

LEGAL NOTICE NO. 164

REPUBLIC OF TRINIDAD AND TOBAGO

THE PROTECTIVE SERVICES (COMPENSATION) ACT, 1996

RULES

MADE BY THE COMPENSATION COMMITTEE UNDER SECTION 14 OF THE
PROTECTIVE SERVICES (COMPENSATION) ACT

THE PROTECTIVE SERVICES (COMPENSATION) RULES, 2001

1. These Rules may be cited as the Protective Services Citation
(Compensation) Rules, 2001.

2. In these Rules—

Interpretation

“Act” means the Protective Services (Compensation) Act, of Act No. 22 of
1996; 1996

“Chairman” means the Chairman of the Compensation
Committee appointed under section 5 of the Act;

“Committee” means the Compensation Committee established
by section 5 of the Act;

“interested party” means the Commissioner of Police, the
Commissioner of Prisons or the Chief Fire Officer as the
case may be;

“Secretary” means the Secretary of the Committee appointed in
accordance with section 5 of the Act; and

“Secretariat” means the staff selected by the Permanent
Secretary of the Ministry with responsibility for national
security from among public officers of that Ministry
pursuant to section 15 of the Act, located at the Head
Office of the Ministry of National Security.

3. These Rules shall apply to a person who is entitled to make a Application of
claim for compensation under section 4 of the Act. rules

4. (1) A claim form submitted to the Committee shall be in the Claim to the
manner prescribed as Form A of the Schedule, shall be signed by the Committee
applicant, his attorney-at-law or agent and shall be addressed to the Schedule
Secretary of the Committee, Office of the Ministry of National Security. Form A

(2) A claim form may be obtained from the Secretariat of the
Committee at the Head Office of the Ministry of National Security.

(3) A claim for compensation shall be accompanied by an affidavit of the claimant showing that he satisfies the requirements for compensation under sections 3 and 4 of the Act and whether any damages have been awarded under section 17 of the Act and the affidavit shall also contain the following:

(a) whether the claim is made by—

- (i) an officer as defined by section 2 of the Act;
- (ii) a person entitled under any written law to make a claim on behalf of an officer who is so incapacitated by reason of personal injury that he is unable to make the claim himself;
- (iii) a named beneficiary of an officer who died in circumstances set out in subsection 3(1)(b) or (c) of the Act; or
- (iv) the holder of a grant of probate or a grant of letters of administration, in the absence of a named beneficiary;

(b) the circumstances under which the officer sustained the injury, setting out the facts and matters showing that the injury arose out of and in the course of the officer's employment; and

(c) whether any payment was gratuitously made to the officer or claimant by the State, in respect of the injury or death which is the subject of the application.

(4) A claim for compensation together with all supporting documents shall be filed at the Secretariat of the Committee and the Secretary shall cause a copy of the claim to be served on all interested parties within the time prescribed for the making of the claim.

(5) The claimant under section 4(1)(a) or (b) of the Act shall set out all supporting grounds in the claim and shall attach to the claim, medical evidence of the injury.

(6) The claimant under section 4(1)(c) of the Act shall attach to the claim, the death certificate of the victim.

(7) The claimant under section 4(1)(d) of the Act shall attach to the claim, the grant of probate or letters of administration, as the case may be.

Filing of
documents

5. (1) Any document required or authorised under these Rules to be filed at the office of the Committee, shall be filed by leaving the document with a duly authorised officer of the Secretariat, during normal office hours.

(2) Unless the Chairman otherwise directs, a party filing with the Committee a claim or any other supporting documents under these Rules, shall lodge at the office of the Committee in addition to the original, five copies of the claim and other supporting documents where necessary.

6. An interested party shall, within seven days after service upon him of a claim, file at the Secretariat a statement of consent or opposition to the claim, and if the latter, shall set out his reasons for so doing.

7. The Committee shall give twenty-eight clear days notice to the claimant and all interested parties of the date fixed for the hearing of the claim, in the manner prescribed in Form B of the Schedule.

8. At the hearing of a claim, the Committee shall be entitled to request by notice in writing—

(a) the attendance of any person whom in its opinion may be able to assist with the determination of the claim; and

(b) a written report from an interested party setting out the details of the incident giving rise to the claim and stating whether the claimant was acting in the course of his duty.

9. (1) The Committee shall consider any report of an interested party submitted in accordance with rule 8.

(2) On the hearing of a claim, the claimant and the interested party shall be entitled to tender evidence orally if in the opinion of the Committee further evidence is needed.

(3) An affidavit prepared for the purpose of rebutting evidence contained in a previous affidavit filed by the claimant or the interested party shall be filed at the office of the Committee and a copy thereof served on the other party not less than seven days before the date fixed for the hearing of the claim.

(4) On the hearing of a claim, where evidence is given by affidavit the Committee may, on the application of the claimant or the interested party, order the attendance for cross-examination of the person who swore to the affidavit and where, after such an order has been made, the person does not attend, the affidavit shall not be used as evidence unless with special leave of the Committee.

(5) A member designated by the Committee shall take written notes of the evidence given by each witness while under examination and these notes shall be signed by the Chairman and shall form part of the records of the particular application.

(6) At the conclusion of the hearing of a claim, the Committee may reserve its decision and order, until a date, no later than three months from the conclusion of the hearing.

(7) In the event of an appeal, the Committee shall also give reasons in writing for its award of compensation, or its refusal to award compensation, as the case may be and the reason shall be recorded in a register kept for this purpose.

Orders of the
Committee

10. (1) Where an order of the Committee stipulates the payment of compensation, the Chairman shall direct the Secretary to record the Order, in a register kept for this purpose.

Schedule 2 of
the Act

(2) An order made for compensation, shall be in accordance with the Second Schedule of the Act, and shall be forwarded by the Committee to the Permanent Secretary of the Ministry with responsibility for national security for the payment of compensation in accordance with the Order.

Functions of
the Secretary

11. (1) The Secretary shall—

- (a) have custody of the official seal of the Committee and affix it to any document to which it is required by law to be affixed or as may be directed by the Chairman and the seal shall be authenticated by the signature of the Chairman and the Secretary;
- (b) have custody and care of all records and documents belonging to the Committee or filed in its office; and
- (c) perform such other duties and functions as may be required by the Committee or as may be imposed by these Rules or the Act.

(2) A document not required by law to be under seal, that is made by the Committee and all decisions of the Committee, shall be in writing under the hand of the Chairman or the Secretary.

(3) The Secretary shall keep in the office of the Committee all books of records in which shall be entered—

- (a) a true copy of every order, award, directive or decision of the Committee; and
- (b) any document that the Committee may require to be entered therein.

(4) An entry made under subrule (3), is the original record of the order, directive, award or decision.

THE PROTECTIVE SERVICES (COMPENSATION) ACT, 1996

SCHEDULE

[Rule 4(1)]

FORM A

CLAIM FOR COMPENSATION

The Secretary,
Compensation Committee,
Port-of-Spain.

Dear Sir/Madam,

I hereby make a claim for compensation for injury/death as follows:

- 1. Full Name and Rank (Please Print)
2. Tick where appropriate: Police Service, Fire Service, Prison Service
3. Date of Birth
4. Monthly Earnings
5A. Residential Address and Telephone No.
5B. Business Address
6. Give Date and Hour when incident occurred
7. Place where incident occurred
8. Describe exactly how incident occurred
9. What injuries were sustained wholly by the incident?
10. Was the Officer on official duties at the time of the incident?
11. On what date did the Officer stop performing duties?
12. Is the Officer expected to return to work?
13. Has the Officer done any work since commencement of disability?
14. How long was the Officer totally disabled?
15. How long was the Officer partially disabled?
16. Describe fully the Officer's present condition

I, the undersigned, hereby certify that my answers to the foregoing questions are correct and true to the best of my knowledge and belief.

(Witness)

Signed (Applicant/Attorney-at-law/Agent)

Date

FORM B

(Rule 7)

No. of

IN THE MATTER OF

A.B.

A claim for compensation for injury/death under section 4 of the Protective Services
(Compensation) Act, 1996

TAKE NOTICE that on the day of, the
above-mentioned claim will be heard before the Compensation Committee at the hour of
..... in the forenoon at
(address of sitting)

Dated this day of , 2001.

*Chairman,
Compensation Committee*

TO: (Applicant's Name and Address)

AND TO: (Interested Party's Designation and Address of Office)

Made this 31st day of July, 2001.

K. M. SAGAR
*Chairman,
Compensation Committee*