

LEGAL NOTICE NO. 230

REPUBLIC OF TRINIDAD AND TOBAGO

JUDICIAL AND LEGAL SERVICE ACT, CHAP. 6:01

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 16 OF THE JUDICIAL AND LEGAL SERVICE ACT, CHAP. 6:01

THE LEGAL SERVICE (VACATION LEAVE) REGULATIONS, 2000

1. These Regulations may be cited as the Legal Service (Vacation Leave) Regulations, 2000. Citation

2. In these Regulations— Interpretation

“annual leave” means annual vacation leave;

“Head of Department” means a public officer who has been assigned the supervision of a department of Government in accordance with section 85 of the Constitution;

“Minister” means a Minister other than the Attorney General;

“Officer” means the holder of a legal office as prescribed by the Judicial and Legal Service Act; Chap. 6:01

“Service” means the Legal Service.

3. (1) Every officer, including a Chief Legal Officer shall be entitled to annual leave based on length of service as follows: Annual Leave entitlement

<i>Grades</i>	<i>1 to 10 years continuous service</i>	<i>Over 10 Years continuous service</i>
All officers	28 working days	35 working days

(2) In the calculation of annual leave, Saturdays, Sundays and public holidays shall not be counted.

(3) For the purpose of this Regulation, “service” includes other service in the public service.

4. (1) An application for annual leave by the Chief Legal Officer shall be made to the Attorney General and Minister of Legal Affairs (*in these Regulations referred to as the Attorney General*). Application for annual leave

(2) An application for annual leave by an officer in the Ministry of the Attorney General and Legal Affairs shall be made to the Chief Legal Officer at least two months before the date of the commencement of such leave.

(3) The Attorney General shall be informed of the decision of the Chief Legal Officer on the application at sub-regulation (2) at least one month before the date of the commencement of the leave.

(4) Where the leave has been approved, but the Attorney General is of the opinion that the exigencies of the Service are such as not to permit the officer proceeding on leave, the Attorney General may direct the Chief Legal Officer to withdraw his approval and to defer the leave.

(5) An application for annual leave by an officer serving other than in the Ministry of the Attorney General and Legal Affairs shall be made to his Permanent Secretary or Head of Department as the case may be.

Minimum  
annual leave

5. An officer, including a Chief Legal Officer, shall not take less than fourteen working days annual leave in any one year.

Deferred  
annual leave

6. An officer, including a Chief Legal Officer, who, owing to the exigencies of the Service, is required to defer his annual leave or any part thereof, shall, in the year following that in respect of which his annual leave or any part thereof was deferred be granted such deferred leave together with his annual leave for that year.

Casual absences

7. (1) An officer may, with the approval of the appropriate Chief Legal Officer, Permanent Secretary, or Head of Department as the case may be, be allowed casual absences from work to a maximum of fourteen working days per annum which shall be deducted from his annual leave.

(2) Without prejudice to any other action that may be taken against an officer, casual absence from work without the approval of the Chief Legal Officer, Permanent Secretary or Head of Department may be treated as leave without pay or may be deducted from his annual leave entitlement.

No forfeiture  
of leave

8. Subject to Regulation 10, annual leave once earned shall not be forfeited.

No leave earned  
while on leave

9. An officer, including a Chief Legal Officer, shall not earn leave while on vacation leave.

Accumulation  
of annual leave

10. (1) Subject to this Regulation, an officer, including a Chief Legal Officer, may not accumulate more than ninety days annual leave.

(2) A Chief Legal Officer may be permitted to accumulate more than ninety days annual leave only with the consent of the Attorney General.

(3) An officer may be permitted to accumulate more than ninety days leave only with the consent of the Chief Legal Officer, Permanent Secretary or Head of Department as the case may be.

Officer's  
leave upon  
retirement  
or transfer

11. (1) Where an officer, including a Chief Legal Officer, resigns from the Service and he has accumulated leave, he shall be entitled to take such leave immediately prior to the date of his resignation.

(2) Where an officer, including a Chief Legal Officer, is transferred to another Department, and has accumulated leave prior to his transfer, he shall not lose such leave upon his transfer, but shall be entitled to take such leave upon such terms and conditions that governed his leave prior to his transfer.

12. Where, upon the coming into force of these Regulations, an officer, including a Chief Legal Officer, has accumulated annual leave in excess of ninety days, he may be required to take all or such part of the excess as is agreed upon by the Permanent Secretary or Head of Department or in the case of a Chief Legal Officer, by the Attorney General.

13. Any matter of disagreement between an officer and a Chief Legal Officer, Permanent Secretary or Head of Department in relation to his application for annual leave shall be referred to the Attorney General or the appropriate Minister as the case may be for his ruling.

14. Nothing in these Regulations shall be constructed as depriving an officer, including a Chief Legal Officer, of any annual leave for which he may have been eligible before the coming into force of these Regulations.

Made this 25th day of September, 2000.

M. LOOK LOY  
*Acting Secretary to Cabinet*