

LEGAL NOTICE NO. 260

REPUBLIC OF TRINIDAD AND TOBAGO

THE STATUTORY AUTHORITIES ACT, CHAP. 24:01

REGULATIONS

MADE BY THE STATUTORY AUTHORITIES' SERVICE COMMISSION WITH THE
CONSENT OF THE PRIME MINISTER PURSUANT TO SECTION 6 OF THE
STATUTORY AUTHORITIES ACT

THE STATUTORY AUTHORITIES' SERVICE COMMISSION
(AMENDMENT) REGULATIONS, 2006

1. These Regulations may be cited as the Statutory Authorities' Service Commission (Amendment) Regulations, 2006. Citation
2. In these Regulations, the Statutory Authorities' Service Commission Regulations are referred to as "the Regulations". Interpreta-
tion G.N.
No. 61 of
1968
3. The Regulations are amended in the definition of "acting appointment" by deleting the words "whether on promotion or otherwise". Regulation 2
amended
4. Regulation 36 of the Regulations is revoked. Regulation 36
revoked
5. Regulation 58 of the Regulations is revoked. Regulation 58
revoked
6. The Regulations are amended by inserting after regulation 87, the following regulation: Regulation
87A inserted
 - 87A. (1) Where the Commission becomes aware of an allegation of indiscipline or misconduct of an officer being a Head of a Statutory Authority, the Commission shall appoint an officer to investigate the allegation.
 - (2) Regulation 90(3) to 90(6) shall apply in respect of an investigation referred to in subregulation (1).".
7. Regulation 90 of the Regulations is amended in subregulation (5) by deleting the words "twenty-one", and substituting the word "thirty". Regulation 90
amended
8. Regulation 95 of the Regulations is revoked and the following regulation is substituted: Regulation 95
revoked and
substituted

“Appointment
of disciplinary
tribunal” 95. (1) Where the Commission, pursuant to regulation
90(6) charges—

- (a) an officer; or
- (b) an officer being a Head of a Statutory Authority,

respecting an alleged act of indiscipline or misconduct and the provisions of regulation 93 apply, the Commission may, subject to this regulation, appoint a disciplinary tribunal to hear evidence and find the facts.

(2) A tribunal appointed under subregulation (1) may be constituted of—

- (a) one officer; or
- (b) an uneven number of officers not being less than three.

(3) For the purposes of subregulation (2), a reference to “officer” includes a reference to a retired officer.

(4) An officer selected under subregulation (2)—

- (a) shall be, or in the case of a retired officer shall have been, of a grade higher than that of the officer charged; or
- (b) shall in no case be of a grade lower than Clerk IV, or in the case of a retired officer shall not have retired at a grade lower than Clerk IV.

(5) Where there is no officer meeting the requirements of subregulation (4) available to be appointed to the tribunal to which this regulation refers, the Commission may appoint a tribunal consisting of such other persons as it may consider suitable.”

Regulation 101
amended

9. Regulation 101 of the Regulations is amended—

(a) by revoking subregulation (1) and substituting the following subregulation:

“ (1) The standard of proof in any proceedings under this Part shall be that required in a court of law in civil cases.”;

(b) by inserting after subregulation (3), the following subregulation:

“ (4) Any explanation given by an officer in accordance with regulation 90(3) shall be admissible at the relevant hearing.”

10. Regulation 106 is amended by revoking subregulations (2) and (3) and substituting the following subregulations: Regulation 106 amended

“ (2) The Commission shall as soon as possible after the hearing of charge, inform the officer in writing—

- (a) of its findings and of the penalty imposed on him;
- (b) of his right to apply for an appeal to the Statutory Authorities' Appeal Board; and
- (c) of the time specified in the Statutory Authorities' Appeal Board Regulations for making an application under paragraph (b).

(3) Where the officer—

- (a) makes application for an appeal to the Statutory Authorities' Appeal Board within the time referred to in subregulation (2)(c), the penalty shall not take effect pending the determination of the appeal by the said Appeal Board; or
- (b) does not make an application for an appeal to the Statutory Authorities' Appeal Board within the time referred to in subregulation (2)(c), the penalty shall take effect at the expiry of the time specified in the Statutory Authorities' Appeal Board Regulations for making the application.”

11. Regulation 107 of the Regulations is amended—

Regulation 107 amended

(a) by repealing subregulations (2) and (3) and substituting the following subregulations:

“ (2) The Commission shall, as soon as possible after the hearing of charge, inform the officer in writing—

- (a) of its findings and of the penalty imposed on him;
- (b) of his right to apply for an appeal to the Statutory Authorities' Appeal Board; and
- (c) of the time specified in the Statutory Authorities' Appeal Board Regulations for making an application under paragraph (b).

(3) Where the officer—

(a) makes application for an appeal to the Statutory Authorities' Appeal Board within the time referred to in subregulation (2)(c), the penalty shall not take effect pending the determination of the appeal by the said Appeal Board;

(b) does not make an application for an appeal to the Statutory Authorities' Appeal Board within the time referred to in subregulation (2)(c), the penalty shall take effect at the expiry of the time specified in the Statutory Authorities' Appeal Board Regulations for making the application.”;

(b) in subregulation (4), by deleting the words “in regulation 115; and substituting the words “in the Statutory Authorities' Appeal Board Regulations”.

12. The Regulations are amended by revoking Part IX.

Part IX
revoked

L. BRYAN
*Chairman of the Statutory
Authorities' Service Commission*

T. SEEOBIN
Deputy Chairman

I. TRIM
Member

V. SOOKHAI-SINGH
Member

K. BOSWELL INNISS
Member

C. BAPTISTE
Member

Dated this 8th day of August, 2006.

Consented.

P. MANNING
Prime Minister

Dated this 5th day of September, 2006.