission established under section 110 of the Constitution;

“judicial office” means a public office set out in the Second Schedule;

“judicial officer” means the holder of a judicial office or a person who is appointed to act in such an office;

“Judicial and Legal Service” or “the Service” means the Judicial and Legal Service established under section 3;

“legal office” means a public office set out in the First Schedule;

“legal officer” means the holder of a legal office or a person who is appointed to act in such an office;

“office” means an office in the Judicial and Legal Service;

“officer” means a judicial officer or a legal officer;

“public office” and “public service” have the meaning assigned by section 3 of the Constitution;

“remuneration” means pay and allowances;

“Remuneration Order” means an order made under section 6(1)(a) or (b).

## PART II

### ESTABLISHMENT AND STRUCTURE OF THE JUDICIAL AND LEGAL SERVICE AND PRACTICE BY LEGAL OFFICERS

3. (1) There is hereby established a Judicial and Legal Service. Establishment of Judicial and Legal Service.

(2) The public offices in the public service set out in the First and Second Schedules shall be deemed to constitute the Judicial and Legal Service. First Schedule. Second Schedule.

(3) Section 111 of the Constitution applies to the judicial offices and the legal offices.

(4) Section 141 of the Constitution applies to the holders of the judicial offices and legal offices.

(5) An officer who immediately before the commencement of this Act held or was acting in a public office set out in the First or Second Schedule shall, as from the commencement of this Act, continue to hold or act in the like office in the Judicial and Legal Service and with the same remuneration and conditions of service as obtained immediately prior to the commencement of this Act, until other provisions are made under this Act.

Classification  
and title of  
offices.

First Schedule.  
Second  
Schedule.

4. (1) Subject to section 3 and to the Constitution, the President may by Order prescribe the classification or title of an office set out in the First or Second Schedule.

(2) The classification and title of an office referred to in subsection (1) shall be observed in all records and communications of the Commission, the Auditor General, the Treasury and in all departmental estimates and Parliamentary returns and appropriations.

Legal officers  
entitled to  
practice.  
Third  
Schedule.

5. (1) The holder of an office set out in Part I or II of the Third Schedule shall, so long as he continues to hold such office, have and enjoy all the rights and privileges of a barrister or solicitor, respectively, without being required to pay any fee or stamp duty.

(2) A notice published in the *Gazette* to the effect that a person has been appointed to or holds any of the offices set out in the Third Schedule, or has relinquished or no longer holds any of the said offices, shall be sufficient proof of the facts therein stated.

### PART III

#### TERMS AND CONDITIONS OF SERVICE

Remuneration  
Orders.

6. (1) Subject to section 3 and to the Constitution, the President may by Order prescribe—

- (a) the pay in respect of an office;
- (b) allowances and benefits that attach to an office and that any such allowance or benefit is exempt from income tax or any other tax;
- (c) the other terms and conditions of service of an officer.

(2) The salaries and allowances payable to officers are a charge on the Consolidated Fund.

Increments.

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

8. An officer shall hold office subject to the provisions of the Constitution, of this Act and the Regulations and of any other written law and, unless some other period of employment is specified, for an indeterminate period.

Tenure of office.

9. (1) An officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a County Council.

Officers and political activities.

(2) An officer may not be a scrutineer under the Representation of the People Act or an election agent or an assistant to an election agent of a Parliamentary, Municipal or County Council candidate.

Ch. 2:01.

10. (1) Every officer who is appointed to, or to act in, an office after the commencement of this Act shall take and subscribe the oath or affirmation of allegiance and of office set out in Part I of the Fourth Schedule.

Taking of oaths. [193/1977].

Fourth Schedule.

(2) A legal officer and the secretary to the holder of an office specified in the Fifth Schedule shall take and subscribe the oath or affirmation of office and secrecy set out in Part II of the Fourth Schedule.

Fifth Schedule.

(3) The President may by Order add to, vary or amend the offices specified in the Fifth Schedule.

11. (1) The modes by which the appointment of an officer may terminate are as follows:

Modes of termination of appointment.

- (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 of an appointment for a specified period;
- (g) on the abolition of office;
- (h) in the case of an officer on probation, on the termination of appointment;
- (i) in the public interest;
- (j) in the case of a female officer on grounds of marriage.

(2) An officer who intends to resign his office shall give such period of notice as may be prescribed.

## PART IV

## ADMINISTRATION

Ministry of  
Legal Affairs.

12. (1) The Ministry of Legal Affairs shall comprise the Departments of Civil Law, of Criminal Law, of Legislative Drafting and of Accounting which shall be headed respectively by the Solicitor General, the Director of Public Prosecutions, the Chief Parliamentary Counsel and a public officer to be designated Permanent Secretary in the Ministry.

(2) The Civil Law Department shall include the Departments of the Chief State Solicitor and of the Registrar General.

(3) For the purposes of section 85 of the Constitution a Chief Legal Officer is a Permanent Secretary.

Ch. 69:01.

(4) The Permanent Secretary in the Ministry shall be the Accounting Officer of the Ministry for the purpose of the Exchequer and Audit Act and shall exercise such supervision in respect of such other matters as may be directed by the Minister under section 85 of the Constitution.

(5) In this section "Minister" means the member of the Cabinet responsible for the administration of legal affairs.

Other  
Ministries and  
departments.

First Schedule.

13. Subject to sections 76(2) and 90 of the Constitution, the Permanent Secretary of the Ministry or department concerned may exercise control and supervise the legal officers set out in Part V of the First Schedule that are assigned to that Ministry or department.

The Law  
Commission.

14. Subject to the Constitution and to any written law, the Chairman of the Law Commission may exercise control and supervision over the legal and other public officers assigned to the Law Commission.

Judicial  
officers.  
[2 of 1980  
47 of 1980].

15. (1) Subject to the Constitution and to any written law, control and supervision may be exercised over—

(a) the Masters of the High Court, the Chief Magistrate and the Registrar and Marshal, by the Chief Justice;

- (b) other judicial officers mentioned—
- (i) in Part I, by the Chief Magistrate under the direction of the Chief Justice;
  - (ii) in Part II, by the Registrar and Marshal under the direction of the Chief Justice;
  - (iii) in Part III, by the Chief Justice;
  - (iv) in Part IV, by the Chairman of the Appeal Board.

(1A) The Chief Justice may by Order delegate to the Chief Magistrate any administrative function relating to Magistrates or magistrates' courts vested in him by law, and any such delegation shall have effect as if it were a delegation under section 52 of the Interpretation Act.

Ch. 3:01.

(2) In this section "Part" means a Part of the Second Schedule.

Second Schedule.

## PART V

### GENERAL

16. Subject to section 3 and to the Constitution, the President may make Regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular for the following:

Regulations for the Judicial and Legal Service. [194/1977].

- (a) prescribing the probationary period on first appointment of an officer and for the reduction of such period in appropriate cases;
- (b) prescribing conditions for the termination of the first appointment of an officer on probation;
- (c) prescribing the procedure for the recovery of any penalties from an officer;
- (d) regulating the hours of attendance of officers and keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (e) adding an office to, or deleting an office from, the First, Second or Third Schedules;

First Schedule.  
Second Schedule.  
Third Schedule.

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- (f) regulating the duties and the conduct of officers;
- (g) regulating the granting of leave to officers;
- (h) prescribing any administrative functions of a Chief Legal Officer and of the Permanent Secretary;
- (i) prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes.

Application of  
Civil Service  
Act.  
Ch. 23:01.

17. Except as otherwise provided in this Act, the Civil Service Act, and any Orders or Regulations made thereunder shall not apply to the Judicial and Legal Service or to an officer.

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**FIRST SCHEDULE**

Section 3 & 4.  
[194/1977  
147/1978  
176/1978  
28/1979  
107/1979].

**LEGAL OFFICES****PART I****CIVIL LAW DEPARTMENT**

Solicitor General.  
Deputy Solicitor General.  
Assistant Solicitor General.  
Senior State Counsel.  
State Counsel IV.  
State Counsel III.  
State Counsel II.  
State Counsel I.  
Chief State Solicitor.  
Deputy Chief State Solicitor.  
Assistant Chief State Solicitor.  
Senior State Solicitor.  
State Solicitor II.  
State Solicitor I.  
Registrar General.  
Deputy Registrar General.  
Assistant Registrar General.  
Specialist Legal Officer.

**PART II****CRIMINAL LAW DEPARTMENT**

Director of Public Prosecutions.  
Deputy Director of Public Prosecutions.  
Assistant Director of Public Prosecutions.  
Senior State Counsel.  
State Counsel IV.  
State Counsel III.  
State Counsel II.  
State Counsel I.

**PART III****LEGISLATIVE DRAFTING DEPARTMENT**

Chief Parliamentary Counsel.  
Deputy Chief Parliamentary Counsel.  
Assistant Chief Parliamentary Counsel.  
Senior Parliamentary Counsel.  
Parliamentary Counsel II.  
Parliamentary Counsel I.

## PART IV

## LAW COMMISSION

\*Director of Law Revision.  
 Secretary, Law Commission.  
 Senior Legal Research Officer.  
 Legal Research Officer II.  
 Legal Research Officer I.  
 Assistant Legal Research Officer.  
 Senior Parliamentary Counsel.  
 Parliamentary Counsel II.  
 Parliamentary Counsel I.

## PART V

## OTHER MINISTRIES AND DEPARTMENTS

Treasury Solicitor.  
 Legal Adviser.  
 Senior State Counsel.  
 State Counsel IV.  
 State Counsel III.  
 State Counsel II.  
 State Counsel I.  
 Head of the Legal Division in the Office of the Ombudsman.

Sections 3, 4 &  
 16.  
 [108/1979  
 2 of 1980  
 124/1981].

## SECOND SCHEDULE

## JUDICIAL OFFICES

## PART I

Chief Magistrate.  
 Deputy Chief Magistrate.  
 Senior Magistrate.  
 Magistrate.

## PART II

Master of the High Court.  
 Registrar and Marshal.  
 Deputy Registrar and Marshal.  
 Assistant Registrar and Deputy Marshal.

## PART III

Administrative Secretary to the Chief Justice.

\*See paragraph (c) of Cabinet Minute No. 1616 dated 1st June, 1983

## PART IV

Registrar, Appeal Board.

## PART V

Registrar, Industrial Court.

## THIRD SCHEDULE

Section 5.  
[109/1979].

## PART I

## BARRISTERS

Solicitor General.  
Director of Public Prosecutions.  
Deputy Solicitor General.  
Deputy Director of Public Prosecutions.  
Assistant Solicitor General.  
Assistant Director of Public Prosecutions.  
Senior State Counsel.  
State Counsel IV.  
State Counsel III.  
State Counsel II.  
State Counsel I.  
Specialist Legal Officer.

## PART II

## SOLICITORS

Chief State Solicitor.  
Deputy Chief State Solicitor.  
Assistant Chief State Solicitor.  
Senior State Solicitor.  
State Solicitor II.  
State Solicitor I.

## FOURTH SCHEDULE

Section 10.

## PART I

## OATH (OR AFFIRMATION) OF ALLEGIANCE AND OF OFFICE

I, (A.B.), do swear by  
(solemnly affirm) that I will bear true faith and allegiance to Trinidad  
and Tobago and will uphold the Constitution and the law, and that I will  
conscientiously, impartially and to the best of my knowledge, judgment  
and ability discharge the functions of my office and do right to all manner  
of people after the laws and usages of Trinidad and Tobago without fear  
or favour, affection or illwill.

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## PART II

## OATH (OR AFFIRMATION) OF OFFICE AND SECRECY

I, (A.B.), do swear by  
(solemnly affirm) that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in (or in connection with) the Judicial and Legal Service and that I 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 such employment.

## Section 10.

[193/1977  
110/1979].

## FIFTH SCHEDULE

Director of Public Prosecutions.  
Legal Adviser.  
Solicitor General.  
Chief Parliamentary Counsel.  
Deputy Director of Public Prosecutions.  
Deputy Solicitor General.  
Deputy Chief Parliamentary Counsel.  
Chief State Solicitor.  
Registrar General.  
Secretary, Law Commission.  
Treasury Solicitor.  
Specialist Legal Officer.

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