

LEGAL NOTICE No. 161

REPUBLIC OF TRINIDAD AND TOBAGO

THE STATUTORY AUTHORITIES ACT, CHAP. 24:01

REGULATIONS

MADE BY THE STATUTORY AUTHORITIES APPEAL BOARD UNDER SECTION 9B(8)
OF THE STATUTORY AUTHORITIES ACT

THE STATUTORY AUTHORITIES APPEAL BOARD REGULATIONS,
1984

1. These Regulations may be cited as the Statutory Authorities Appeal Citation Board Regulations, 1984.

2. In these Regulations—

Interpre-
tation

“appellant” means the officer in respect of whom the Commission makes a decision as a result of disciplinary proceedings brought against such officer;

“the Constitution” means the Constitution set out in the Schedule to the Constitution of the Republic of Trinidad and Tobago Act; Chap. 1:01

“the Commission” means the Statutory Authorities Service Commission established under section 4 of the Statutory Authorities’ Act; Chap. 24:01

“exhibits” includes all papers, reports, records and other documents, matters and things used or prepared in connection with disciplinary proceedings;

“Executive Officer” means the most senior officer in the grade in the Statutory Authorities’ Service Commission Department;

“public officer” has the meaning assigned to it by section 3 of the Constitution;

“respondent” means the Executive Officer;

“Secretary” means the Secretary to the Statutory Authorities Appeal Board;

“the Statutory Authorities Appeal Board” or “the Appeal Board” means the Statutory Authorities Appeal Board constituted under section 9 of the Statutory Authorities Act.

3. (1) The Appeal Board shall meet at such times as may be necessary for the purpose of performing its functions.

Meetings and
procedure
of Board

(2) Meetings shall be held on such days and at such times and place as the Chairman may determine.

(3) The Chairman shall preside at all meetings of the Appeal Board.

(4) In this regulation "meetings" includes the hearing of an appeal.

Secretary

4. (1) The Appeal Board shall have a Secretary who shall be a public officer.

(2) The Secretary shall keep proper records of all proceedings before the Appeal Board.

(3) The Secretary shall, not less than seven days before the date fixed for the hearing of an appeal, notify both the appellant and the Commission of such date in the form set out as Form 2 in the Schedule.

Form 2
Schedule

Notice of
appeal
Form 1
Schedule

5. (1) Every appeal to the Appeal Board shall be by way of rehearing and shall be brought by a notice in the form set out as Form 1 in the Schedule.

(2) A notice under paragraph (1) shall—

(a) set forth the grounds of appeal;

(b) state whether the appeal is against the whole or part only of the decision of the Commission, and where it is against part only, specify which part;

(c) state the nature of the relief sought; and

(d) be signed by the appellant or his legal representative.

(3) Where the grounds of appeal allege misdirection or error in law, particulars of the misdirection or error shall be clearly stated.

(4) The grounds of appeal upon which the appellant intends to rely at the hearing of the appeal shall be set out concisely and under distinct heads, without any argument or narrative and shall be numbered consecutively.

(5) No ground which is vague or general in terms or which discloses no reasonable grounds of appeal shall be permitted, save the general ground that the judgment is against the weight of the evidence, and any ground of appeal or any part thereof which is not permitted under this regulation may be struck out by the Appeal Board of its own motion or on application by the respondent.

(6) No appellant may, without the leave of the Appeal Board, urge or be heard in support of any ground of objection not mentioned in the notice of appeal but the Appeal Board may in its discretion and upon such conditions as it considers just, allow an appellant to amend the grounds of appeal specified in the notice.

(7) Notwithstanding the provisions of this regulation, the Appeal Board in deciding the appeal—

(a) shall not be confined to the grounds set forth by the appellant;

- (b) shall not rest its decision on any ground not set forth by the appellant unless the respondent has had sufficient opportunity of contesting the matter on that ground.

6. (1) A notice of appeal shall be filed with the Secretary within fourteen days of the receipt by the appellant of the decision, in writing, of the Commission. Time for appeal

(2) The Secretary shall keep a record of and assign a number to each notice of appeal which is filed.

(3) Notwithstanding paragraph (1) the Appeal Board may extend the period specified in that paragraph if an application for an extension of time is made within one month of the expiration of that period.

(4) An application under paragraph (3) shall be made in the form set out as Form 3 in the Schedule and shall be supported by an affidavit as to the facts contained in the application. Form 3
Schedule

7. A true copy of the notice of appeal shall be served upon the respondent within seven days after the original notice has been filed. Service of appeal notice

8. An appellant shall within three weeks of the filing of his notice of appeal or within such extended time as may be granted by the Appeal Board under paragraph (3) of regulation 6 file with the Secretary an affidavit of service of the notice of appeal in the form set out as Form 4 in the Schedule. Copy of affidavit of service to be filed with Secretary
Form 4
Schedule

9. (1) Where an appeal against the decision of the Commission has been filed, the respondent shall within three weeks of the service of notice of appeal or within such extended time as may be granted by the Appeal Board, file with the Secretary five copies (or such greater number as the Secretary may require) of the record of the disciplinary proceedings upon which the decision of the Commission was based. Record of disciplinary proceedings to be filed by respondent

(2) When the provisions of paragraph (1) have been complied with, the Secretary shall—

- (a) give to the appellant notice of the filing of the record in the form set out as Form 5 in the Schedule together with a copy of that record; and Form 5
Schedule
- (b) keep for the use of the Appeal Board three copies (or such greater number as may be required) of the record and of any notice or other document received by him after the record has been filed.

10. An appellant who desires to withdraw his appeal shall—

- (a) file with the Secretary a notice in the form set out as Form 6 in the Schedule; Procedure on withdrawing appeal
Form 6
Schedule
- (b) serve on the respondent a copy of the notice of withdrawal.

Officer
entitled to
counsel or
solicitor

11. (1) An officer is entitled on an appeal to be represented—
- (a) by counsel or solicitor or an officer of the Statutory Authority of which he is a member, selected by him; or
 - (b) by a member of his staff association.

(2) On an appeal the respondent may appear in person or may be represented by a legal or other representative.

Appeal
Board may
require
production
of exhibit

12. On an appeal the Appeal Board may at any time require the production of any exhibit which in its opinion is relevant to the proceedings before it.

Power of
Appeal
Board to
dismiss
appeal

13. (1) Where after filing a notice of appeal, an appellant—
- (a) fails to comply further with any other requirement of these Regulations; or
 - (b) fails to appear on the date of the hearing, the Appeal Board may dismiss the appeal.

(2) An appellant whose appeal has been dismissed under paragraph (1) may apply for the restoration of his appeal in the form set out as Form 7 in the Schedule, supporting such application by an affidavit as to the facts contained therein.

Form 7
Schedule

(3) Where an application is made pursuant to paragraph (2), the Appeal Board may, if it is satisfied that the justice of the case so demands, order that the appeal should be restored on such terms as it thinks fit.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date of the dismissal of the appeal.

Procedure
where
respondent
fails to
appear at
hearing

14. (1) Where the respondent fails to appear on the date of the hearing of an appeal, the Appeal Board may proceed to hear the matter *ex parte*.

(2) The respondent may, where an appeal is heard *ex parte* apply by notice, in the form set out as Form 8 in the Schedule, to the Appeal Board to set aside its decision.

Form 8
Schedule

(3) The Appeal Board may where an application is made pursuant to paragraph (2), and if it is satisfied that the justice of the case so demands, order a rehearing of the appeal.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date when the appeal was heard *ex parte*.

SCHEDULE

FORM 1

(Regulation 5)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Notice of Appeal

Appeal No.....of 19.....

Between

..... Appellant
and

..... Respondent
TAKE NOTICE that the Appellant being dissatisfied with the decision or part thereof of the

Commission given on the.....day of.....19.....and
more particularly stated in paragraph 2 hereby appeals against such decision or part thereof
to the Statutory Authorities Appeal Board on the grounds set forth in paragraph 3 and will
at the hearing of the appeal seek the relief set out in paragraph 4.

2.

(Insert here the decision or the part thereof against which the notice of appeal is filed)

3. State grounds of appeal and particulars of the misdirection or error in law on which
the decision was based:—

- (a)
(b)
(c)
(d)

4.

(Insert here the relief sought from the Statutory Authorities Appeal Board)

Dated this.....day of.....19.....

.....
Appellant or his
Legal Representative

FORM 2

(Regulation 4)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Notice of Hearing of Appeal

Appeal No..... of 19.....

Between

..... Appellant
and

..... Respondent
TAKE NOTICE that the above-mentioned Appeal will come on for hearing before the
Statutory Authorities Appeal Board at.....on the

(Address)

.....day of.....19.....at.....a.m./p.m.
and continuing thereafter as the Appeal Board may direct.

Dated this.....day of.....19.....

.....
Secretary, Statutory Authorities
Appeal Board

To:
.....
.....

FORM 3

(Regulation 6)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Application for Extension of time to file Appeal

Appeal No.of 19.....

In the Matter of.....
(Applicant to insert name here)

and

THE STATUTORY AUTHORITIES SERVICE COMMISSION

and

In the Matter of an Application for an Extension of Time to file an Appeal

I,of.....
Occupation.....hereby apply for an extension of
time to file an appeal against the decision of the Statutory Authorities Service Commission
given on the.....day of.....19.....I was unable
to file the appeal within the period specified by the Statutory Authorities Appeal Board
Regulations, 1984 because.....

(State reason why appeal was not filed within the specified period)

Dated this.....day of.....19.....

.....
Applicant

FORM 4

(Regulation 8)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Affidavit of Service of Notice of Appeal

Appeal No.....of 19.....

Between

..... Appellant

and

..... Respondent
I,of.....

Occupation.....do make oath and say:—
That Notice of Appeal in the above-named appeal filed on the.....day of
.....19.....was served upon the Executive Director,
Statutory Authorities Service Commission, the Respondent.....
(here state mode of service)

on the.....day of.....19.....
in accordance with regulation 7 of the Statutory Authorities Appeal Board Regulations,1984

Sworn to at.....
(Address)

on the.....day of.....19.....

Before me

.....
Commissioner of Affidavits

This affidavit is filed on behalf of.....

(to be completed where service is effected on behalf of the Appellant)

FORM 5

(Regulation 9)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Take Notice that Record has been Filed

Appeal No.....of 19.....

Between

..... Appellant

and

..... Respondent

TAKE NOTICE that the Respondent has filed the record of proceedings (a copy of which is enclosed) pursuant to regulation 9 of the Statutory Authorities Appeal Board Regulations, 1984.

Dated this.....day of....., 19.....

.....
*Secretary, Statutory Authorities
Appeal Board*

To: The Appellant

.....
.....
.....

FORM 6

(Regulation 10)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Notice of withdrawal of Appeal

Appeal No.....of 19.....

Between

..... Appellant

and

..... Respondent

TAKE NOTICE that the Appellant hereby withdraws his appeal against the Respondent in the above-named appeal.

Dated this.....day of....., 19.....

.....
Appellant

FORM 7

(Regulation 13)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Notice of Application for Restoration of Appeal

Appeal No.....of 19.....

Between

..... Appellant

and

..... Respondent

TAKE NOTICE that I..... the Appellant in the above-named appeal which was dismissed on the..... day of..... 19..... hereby apply for the restoration of the said appeal on the grounds that—

- (a)
- (b)
- (c)
- (d)
- (e)

(State grounds on which application is based)

Dated this.....day of....., 19.....

..... Applicant/Appellant

FORM 8

(Regulation 14)

BEFORE THE STATUTORY AUTHORITIES APPEAL BOARD

Notice of Application for setting aside decision in Appeal taken *ex parte*

Appeal No.....of 19.....

Between

..... Appellant

and

..... Respondent

TAKE NOTICE that the Executive Officer, Statutory Authorities Service Commission, the Respondent in the above-named appeal which was decided *ex parte* on the..... day of....., 19..... hereby applies for a setting aside of that decision on the grounds that—

- (a)
- (b)
- (c)
- (d)

(State grounds on which application is based)

Dated this.....day of....., 19.....

..... Appellant/Respondent

Dated this 15th day of November, 1984.

G. M. SCOTT
Chairman, Statutory Authorities
Appeal Board