

FIRE SERVICE ACT

CHAPTER 35:50

Act

31 of 1965

Amended by

124/1966	106/1983
10 of 1968	107/1983
268/1971	176/1984
217/1973	5 of 1985
5 of 1974	169/1993
42 of 1975	3 of 1994
186/1976	*10 of 1997
208/1977	20 of 1997
45 of 1979	17/2000
63/1980	22 of 2006
31/1982	*13 of 2010
94/1982	*2 of 2012
40/1983	

*See Note on page 2

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Note on Subsidiary Legislation

1. Section 10 of the Law Revision (Miscellaneous Amendments) (No. 1.) Act 1979 (No. 45 of 1979) provides that notwithstanding the repeal of the Colonial Fire Brigade Long Service Medal Regulations 1958 (GN 17/1958), any medal or clasp granted under those Regulations shall continue to be as valid and effective, and may be worn and used by the persons entitled to do so under those Regulations in all respects as if those Regulations were still in force.

2. The Remuneration (Fire Service) Order, LN 140/1982 has been omitted because the Order is of a temporary character.

3. The Fire Brigade (Volunteer Sections) Regulations (RG 21.2.42) (1950 Edition Vol. VIII p. 301) which have been saved by section 34(2) of this Act have been omitted.

4. For other Regulations relating to the Fire Service, *see* regulations 146 to 163 of the Public Service Commission Regulations, 1966 (GN 132/1966) published as subsidiary legislation to the Constitution of the Republic of Trinidad and Tobago Act (Chapter 1:01).

5. The Fire Service (Code of Conduct) Regulations (LN 75/1990) was revoked by LN 267/1998.

Note on Act No. 10 of 1997

Section 6 of Act No. 10 of 1997 provides as follows:

“6. (1) Section 7(1) of the Act is amended by deleting paragraphs (c) and (d).

(2) Notwithstanding subsection (1), an Order made under paragraph (c) or (d) of section 7(1) of the Act that was in force immediately prior to the commencement of this Act shall continue to remain in force.”.

Note on Act No. 13 of 2010

By section 26 of Act No. 13 of 2010 amendments made to Schedule 5 took effect from 1st September 2010. Further, by section 25, all payments made between 1st September 2010 and 1st January 2011 have been validated.

Note on Act No. 2 of 2012

The provisions of section 19A inserted by Act No. 2 of 2012 took effect from 1st October 2011.

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FIRE SERVICE ACT

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CHAPTER 35:50

FIRE SERVICE ACT

31 of 1965. **An Act to make provision for the classification of the Fire Service, to provide procedures for the settlement of disputes between the Government and the Fire Service, to provide for matters concerning the relationship between the Government and the Fire Service, to amend the law relating to the Fire Service and for matters connected with and incidental thereto.**

Commencement.
97/1966.

[27TH AUGUST 1966]

Short title.

1. This Act may be cited as the Fire Service Act.

Interpretation.
[42 of 1975
10 of 1997].

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 duties that a fire 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;

“appropriate recognised association” means an association recognised by the Minister of Finance under section 30 as the bargaining body for any class or classes of fire officers;

“authorised officer” means the Chief Fire Officer or any other fire officer designated as such by the Chief Fire Officer under section 42;

“building” includes any structure whether temporary or permanent;

“Chief Fire Officer” and “Deputy Chief Fire Officer” mean respectively the persons appointed to the offices of Chief Fire Officer and Deputy Chief Fire Officer;

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

“dispute” means any matter respecting fire officers upon which agreement has not been reached between the Personnel Department and the appropriate Fire Service association and which has been reported to the Minister under section 22 or 23;

“fire officer” means a person who is appointed to perform the duties of an officer in the Fire Service of continuing indeterminate duration;

“Fire Service” means the Service established by section 3;

“former Ordinance” means the Fire Brigades Ordinance repealed by this Act; Ch. 11. No. 4.
(1950 Ed.).

“office” means an office in the Service as specified in the First Schedule; First Schedule.

“pay” means the amount payable to an officer at a rate prescribed in respect of his office, and for the purposes of the Fifth Schedule may include certain prescribed allowances; Fifth Schedule.

“Personnel Department” or “the Department” means the Personnel Department established under the Civil Service Act; Ch. 23:01.

“public premises” means any building enclosure or any other area or part of a building enclosure or any other area to which the public has access either generally or conditionally and whether on payment or otherwise;

“public service” has the meaning assigned to that expression in section 3 of the Constitution;

“remuneration” means pay and allowances;

“Special Tribunal” means the Special Tribunal established by section 21(1) of the Civil Service Act.

PART I

ESTABLISHMENT, OBJECTS AND STRUCTURE OF THE FIRE SERVICE

3. (1) The several public offices in the public service, from time to time set out in the First Schedule shall be deemed to constitute the Trinidad and Tobago Fire Service, which is hereby established for the purposes of this Act. Establishment
of Fire Service.
[10 of 1997].
First Schedule.

(2) A public officer who holds such a public office, that by subsection (1) is deemed to be an office in the Fire Service, shall be referred to as a fire officer.

(3) }
 (4) } (*Deleted by Act No. 10 of 1997*).

(5) References to a Fire Brigade or to any member thereof in any written law in force immediately before the commencement of this Act, shall, as from the commencement of this Act, be read and construed as references to the Fire Service or to a member thereof, respectively.

Purposes of
Fire Service.
[10 of 1997].

3A. The purposes of the Trinidad and Tobago Fire Service are—

- (a) to save and protect life or property from damage or destruction by fire or other hazards, whether fire related or not;
- (b) to provide and advise upon, preventive measures against the occurrence of such damage or destruction;
- (c) to render related humanitarian services where required; and
- (d) to conduct investigations in order to ascertain the cause or origins of a fire, or other hazard requiring the services of the Fire Service.

Private
functions.
[10 of 1997].

3B. Subject to the exigencies of the Service, the Chief Fire Officer may make available to a person upon receipt of the prescribed application and payment of a prescribed fee, the services of an officer who is not rostered for duty, for the prevention of damage to life and property by fire and other hazards, whether fire related or not.

CLASSIFICATION AND DIVISION OF THE FIRE SERVICE

Classification
of Offices.
First Schedule.

4. (1) The President may, from time to time by Order, add to, vary or amend the Classification of Offices set out in the First Schedule.

(2) The Classification of Offices set out in the First Schedule shall be the basis hereafter for any Classification Order made under this section. First Schedule.

(3) The classification titles of the offices set out in the First Schedule shall be observed in all records and communications of the Public Service Commission, the Auditor General, the Treasury and in all departmental estimates and Parliamentary returns and appropriations.

5. The Fire Service shall consist of two Divisions that is to say— Divisions of Fire Service.

- (a) the First Division;
- (b) the Second Division.

6. (1) The First Division shall include the offices specified in the Second Schedule and such other offices as the President may, by Order, prescribe. Composition of respective Divisions. Second Schedule.

(2) The Second Division shall include the offices specified in the Third Schedule and such other offices as the President may, by Order, prescribe. Third Schedule.

*7. (1) The President may by Order— Remuneration Orders. [10 of 1997].

- (a) determine the pay in respect of an office in a grade;
- (b) establish the allowances that may be paid in addition to pay.
- (c) } *(Repealed by Act No. 10 of 1997).*
- (d) }

(2) Any Order made in respect of the matters specified in subsection (1)(a) and (b) shall be referred to as a Remuneration Order.

8. (1) The Chief Fire Officer may, in writing, delegate to an officer all or any of his powers or functions (other than the power of delegation) under— Delegation by Chief Fire Officer. [10 of 1997].

- (a) a relevant Act;
- (b) the regulations made under a relevant Act;
- (c) an agreement made under Part II of the Act;
- (d) an award made under Part III of the Act.

*See Note on Act No. 10 of 1997 at page 2.

(2) A power or function delegated, in accordance with subsection (1), when exercised or performed by the delegate, shall be deemed to have been exercised or performed, as the case may be, by the Chief Fire Officer.

(3) A delegation of a power or function by the Chief Fire Officer under subsection (1)—

(a) may be absolute or conditional;

(b) does not prevent the exercise of the power or the performance of the function by the Chief Fire Officer;

(c) may be revoked at any time by the Chief Fire Officer.

(4) Every delegation under this section shall be revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Chief Fire Officer.

(5) Any delegation under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding any change in the incumbency of the office of the Chief Fire Officer.

TENURE

Tenure of office.

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

Term appointments.

10. A person who is appointed to an office in the Fire Service for a specified period shall cease to be a fire officer at the expiration of that period.

Resignation.

11. A fire officer who intends to resign his office shall give such period of notice as may be prescribed by Regulations.

Fire officers and voting.

12. A fire officer shall not be debarred from voting at any election if, under the laws governing the election, he has the right to vote.

13. A fire officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a Council.

Fire officers and political activities.

14. (1) Subject to this section a fire officer may not—

Public statements by fire officers on certain matters.

(a) in any public place or in any document or any other medium of communication whether within Trinidad and Tobago or not, publish any information or expressions of opinion on matters of national or international political controversy;

(b) 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 Council candidate.

Ch. 2:01.

(2) The provisions of subsection (1)(a) shall not apply—

(a) where a fire officer is acting in the execution of his official duties;

(b) subject to this section—

(i) where the information or opinion is published in the course of a lecture or address, the subject matter of which is approved by the Minister to whom responsibility for the Fire Service is assigned, made or given at an educational institution in the bona fide pursuit of the professional activities of the fire officer; or

(ii) where the information or opinion is expressed in an article or other literary contribution, the subject matter of which is approved by the Minister to whom responsibility for the Fire Service is assigned, to a journal or other periodical or document prepared in pursuit of the profession as mentioned above.

(3) In this section “publish” means to communicate the information or opinion to any other person whether by word or in writing and includes the broadcasting of words and pictures by wireless telegraphy; and in relation to any writing means exhibiting

in public or causing to be read or seen or showing or delivering or causing to be shown or delivered in order that the writing may be read or seen by any person.

Fire officers to take oath of office and secrecy. Fourth Schedule.

15. Every fire officer, shall, on his appointment, take and subscribe the oath or affirmation of office and secrecy set out in the Fourth Schedule.

TERMINATION

Modes of leaving Fire Service. [10 of 1997].

16. The modes by which a fire officer may leave the Fire Service are as follows:

- (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;
- (ea) on being retired in the public interest;
- (eb) on abandonment of office;
- (f) on the expiry or other termination of an appointment;
- (g) on the abolition of office;
- (h) in the case of a fire officer on probation, on the termination of appointment.

RETIREMENT, PENSIONS, GRATUITIES

Age of retirement for fire officers. [10 of 1968 5 of 1974 10 of 1997].

17. (1) A fire officer in the Second Division shall retire from the Fire Service on his attaining the age of fifty-five years but may, with the approval of the Public Service Commission, be permitted to retire on his attaining the age of fifty years.

(2) A fire officer in the First Division shall retire from the Fire Service on his attaining the age of sixty years, but may—

- (a) at his option retire; or
- (b) be retired at the instance of the Public Service Commission,

from the Fire Service at any time after he has attained the age of fifty-five years.

(3) Notwithstanding subsection (2) a fire officer in the First Division who has attained the age of fifty years may, with the approval of the Public Service Commission, be permitted to retire from the Fire Service at any time after he has attained that age.

(4) This section is without prejudice to any other written law providing for the retirement of fire officers from the Fire Service.

18. The pensions, gratuities and other allowances to be granted in respect of the services of fire officers in the First and Second Divisions shall be determined in accordance with the provisions set out in the Fifth Schedule.

Pensions, gratuities and other allowances. [10 of 1968 5 of 1974]. Fifth Schedule.

PART II

DUTIES OF THE PERSONNEL DEPARTMENT IN RELATION TO THE FIRE SERVICE

19. (1) In addition to any duties or powers imposed or conferred by any other written law, the Personnel Department shall in relation to the Fire Service carry out such duties as are imposed on it in this Act and the Regulations, and without limiting the generality of the foregoing shall have the following duties:

Powers and duties of the Department. [45 of 1979].

- (a) to maintain the classification of the Fire Service and to keep under review remuneration payable to fire officers;
- (b) to administer the general Regulations respecting the Fire Service;
- (c) to provide for and establish procedures for consultation and negotiation between the Department and an appropriate recognised association in respect of—
 - (i) the classification of officers;
 - (ii) any grievances;
 - (iii) remuneration;
 - (iv) the terms and conditions of employment.

(2) The Minister of Finance may make recommendations with regard to remuneration to be paid to fire officers.

Consideration of recommendation on pay rates.

(3) The Minister of Finance shall, before making recommendations on remuneration under subsection (2)—

- (a) consider the requirements of the Fire Service;
- (b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the Fire Service and the relationship of the duties of the various grades within the Fire Service; and
- (c) be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act.

Ch. 88:01.

Consultation with organisations.

(4) Prior to formulating any recommendations under subsection (2), the Minister of Finance may require the Personnel Department to consult with representatives of the appropriate recognised association with respect to the matters specified in subsection (1).

Duty allowance. [2 of 2012].

***19A.** Notwithstanding any other provision in this Act and any other written law, the President, by Order, may grant a duty allowance to officers in the First Division and Second Division in the Fire Service.

Department in negotiations subject to direction of Minister of Finance. Ch. 23:01.

20. Notwithstanding section 13(1) of the Civil Service Act in the exercise of its duties and functions under sections 19, 21, 22, 23 and 24(1), the Personnel Department shall be subject to the direction of the Minister of Finance.

Consultation with association of fire officers.

21. The Department shall, from time to time, consult with representatives of the appropriate recognised association with respect to the matters specified in section 19 at the request of the representatives or whenever in the opinion of the Minister of Finance the consultation is necessary or desirable.

Where no agreement reached on proposals of association.

22. Where the Personnel Department consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 19 at the request of the representatives, and the Personnel Department and the appropriate

*See Note on page 2.

recognised association are, within twenty-one days of the commencement of the consultation and negotiation or within such further period as may be agreed upon unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on the report being made a dispute shall be deemed to exist as to such matter.

23. Where the Personnel Department before making proposals with respect to matters specified in section 19 does not consult with representatives of the appropriate recognised association, the Personnel Department shall submit the proposals to the appropriate recognised association for consideration and agreement, save that where the Personnel Department, and the appropriate recognised association are, within twenty-one days of the submission of the proposals as mentioned above, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on the report being made a dispute shall be deemed to exist as to such matter.

Department to submit proposals to association for approval.

24. (1) Where the Department and the appropriate recognised association reach agreement on any of the matters specified in section 19 after consultation and negotiation in accordance with section 22 or 23, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the Minister of Finance and by a person designated by the appropriate recognised association on behalf of the association.

Agreement reached with Department.

(2) Any agreement recorded and signed in accordance with subsection (1) shall be binding upon the Government and the fire officer to whom the agreement relates.

25. (1) Where a dispute exists under section 22 or 23, the Minister shall refer the dispute for settlement to the Special Tribunal established under section 26 within twenty-one days from the date on which the dispute was reported to him.

Disputes to be referred to Special Tribunal.

(2) Where the Minister fails to refer the dispute to the Special Tribunal within the time specified in subsection (1) the appropriate recognised association that is a party to the dispute

shall do so within twenty-one days from the date of the expiration of the time specified in the subsection.

(3) For the purposes of this Act the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association of fire officers.

PART III

FUNCTIONS OF SPECIAL TRIBUNAL IN RELATION TO FIRE SERVICE

Special Tribunal established. [45 of 1979].

26. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 25 and shall make an award on the dispute.

(2) An award made by the Special Tribunal shall be final.

(3) In addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the appropriate recognised association and the Chief Personnel Officer, the Special Tribunal in its judgment shall be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act.

Ch. 88:01.

Awards to be binding on parties for fixed period.

27. (1) An award made by the Special Tribunal under section 26 shall be binding on the parties to the dispute and on all fire officers to whom the award relates and shall continue to be binding for a period to be specified in the award, not less than five years from the date upon which the award takes effect.

(2) The Special Tribunal may with the agreement of the parties to an award review the award at any time after the expiry of the third year.

PART IV

FIRE SERVICE ASSOCIATIONS

28. }
to } (*Repealed by Act No. 10 of 1997*).
29. }

30. (1) Fire officers may form associations, and such associations shall, subject to this Act and the Regulations, be recognised by the Minister of Finance as appropriate associations for consultation and negotiation in respect of any of the matters specified in section 19 and any other matters concerning fire officers.

Representation of fire officers. [10 of 1997].

(2) *(Repealed by Act No. 10 of 1997).*

(3) An association formed pursuant to subsection (1) may not be recognised as a trade union.

31. The President may make Regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the Minister of Finance of associations formed pursuant to section 30(1).

Regulations governing recognition.

32. (1) Every association formed pursuant to section 30(1) shall make Rules providing for the good government of the association and for carrying out the objects of the association and with respect to the Rules the following provisions shall have effect:

Association to make rules.

(a) the Rules shall contain provisions in respect of the several matters mentioned in the Sixth Schedule;

Sixth Schedule.

(b) a copy of the Rules and every amendment thereto shall be delivered by the association to every fire officer who is a member of that association on demand on payment of the prescribed sum.

(2) The Rules of an association shall be filed with the Registrar General, and any amendments thereof shall have effect from the date on which they are filed unless some later date is specified from which they shall have effect.

33. (1) On any complaint in writing signed by not less than fifty financial members of an association or, in the case of the appropriate recognised association of fire officers in the First Division, by not less than five financial members, respecting the Rules or business of the association, the Registrar General shall

Complaints by members of association.

inquire into the complaint and may either dismiss it or if after giving the complainants and the association an opportunity of being heard, he finds the complaint to be justified may either—

- (a) so declare, but make no order under this subsection; or
- (b) make an order specifying the steps which the association must take to remove the cause for complaint.

(2) It shall be the duty of the Registrar General to furnish a statement either written or oral, of the reasons for any decision which he gives under this section.

(3) Any order made by the Registrar General shall be binding on the association and failure to comply with the order shall render the association liable to withdrawal of recognition by the Minister of Finance.

(4) The Registrar General may order the association to pay the complainant out of the funds of the association or a complainant to pay to the association a specified sum in respect of the costs incurred by the complainant or the association, as the case may be, and such sum shall be recoverable summarily as a civil debt.

GENERAL

Regulations for
the Fire Service.
[10 of 1997].

34. (1) The President may make Regulations for carrying out or giving effect to this Act, and in particular the following matters:

- (a) for prescribing the terms and conditions of employment in the Fire Service;
- (aa) for prescribing qualifications for appointment to an office in the Fire Service;
- (b) for prescribing allowances, not being allowances that may be established by Order under section 7;
- (c) for prescribing the probationary period on first appointment or subsequent appointment and for the waiver, reduction or extension of such probationary period in appropriate cases;

- (d) for prescribing conditions for the termination of first appointments;
- (e) for prescribing the procedure for the recovery of any penalties from a fire officer;
- (f) for regulating the hours of attendance of fire officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (g) for regulating the duties to be performed by fire officers;
- (ga) for prescribing charges for the services of officers provided under section 3B and allowances payable to the officers so provided;
- (h) for regulating the granting of leave to fire officers;
- (i) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (j) the training of officers in the Fire Service;
- (k) for prescribing matters to be included in orders to be made by the Chief Fire Officer including matters of accoutrement and uniform;
- (l) for prescribing and providing for the use of powers under this Act or the Regulations;
- (m) for regulating generally the terms and conditions of temporary employment;
- (n) generally, for the good order and government of the Fire Service.

*(2) Any Regulations respecting the Fire Service in operation at the coming into operation of this Act shall have effect in relation to fire officers under this Act until Regulations have been made under this Act.

35. It is the duty of every fire officer—

- (a) to preserve life and property from damage or destruction whether arising from fire or not;

Duties of
fire officers.
[10 of 1997].

*Saved Fire Brigade (Volunteer Sections) Regulations (1950 Edition Vol. VIII p. 301).

- (b) to take all reasonable steps for the removal of hazards whether fire related or not or to report them to a senior officer of the Fire Service for attention;
- (c) to report to a senior officer of the Fire Service or senior officer of the Police Service any act or omission occurring either before, during or after a fire or other disaster that, in his opinion, contributed directly or indirectly to damage or danger; and
- (d) generally to do and perform all the duties appertaining to the office of a member of the Service.

Powers of arrest.

36. A fire officer may arrest without a warrant any person who assaults, obstructs or impedes him or any other member of the Fire Service in the execution of any of their duties under this Act.

PART V

SUPPLY OF WATER FOR FIREFIGHTING

Duty of Chief Fire Officer to ensure supply of water for firefighting. [10 of 1997].

37. The Chief Fire Officer shall take all reasonable measures for ensuring the provision of an adequate supply of water for firefighting or other purposes of the Fire Service.

Supply of water by Water and Sewerage Authority. [10 of 1997].

38. (1) For the purposes of section 37, the Comptroller of Accounts may with the approval of the Chief Fire Officer enter into an agreement with the Water and Sewerage Authority (in this Part referred to as “the Authority”) whereby the Authority will take measures, on such terms as to payment or otherwise as may be agreed, for securing that an adequate supply of water will be available for firefighting or other purposes of the Fire Service.

(2) The Authority shall not unreasonably refuse to enter into any agreement proposed under subsection (1).

(3) Any question whether the Authority has unreasonably refused to enter into any agreement under this section shall be determined by the President.

(4) Notwithstanding any other provision of this section, wherever the Chief Fire Officer is satisfied that the existing supply of water provided by the Authority for domestic and industrial purposes is likely to be inadequate for firefighting or other purposes of the Fire Service, the Comptroller of Accounts may, with the approval of the Chief Fire Officer, enter into an agreement with the Authority for the provision of the additional supply of water as may be specified in the agreement.

(5) The Authority shall, at the request of the Chief Fire Officer, fix fire hydrants on their mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for firefighting or other purposes of the Fire Service, and shall keep in good order and, whenever required by the Chief Fire Officer, renew every such hydrant.

(6) Any difference of opinion as to the number or proper position of any hydrant referred to in subsection (5) shall be referred to and determined by the President.

(7) For the purposes of this Act, fire hydrants shall be of such design as the Chief Fire Officer may require.

(8) As soon as any fire hydrant referred to in this section has been installed, the Authority shall, if required to do so by the Chief Fire Officer, deposit a key of the hydrant at every place within the limit of its supply where any public fire engine is kept, and at such other place as may be appointed by the Chief Fire Officer.

(9) The Authority shall cause the situation of every fire hydrant provided to be plainly indicated by a notice or distinguishing mark which may be placed on any wall or fence adjoining a highway or other place to which the public has access.

(10) The cost of the fire hydrants and of fixing, maintaining and renewing them, and of indicating their situation and providing such keys as mentioned above, shall be defrayed by the Government.

(11) The Government is not liable for the cost of repairing or replacing any fire hydrant where the fire hydrant is damaged as

a result of its having been used by or with the approval of the Authority for any purpose other than firefighting or other purposes of the Fire Service.

Penalty for failure by Authority to comply with obligations. [169/1993].

39. (1) If the Authority fails to comply with any of its obligations under this Part, except when prevented from so doing by unavoidable accident or cause, or during the execution of necessary works, it is liable on summary conviction to a fine of seven hundred and fifty dollars and to a further fine of seventy-five dollars for each day during which the failure continues after notice thereof from the Chief Fire Officer.

(2) A person who uses a fire hydrant otherwise than for firefighting purposes or other purposes of the Fire Service or otherwise than for any purposes approved by the Authority, or who damages or obstructs any fire hydrant otherwise than in consequence of its use for any such purpose, is liable on summary conviction to a fine of four hundred and fifty dollars.

Notice to be given of proposed works affecting water supply and fire hydrants.

40. (1) Where the Authority proposes to carry out any works for the purpose of supplying water to any place within its limits of supply the Authority shall give notice in writing thereof to the Chief Fire Officer, and the notice shall be given not less than six weeks before the works are begun.

(2) Not less than seven days before any works that affect any fire hydrant are begun, the Authority shall give notice thereof to the Chief Fire Officer, but where, in an emergency, it is not practicable for the notice to be given the Authority shall give the notice as soon as possible.

(3) When the Authority proposes to lay a water main, the Chief Fire Officer may require the Authority to lay a main of such size as he may specify; and the additional cost, if any, involved in laying a main of the specified size shall be borne by the Government.

(4) Any difference of opinion between the Chief Fire Officer and the Authority as to the size of a water main shall be referred to and determined by the President.

PART VI

MISCELLANEOUS PROVISIONS

41. (1) A fire officer who is on duty may, without the consent of the owner or occupier of any premises or place enter, and if necessary, break into—

Power of fire officer in extinguishing fires. [169/1993 10 of 1997].

(a) any premises or place in which a fire has or is reasonably believed to have broken out; or

(b) any premises or place that it is necessary to enter for firefighting or other purposes of the Fire Service,

and the officer may do all such things as he deems necessary for extinguishing the fire or for protecting the premises or place from fire, or from acts done as aforesaid, or for rescuing any person or property in the premises or place.

(2) A person who wilfully obstructs or interferes with a fire officer while he is on duty for firefighting or other purposes of the Fire Service is liable on summary conviction to a fine of one thousand, two hundred dollars.

(3) At a fire, or at the scene of any other hazard to life or property, the senior officer of the Fire Service present has the sole charge and control of all operations for firefighting or other purposes of the Fire Service, including the fixing of the position of fire engines and apparatus, the attaching of hoses to water pipes, the use of any water supply and the selection of premises, objects or places to which water may be directed.

(4) On being required by the senior officer of the Service present to provide a greater supply and pressure of water for firefighting or other purposes of the Fire Service, the Authority shall take all necessary steps to comply with that requirement and may for that purpose shut off the water from the mains and pipes in any area; and the Authority shall not be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance with such a requirement.

(5) The senior officer of police present at a fire or other hazard to life or property or, in his absence, the senior officer of

the Fire Service present, may close any street to traffic, or may stop or regulate the traffic in any street whenever, in the opinion of that officer, it is necessary or desirable to do so for firefighting or other purposes of the Fire Service.

Chief Fire Officer may designate authorised officers. [42 of 1975].

42. The Chief Fire Officer may in writing designate any fire officer to be an authorised officer for the purposes of this Act.

Power of authorised officer to enter and inspect public premises. [42 of 1975 169/1993].

43. (1) An authorised officer may, on producing if required to do so, documentary evidence of his authority, enter any public premises at any time during the day for the purpose of determining the condition of the premises.

(2) In furtherance of the purpose stated in subsection (1), an authorised officer may, upon entry—

- (a) inspect the whole or part of the public premises, the water supply available therein and the means of access thereto and exit therefrom;
- (b) determine the nature of the public premises;
- (c) require any person (whether owner, occupier, manager or agent of the premises) to give such information or assistance as may enable him to exercise any of the powers conferred on him by this subsection;
- (d) do any or all such things as he considers necessary for determining the condition of the public premises.

(3) An authorised officer may, in the exercise of his powers under subsection (1), take with him any person whose assistance he considers necessary except that where the authorised officer has been so designated he shall first obtain the approval of the Chief Fire Officer.

(4) Any person who—

- (a) wilfully obstructs an authorised officer in the exercise of his duties under this Act; or

- (b) without reasonable excuse fails to comply with any requirement of an authorised officer under subsection (2)(c),

is liable on summary conviction to a fine of one thousand, five hundred dollars and to imprisonment for three months.

44. (1) The Chief Fire Officer, if he is satisfied that the condition of any public premises constitutes or is likely to constitute a hazard to life or property by fire or otherwise may, by notice in writing served on the occupier, require that such work as may be specified in the notice be carried out within the period therein specified, on the premises in order to render it safe for public use, except that where the work to be carried out is of a structural nature, the notice shall be served on the owner of the premises or if he cannot be found on his agent or the occupier thereof.

Chief Fire Officer may require work to be done on public premises. [42 of 1975 169/1993 10 of 1997].

(2) The Chief Fire Officer, if he is satisfied that the occupancy or the nature of the business carried on on any public premises constitutes or is likely to constitute a hazard to life or property by fire or otherwise, may by notice in writing served on the owner of the premises or if he cannot be found on his agent or the occupier thereof, require that the premises be provided with safety measures of the nature specified in the notice and within the period therein specified.

(3) Notwithstanding subsection (2), the Chief Fire Officer may, on an application in writing by the owner, occupier or agent of any premises on whom a notice was served pursuant to subsection (1) or (2), extend in writing the period within which the requirements of the notice are to be complied with.

- (4) An application under subsection (3) must—
- (a) state the reason for seeking an extension of time; and
 - (b) give the approximate date on which the requirements of the notice may be met.

(5) Any person who fails to comply with the requirements of a notice issued pursuant to subsection (1) or (2) including, in so

far as the notice relates to a specified period, any extensions of the period under subsection (3), is liable on summary conviction to a fine of three thousand dollars and to imprisonment for three months and in the case of a continuing offence to a fine of six hundred dollars for each day during which the offence continues after conviction therefor.

(6) In the exercise of his authority under this section, the Chief Fire Officer shall consult with the Local Authority for the area in which the premises are situated.

(7) For the purposes of this section, "local authority" means a "Corporation" to which the Municipal Corporations Act applies, and includes the Tobago House of Assembly established by section 3 of the Tobago House of Assembly Act.

Ch. 25:04.

Ch. 25:03.

Orders for
closure of
public premises.
[42 of 1975
10 of 1997].

45. (1) Without prejudice to any liability for an offence under section 44(5), where a person fails to comply with the requirements of a notice issued pursuant to section 44(1) or (2), the Chief Fire Officer may make application to a Court of Summary Jurisdiction (hereinafter called "the Court") having jurisdiction in the district in which the public premises is situated for an order under this section.

(2) The application shall be supported by an affidavit setting out the particulars on which it is alleged that the public premises constitutes or is likely to constitute a hazard to life or property by fire or otherwise or that the occupancy or nature of the business carried on on any public premises constitutes or is likely to constitute a hazard to life or property by fire or otherwise, as the case may be, setting out a copy of the notice served and alleging the fact that the notice has not been complied with.

(3) In addition to any application that may be made under subsections (1) and (2), where the Chief Fire Officer is satisfied in his own deliberate judgment that from the nature of the hazard to life or property by fire or otherwise constituted by the condition of any public premises or the occupancy or nature of any business carried on in any public premises, that the danger of damage to the public is imminent, he may make application to the Court for an

order under this section without first serving any such notice as is required under section 44 and the Court may proceed upon the application in accordance with subsections (4) to (6).

(4) Where the Court is satisfied as to the application it may *ex parte* make an interim order for the closure of any public premises or the cessation of the occupancy or business carried on on any public premises, as the case may be, so long as the order remains in force.

(5) The Court shall in a summary mannner hear and determine any application made under this section, and may if the justice of the case so requires make a final order for the closure of the public premises or the cessation of the occupancy or business carried on on any public premises, as the case may be.

(6) A person aggrieved by any final order by the Court under subsection (4) may, within one month of the date of the making of the order, appeal to a Judge in Chambers who shall make such order or other determination in the premises as the justice of the case requires.

46. Within fourteen days of service of a notice issued pursuant to section 44(1) or (2), the person served may appeal to a Judge in Chambers on the ground that the requirements of the Chief Fire Officer are unreasonable having regard to the condition or the occupancy of or the nature of the business carried on on the premises.

Owner, occupier or agent may appeal against requirement contained in notice. [42 of 1975].

47. It is an offence punishable on summary conviction by a fine of three thousand dollars and to imprisonment for twelve months for an authorised officer who, pursuant to section 43, entered any factory or work place, to disclose to any person any information regarding manufacturing processes or trade secrets obtained by him in the factory or workplace, unless the disclosure was made in the course of his duties under this Act.

Restriction on disclosure of information. [42 of 1975].

48. A person who knowingly gives or causes to be given a false alarm of fire to the Fire Service or any officer thereof or

False alarm of fire. [169/1993].

any constable is liable on summary conviction to a fine of one thousand, two hundred dollars and to imprisonment for three months.

Unlawful assemblies, etc. [169/1993].

49. (1) If any tumult, riot or unlawful assembly occurs or is reasonably apprehended, the President may require and the Chief Fire Officer shall give such assistance by fire officers as may be necessary for the preservation of the peace.

(2) Every member of the Service, while he is assisting in the preservation of the peace under this section, has the powers, authorities and immunities of a constable of the Police Service.

(3) A person who assaults, obstructs or impedes any fire officer in the discharge of his duties under this section is liable on summary conviction to a fine of one thousand, two hundred dollars.

No liability for damage done by members of the Service.

50. A fire officer is not liable for any damage caused by any act done by him whilst he is, bona fide, exercising any of the powers conferred upon him by this Act or the Regulations.

Damage deemed to be damage by fire for fire insurance.

51. For the purposes of policies of insurance against fire, damage occasioned by the Fire Service in the execution of its duties under this Act shall be deemed to be damage by fire.

Refusing to aid member of the Service assaulted. [169/1993].

52. If a person is called upon to aid and assist a fire officer who, while in the execution of his duty, is assaulted or resisted, and that person refuses or neglects to aid and assist accordingly, he is liable, on summary conviction, to a fine of one thousand, two hundred dollars or to imprisonment for three months.

Evidence of right of member of the Service.

53. If any question arises as to the right of any fire officer to hold a certain office in the Fire Service or to exercise the duties and functions appertaining to the office, common reputation shall be deemed sufficient evidence of the right.

Harbouring or entertaining, etc., officers on duty. [169/1993].

54. A person who knowingly—

- (a) harbours or entertains a fire officer while he is on duty;

- (b) directly or indirectly, sells or gives any intoxicating liquor to a fire officer while he is on duty;
- (c) by threats or by offer of money, gift, spirituous liquor or any other thing, induces or endeavours to induce a fire officer to commit a breach of his duty or to omit any part of such duty,

is liable, on summary conviction, to a fine of four hundred and fifty dollars or to imprisonment for two months.

55. A person not being a fire officer who—

- (a) puts on or assumes, either in whole or in part, the dress, name, designation or description of a fire officer or any dress, name or designation, resembling and intended to resemble the dress, name or designation of a fire officer; or
- (b) in any way pretends to be a fire officer for the purpose of obtaining admission into any house or other place, or for the purpose of doing an act that he would not by law be entitled to do of his own authority,

Personation of member of the Service. [169/1993].

is liable on summary conviction to a fine of nine hundred dollars or to imprisonment for three months.

56. A person who—

- (a) knowingly uses or attempts to pass off any forged or false certificate, character, letter or other document for the purpose of obtaining admission into the Fire Service; or
- (b) on applying for enlistment, makes any false answer to any question put to him by any recruiting officer of the Service,

Obtaining admission into the Service by fraud.

is liable on summary conviction, to imprisonment for three months.

57. Fire officers while in the execution of their duties under this Act, are exempt from liability to prosecution for any offence

Exemption from traffic laws.

against any law relating to the maximum speeds of motor vehicles on public roads or to the driving of vehicles in specified directions on specific roads or against traffic signs, including traffic lights.

Fees for certain services. [3 of 1994]. Seventh Schedule.

58. (1) Subject to subsection (2), the Fire Service shall charge and collect, in relation to the services listed in the Seventh Schedule, fees specified therein, which fees shall be credited to general revenue.

(2) Subsection (1) does not apply to life-saving or rescue operations, humanitarian services or services undertaken for or on behalf of the national community.

Seventh Schedule.

(3) The President may, by Order, amend the Seventh Schedule.

Sections 2, 3(1), 4, [124/1966 268/1971 217/1973 186/1976 208/1977 63/1980 31/1982 94/1982 176/1984 17/2000 122/2005 50/2006].

FIRST SCHEDULE

CLASSIFICATION OF OFFICES IN THE FIRE SERVICE

<i>Old Title</i>	<i>New Title</i>	<i>Effective Date</i>
	RANGE 13	
Apprentice Firefighter	Apprentice Firefighter	
	GRADE 1	
Firefighter [for five (5) years]	Firefighter	1.10.03
Firefighter [after five (5) years]	Firefighter	1.10.03
	GRADE 2	
Fire Sub-Officer	Fire Sub-Officer	1.10.03
	GRADE 3	
Fire Sub-Station Officer	Fire Sub-Station Officer	1.10.03
	GRADE 4	
Fire Station Officer	Fire Station Officer	1.10.03
Fire Equipment Supervisor	Fire Equipment Supervisor	1.10.03

<i>Old Title</i>	<i>New Title</i>	<i>Effective Date</i>
Assistant Divisional Fire Officer	GRADE 5 Assistant Divisional Fire Officer	1.10.03
Divisional Fire Officer	GRADE 6 Divisional Fire Officer	1.10.03
Assistant Chief Fire Officer Brigades Engineer	GRADE 7 Assistant Chief Fire Officer Brigades Engineer	1.10.03 1.10.03
Deputy Chief Fire Officer	RANGE 64 Deputy Chief Fire Officer	1.1.84
Chief Fire Officer	RANGE 67 Chief Fire Officer	1.1.74

Section 6(1).
[40/1983
106/1983].

SECOND SCHEDULE

**OFFICERS IN THE FIRST DIVISION OF THE
FIRE SERVICE**

- Chief Fire Officer
- Deputy Chief Fire Officer
- Assistant Chief Fire Officer
- Divisional Fire Officer
- Brigades Engineer
- Third Officer

Section 6(2).
[10 of 1968
107/1983].

THIRD SCHEDULE

**OFFICERS IN THE SECOND DIVISION OF THE
FIRE SERVICE**

- Fire Equipment Supervisor
- Fire Station Officer
- Fire Sub-Station Officer
- Fire Sub-Officer
- Fireman
- Fireman Apprentice

Section 15.

FOURTH SCHEDULE

OATH/AFFIRMATION* OF OFFICE AND SECRECY

I do swear/do solemnly and sincerely affirm*/that I will well and truly serve Trinidad and Tobago in the office of of the Trinidad and Tobago Fire Service and that I will take steps at all times to preserve life and property to the utmost of my power; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge discharge all the duties thereof faithfully according to law and 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 my being the holder of such office. So help me God. †

*Delete whichever is inapplicable

† Delete in case of affirmation.

***FIFTH SCHEDULE**

Section 18.
[10 of 1968].

**PENSIONS AND GRATUITIES PAYABLE TO FIRE
OFFICERS IN THE FIRST AND SECOND DIVISIONS**

1. In this Schedule “fire officer” means a fire officer in the First and Second Divisions.

Definition of
fire officer for
purpose of
Schedule.

2. (1) As a contribution towards the special superannuation allowances to fire officers herein provided, there shall be deducted from the pay of every fire officer a sum at such yearly rate as the President from time to time directs, not being a greater rate than one and a quarter per cent and all sums so deducted shall be paid into the Treasury on or before the eighth day of every month.

Contribution to
superannuation
allowances.
[22 of 2006].

(2) In the event of any fire officer leaving the Fire Service without being eligible for a pension or gratuity under the provisions of this Act, whether by reason of dismissal or otherwise, he shall be entitled to the return in full of all deductions made from his pay under subparagraph (1) but the President may direct that any amount due to the State in respect of any liability or defalcation be deducted from any amount so returnable.

(3) In addition to the contribution payable under subparagraph (1), a fire officer shall, if the case so requires, pay arrears of contribution in respect of his full-time service as a fire officer or in a pensionable office in the Public Service or in respect of both.

(4) The arrears of contribution payable under subparagraph (3) [hereinafter referred to as (“the arrears”)] shall be determined on the basis of the actual pay received by the fire officer for each year in respect of which the arrears are payable.

Arrears of
contribution
payable.

(5) The aggregate amount of the arrears shall be deducted as follows:

Mode of
deducting
arrears.

(a) in the case of a fire officer who is in the Fire Service after the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March 1974) the arrears shall be deducted—

(i) from his pay as far as practicable, by equal monthly instalments over a period of three years from the commencement of the said Act or such lesser period, where the remainder of the service of the officer is less than three years;

(ii) from his gratuity by lump sum, where any arrears are unpaid on the retirement of the fire officer;

(b) in the case of a fire officer—

(i) who retires from the Fire Service on the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March 1974); or

5 of 1974.

(ii) to whom the provisions of subparagraph (6) apply,

the arrears shall be deducted by lump sum from any arrears of gratuity payable to the fire officer.

*This Schedule has been further amended by 5 of 1974, 5 of 1985, 20 of 1997, 22 of 2006, 17 of 2007, 30 of 2007 and 13 of 2010.

(6) The provisions of subparagraph (3) and of paragraph 3(5) to 3(7) shall extend to fire officers who entered the Fire Service in the Second Division and retired from the Fire Service on or after 1st January 1966, but before the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March, 1974), and shall in their application to such fire officers, have effect as if those provisions had come into operation on 1st January 1966.

5 of 1974.

(7) For the purposes of subparagraph (3) “Public Service” has the meaning assigned to that expression by section 2 of the Pensions Act, and includes service in the Police Service established by the Police Service Act, in the Prison Service established by the Prison Service Act, service as a member of the Special Police established by the Special Reserve Police Act and service as a member of the Auxiliary Fire Service established under the Auxiliary Fire Service Act.

Ch. 23:52.

Ch. 15:01.

Ch. 13:02

Ch. 15:03.

Ch. 35:54.

(8) Subject to subparagraph (3), with effect from January 1, 1991, a fire officer or retired fire officer who served as an auxiliary fire officer on a full-time basis immediately prior to his appointment as a fire officer, shall be entitled to have both periods of service computed for purposes of the grant of pension.

Pension to fire officer in case of disability. [17 of 2007 30 of 2007 13 of 2010].

3. (1) Subject to subparagraph (2) a fire officer who is disabled by infirmity of mind or body may be retired, and if the fire officer has completed ten years of satisfactory service, may thereupon be granted a monthly pension not exceeding the sum of three thousand dollars per month or one-four hundred and eightieth of a month’s pay for each completed month of service, whichever is the greater.

(2) A pension shall not be granted under subparagraph (2) unless it is stated in a certificate of a medical board that the fire officer to whom the certificate refers is incapable from infirmity of mind or body of performing the duties of his office and that the infirmity is likely to be permanent.

If unable to re-enlist after ten years service.

(3) If a fire officer to whom this Part applies or who has served in the Fire Service for ten years or more does not at the end of any period of re-enlistment obtain permission under the Regulations to re-enlist as provided he shall be dismissed or shall have his services dispensed with in accordance with the Regulations, and the fire officer if not otherwise eligible for pension, may be granted a monthly pension not exceeding the sum of three thousand dollars per month or one-nine hundred and sixtieth of a month’s pay, whichever is the greater, for each completed month of service.

On attaining the age of fifty.

(4) Subject as herein continued, every fire officer not disabled as aforesaid who has attained the age of fifty years, and has served in the Fire Service—

(a) for not less than twenty years; or

(b) for not less than ten years and has retired from the Fire Service with the approval of the Minister of Finance,

may be granted a monthly pension not exceeding the sum of three thousand dollars per month or one-four hundred and eightieth of a month’s pay, whichever is the greater for each completed month of service.

(5) For the purposes of paragraphs 2(3) and 3(4), a period of full-time service in a pensionable office in the Public Service shall be counted as service in the Fire Service if it terminates not earlier than the day immediately preceding the commencement of service in the Fire Service.

Meaning of full-time service.

(6) In paragraph 2(3) and in subparagraph (5) “full-time service” means service remunerated at a monthly paid rate and includes any period of absence from duty on leave with full pay.

(7) The amount of pension payable to a fire officer under this paragraph shall not exceed eighty-five per cent of his final pay for the year in which he retires, except that, in the case of a fire officer in the Second Division at the date of the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March 1974), who retires from the Fire Service as a fire officer in the Second Division, the percentage of final pay for the year in which he retires shall not exceed ninety-two and one-half per cent.

Pension payable.

(8) Where a period of service as a fire officer is or has been immediately followed by service in a pensionable office in other public service as defined for the purposes of the Pensions Act, the fire officer shall, notwithstanding anything contained in subparagraph (4), be entitled to a monthly pension under this Act not exceeding the sum of three thousand dollars per month or one-four hundred and eightieth of a month’s pay, whichever is the greater, for each completed month of service if he has served in the Fire Service for not less than ten years; and if he ultimately retires from such other public service at an age less than fifty years at which he is permitted by the Law or Regulations of that service to retire with a pension, the pension which may be granted to him under this Act shall be payable from the date of the retirement, notwithstanding that he shall not be fifty years of age.

Fire officers transferred to other public service.
Ch. 23:52.

(9) A fire officer may if he has exercised his option as provided in subparagraph (10) but not otherwise, be paid, in lieu of any pension for which he is eligible, the sum of three thousand dollars per month or a pension at the rate of three-fourths of such pension whichever is the greater, together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

(10) The following provisions apply to the option referred to in subparagraph (9):

- (a) the option shall be exercisable and if it has been exercised may be revoked—
 - (i) not later than one month after the retirement of the fire officer in case of a pension awarded under subparagraph (1) or (2); and
 - (ii) not later than the day immediately preceding the date of the retirement of the fire officer in the case of a pension awarded under subparagraph (3) or of his retirement from other public service in the case of a pension awarded under subparagraph (8),

but the President may, if it appears to him equitable in all the circumstances to do so, allow any such fire officer to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under this Act;

- (b) the date of the exercise of the option by a fire officer shall be deemed to be the date of the receipt of his written notification addressed to the Chief Fire Officer;
- (c) subject to the provisions of clause (a), if a fire officer has exercised the option his decision shall be irrevocable so far as concerns any pension to be granted to him under this section;
- (d) if a fire officer who has not exercised the option dies after he has finally retired but before a pension has been awarded under this Act, the President may grant a gratuity and a reduced pension as provided for in clause (a) as if the fire officer before his death had exercised the option.

(11) Nothing herein contained shall be construed to entitle any fire officer absolutely to any pension, or to prevent his being dismissed without pension, and subject to subparagraphs (12) and (13), if any such fire officer to whom a pension has been granted under this Act is sentenced to a term of imprisonment by any competent Court in Trinidad and Tobago or elsewhere for any crime or offence, or quits Trinidad and Tobago after having reason to know that a charge of having committed any indictable or summary offence has been laid against him, and before the charge has been heard and determined, the President may direct that the pension shall forthwith cease.

(12) A fire officer whose pension has ceased in pursuance of subparagraph (11) and who at any time receives a pardon in respect of the offence for which he had been convicted, shall be entitled to have the pension restored to him with effect from the date on which the pension was ceased.

(13) The President may, where a pension ceases for the reasons set out in subparagraph (11) cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself in such proportions and manner as the President thinks proper, and such moneys shall be paid or applied accordingly.

Payments out
of pensions.

4. (1) Where an order of maintenance is made against any fire officer to whom a pension has been granted under this Act, the President may, on its being proved to him that there is no reasonable probability of the order being satisfied, from time to time cause to be deducted from the moneys payable to such person such sum or sums as the President may deem expedient and may cause the same to be applied to satisfy wholly or in part the order.

(2) Where any person to whom a pension has been granted hereunder has left Trinidad and Tobago and has deserted and left his wife or child in Trinidad and Tobago, without sufficient means of support is, by reason of the

person's absence from Trinidad and Tobago, unable and would but for the absence be able, to obtain an order of maintenance, the President may from time to time cause to be deducted from the moneys payable to the person by way of pension such sum or sums as the President may deem expedient and apply the same for the maintenance and support of the wife or child.

5. (1) When a fire officer has been retired in accordance with the provisions of paragraph 3(1) and the provisions of subparagraph (2) of the said paragraph have been satisfied, but the fire officer has not served in the Fire Service for ten years, the fire officer may be granted by way of gratuity a sum not exceeding one-twelfth of a month's pay for each completed month of service.

Service for less than ten years.

(2) Any fire officer who has served in the Fire Service for more than five years and less than ten years and who—

- (a) does not at the end of any period of enlistment or re-enlistment re-enlist; or
- (b) is dismissed, or has his services dispensed with,

may be granted by way of gratuity such sums not exceeding one-twenty-fourth of a month's pay for each completed month of service.

6. Subject to paragraph 7, if any fire officer to whom a pension has been granted under this Part is subsequently enlisted in the Fire Service, the payment of his pension may, if the President so directs, be suspended during the period of his subsequent enlistment.

Power of President to suspend pension in case of subsequent enlistment. [5 of 1985].

7. (1) No pension, gratuity or other allowance shall be granted in respect of a period of service that is broken by suspension, dismissal or removal in consequence of disciplinary proceedings.

Broken service. [20 of 1997].

(2) Service is not broken where it is interrupted by one or a combination of the following:

- (a) one day;
- (b) weekends; or
- (c) public holidays.

8. (1) Subject to subparagraph (2), when the President is satisfied that a fire officer has been permanently injured—

Permanent injury. [20 of 1997].

- (a) in the actual discharge of his duty;
- (b) without his own default; and
- (c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or accelerated, the fire officer may be granted in respect of the injury, in addition to any pension or gratuity granted

to him an allowance in proportion to his injury of such monthly amount as the President may direct, not exceeding the following:

When his capacity to contribute to his support is —

- slightly impaired— $\frac{40}{480}$ ths of a month's pay;
- impaired— $\frac{80}{480}$ ths of a month's pay;
- materially impaired— $\frac{120}{480}$ ths of a month's pay;
- totally destroyed— $\frac{160}{480}$ ths of a month's pay.

(2) A fire officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in subparagraph (1)(a) and (c), and in any such case, if the provisions of subparagraph (1)(b) are also satisfied the rates of allowances shall be $\frac{60}{480}$ ths, $\frac{120}{480}$ ths and $\frac{240}{480}$ ths of a month's pay respectively instead of the rates of allowances mentioned above in this section prescribed.

(3) The allowance referred to in subparagraph (1)—

- (a) shall not, together with any pension granted hereunder, exceed $\frac{400}{480}$ ths of a month's pay as at the date of injury and for the purposes of this subparagraph any exercise of the option conferred by paragraph 3(9) shall be ignored in calculating any such pension;
- (b) shall be less than the above-mentioned maximum by such amount as the President thinks reasonable in the following cases:
 - (i) where the injured fire officer has continued to serve for not less than one year after the injury in respect of which he retires;
 - (ii) where the injured fire officer is forty-five years or upwards at the date of the injury; or
 - (iii) where the injury is not the sole cause of the retirement.

(4) Before granting an allowance under subparagraph (1), the President shall be furnished with the report of a medical board (so far as may be possible) on the matters relevant to his decision, and shall be guided by the report.

(5) When the injured fire officer has not qualified for any pension under this Act but is entitled to a gratuity under paragraph 5, he may be granted, in lieu of the gratuity, a further allowance of such monthly sum (not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served) as the President may direct.

9. (1) If a fire officer dies as a result of injuries received—

- (a) in the actual discharge of his duty;
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

Pensions to dependants of fire officers killed on duty and gratuity to widow, etc., of fire officer who dies in the Service. [20 of 1997].

while in the service of the Fire Service, the President, subject to subparagraph (2), may grant, in addition to the grant if any, made under subparagraph (3)—

- (d) if the deceased fire officer leaves a widow, a pension to her, while unmarried and of good character, according to such scale as may from time to time be fixed by the President;
- (e) if the deceased fire officer leaves a widow to whom a pension is granted under clause (d) and a child or children, a pension in respect of each child, until the child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension payable under the clause;
- (f) if the deceased fire officer leaves a child or children, but does not leave a widow or no pension is granted to the widow a pension in respect of each child, until the child attains the age of eighteen years, of an amount not exceeding one-quarter of the pension payable under clause (d);
- (g) if the deceased fire officer leaves a child or children and a widow to whom a pension is granted under subparagraph (d), and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow until the child attains the age of eighteen years, of an amount not exceeding one-quarter of the pension payable under subparagraph (d);
- (h) if the deceased fire officer does not leave a widow, or if no pension is granted to his widow and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

(2) A pension shall not be payable under subparagraph (1) at any time in respect of more than six children, and where there are more than six children in respect of whom, but for this subparagraph, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age.

(3) In the case of a pension granted under subparagraph (1)(h), if the mother is a widow at the time of the grant of the pension and subsequently remarries, the pension shall cease as from the date of the remarriage; and if it appears to the President at any time that the mother is adequately provided with other means of support, the pension shall cease as from such date as the President may determine.

(4) A pension granted to a female child under subparagraph (1) shall cease upon the marriage of the child under the age of eighteen years.

(5) For the purposes of subparagraph (1), the word “child” includes—

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased fire officer for support; and
- (c) an adopted child, adopted in the manner recognised by law, before the date of the injury, and wholly or mainly dependent upon the deceased fire officer for support.

(6) A fire officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in subparagraph (1)(a) and (c).

(7) If a fire officer dies while in the Fire Service, the President may grant to his widow or to his children or to any of his dependants a gratuity of an amount not exceeding one year’s salary of the fire officer, or his commuted pension gratuity, if any, whichever is the greater.

(8) Where a fire officer, to whom either an unreduced pension or a gratuity and reduced pension has been granted, dies after retirement from the Fire Service, and the sums paid or payable to him at his death on account of the unreduced pension, or gratuity and reduced pension, as the case may be, are less than the amount of the annual salary enjoyed by him at the date of his retirement, the President may grant to his widow or to his children or to any of his dependants a gratuity equal to the deficiency.

(9) In subparagraphs (7) and (8)—

“commuted pension gratuity” means the gratuity, if any, calculated in the manner prescribed in paragraph 3(9), which might have been granted to the fire officer if he had retired immediately before his death in circumstances rendering him eligible to receive a gratuity and reduced pension instead of an unreduced pension;

Ch. 88:05. “dependants” has the meaning as in the Workmen’s Compensation Act.

SIXTH SCHEDULE

Section 32.

**MATTERS TO BE INCLUDED IN RULES OF
FIRE SERVICE ASSOCIATION FORMED PURSUANT
TO SECTION 30(1) OF THE ACT**

1. The name of the Association and the place of meeting for its business.
2. The whole of the objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association.
3. The manner of making, altering, amending and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspecting of books and names of members of the Association by every person having an interest in its funds.
7. The manner of dissolution.
8. The protection of voting rights of members of the Association and the general conduct of elections.
9. The powers, duties and functions of the Executive Committee of the Association.
10. Disputes between members of the Association and the Executive Committee thereof.
11. A prohibition against admission to membership with respect to a fire officer who is a member of an appropriate recognised association.

Section 58(1).
169/1993.
[3 of 1994].

SEVENTH SCHEDULE

FEES FOR CERTAIN SERVICES

<i>Service</i>	<i>Fee</i>
1. Emptying of swimming pools	\$200.00
2. Pump-out of ship holds	\$200.00
3. Placing hanging banners	\$200.00
4. Accessing to requests for water for commercial and industrial uses	\$200.00
5. Use of Fire Service equipment when standing by for the loading/unloading of explosives	\$200.00
6. Supervision of the burning of documents	\$100.00
7. Request for use of Fire Service Wrecker	\$125.00
8. Fire prevention lectures or the supervision of evacuation exercises	\$125.00
9. Inspection of premises for Fire Certificates	\$200.00
10. Issuing of Fire Permits	\$10.00
11. Inspection and servicing of fire extinguishers	\$30.00 plus \$5.00 per extinguisher
12. Training in first aid for private company personnel	\$150.00 per person for tuition, training materials and award of a certificate
13. Training in basic Fire Prevention and Firefighting for private company personnel	\$550.00 per person for tuition, training materials and award of a certificate
14. Re-issue of lost/defaced Certificates	\$50.00
15. Request for fire investigation reports from Insurance Companies05 per cent of the insured value of the building.

SUBSIDIARY LEGISLATION

**FIRE SERVICE (TERMS AND CONDITIONS OF
EMPLOYMENT) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

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**FIRE SERVICE (TERMS AND CONDITIONS OF
EMPLOYMENT) REGULATIONS**

267/1998.
[324/2004].

made under section 34

CHAPTER I

PRELIMINARY

1. These Regulations may be cited as the Fire Service (Terms and Conditions of Employment) Regulations. Citation.

2. (1) In these Regulations— Interpretation.

“Act” means the Fire Service Act;

“acting appointment” means the temporary appointment of an officer to a higher office or otherwise, whether that office is vacant or not;

“appointment” means the placing of a person in an office in the Fire Service;

“approved medical practitioner” means a duly qualified medical practitioner approved for the purposes of these Regulations by the Chief Fire Officer under regulation 135;

“candidate” means a person who satisfies the qualifications in respect of an office;

“Chief Fire Officer” means the person occupying, or performing the duties of the office of Chief Fire Officer as prescribed;

“Chief Personnel Officer” means the person occupying or performing the duties of, the office established by section 13(2) of the Civil Service Act;

Ch. 23:01.

“circular” means a circular issued by or with the approval of the Chief Personnel Officer;

“Commission” means the Public Service Commission established by section 120 of the Constitution;

“date of appointment” means the date of the appointment of a person to an office in the service as specified by the Commission;

“determined form” means the form determined in accordance with regulation 132;

- “Director” means the person occupying, or performing the duties of the office of the Director of Personnel Administration;
- “Examinations Board” means the Examinations Board established under regulation 14;
- “Fire Service School” means the institution established for the training of officers and candidates for an office in the Service;
- “incremental date” means the date specified in regulation 35;
- “Medical Board” means the Board established under regulation 80;
- “Ministry” means the department of Government under the direct control of the Minister to whom responsibility for the Service is assigned;
- “officer” or “fire officer” means a person occupying, or performing the duties of an office in the Service;
- “performance appraisal report” means the report specified in regulation 39;
- “Permanent Secretary” means the person occupying, or performing the duties of the office of Permanent Secretary of the Ministry within the meaning of section 85 of the Constitution;
- “posting” means the movement of an officer within a Division;
- “probationary period” means the period a person is actually performing the duties of an office for the purposes of assessing his suitability for that office;
- “promotion” means the appointment of an officer to an office carrying a higher remuneration than the one he held prior to that appointment;
- “salary” means the amount of pay in respect of an office within a range as specified in a Remuneration Order made under section 7 of the Act;
- “salary scale” means the scale of salary specified in a Remuneration Order made under section 7 of the Act by means of increments ranging from a specified minimum amount to a specified maximum amount;

“secondment” means the temporary movement of an officer holding an office in the Service to an office or position outside the Service or the temporary movement of a person from an office or position outside the Service to an office within the Service;

“Service” means the Trinidad and Tobago Fire Service established by section 3 of the Act;

“trainee” means a person who has been selected to undergo an induction course at the Fire Service School;

“transfer” means the movement of an officer from one Division in the Service to another Division in the Service.

(2) These Regulations are applicable to all officers, except in so far as alternative provision is made for an officer in any written law.

CHAPTER II

PART I

RECRUITMENT

3. (1) A person who—

(a) successfully completes a course approved by the Chief Fire Officer and conducted by the Fire Service School or completed a course recognised by the Chief Fire Officer as the equivalent of the course conducted by the Fire Service School; and

(b) at the time of application—

- (i) is of good character as evidenced by a testimonial from the Police and a member of standing in the community;
- (ii) is not younger than eighteen years nor older than thirty-five years;
- (iii) is of good physique of at least 166.25 centimetres in height in the case of males

Qualification
for appointment
as Firefighter.
[324/2004].

and 160 centimetres in height in the case of females;

(iv) possesses—

- (A) Caribbean Examination Council passes in General Proficiency, Grade I, II or III or Basic Grade I in English Language and General Proficiency Grade I, II or III or Basic Grade I or II in two other subjects;
- (B) General Certificate of Education at “ordinary level” with passes in three subjects one of which is English Language at Grade A, B; or
- (C) such other qualification assessed to be suitable by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer,

is eligible as a candidate for appointment to the office of Firefighter.

(2) A person who successfully completes his apprenticeship training on terms and conditions as approved by the Chief Fire Officer and satisfies the requirements specified in subregulation (1)(b)(i), (ii) and (iii) is eligible as a candidate for appointment to the office of Firefighter.

(3) A person who at the commencement of these Regulations—

- (a) is a member of the Auxiliary Fire Service established under section 3 of the Auxiliary Fire Service Act;
- (b) satisfies the requirements specified in subregulation (1)(b)(i) and (iii); and
- (c) has been performing the duties of the office of Firefighter on a full-time, continuous basis

Ch. 35:54.

under section 9 of the Auxiliary Fire Service Act Ch. 35:54.
and who, as at January 1, 1991 would have
served in the office of Fireman for a period of
five or more years,

is eligible as a candidate for appointment to the office of
Firefighter.

- (4) A person who—
- (a) is a member of the Auxiliary Fire Service established under section 3 of the Auxiliary Fire Service Act; and
 - (b) satisfies the requirements—
 - (i) specified in subregulation (1)(b)(i), (ii) and (iv) and has been performing the duties of Firefighter on a full-time, continuous basis under section 9 of the Auxiliary Fire Service Act and who, as at 31st December, 2002 would have served in the office of Firefighter for a period of three or more years; or
 - (ii) specified in subregulation (1)(b)(i) and (iii) and has been performing the duties of Firefighter on a full-time, continuous basis under section 9 of the Auxiliary Fire Service Act and who, as at 31st December, 2002 would have served in the office of Firefighter for a period of five or more years,

is eligible as a candidate for appointment to the office of Firefighter.

4. (1) On appointment to the Service, a person shall be Service Number.
given a service number which shall be inserted on his Fire Service
Identification Card and shall be retained throughout his service.

(2) A service number once issued shall not be re-issued.

5. (1) An officer shall report a change of name, if any, to Officer to report
change of name.
the Chief Fire Officer who shall in turn advise the
Permanent Secretary.

(2) The Permanent Secretary, when advised of a change of name under subregulation (1), shall advise the Director accordingly.

Qualification for appointment—
Fire
Sub-Officer.

6. A candidate for appointment to the office of Fire Sub-Officer shall be—

- (a) a person appointed to the office of Firefighter with four or more years service in the Service, who has passed a job-related written examination and a practical examination conducted for that purpose by the Examinations Board; or
- (b) a person appointed to the office of Firefighter with four or more years service in the Service who holds the Preliminary Certificate of the Institution of Fire Engineers and who has passed a practical examination conducted by the Examinations Board.

Qualification for appointment—
Fire Sub-Station
Officer.

7. A candidate for appointment to the office of Fire Sub-Station Officer shall be a person holding the office of Fire Sub-Officer with at least seven years' service in the Service and who—

- (a) has passed a job-related written examination conducted by the Examinations Board; or
- (b) holds the Preliminary Certificate of the Institution of Fire Engineers.

Qualification for appointment—
Fire Station
Officer and
Fire Equipment
Supervisor.

8. (1) On satisfying the requirements of subregulation (2) or (3), a candidate for appointment to the office of Fire Station Officer shall be a person holding the office of Fire Sub-Station Officer and who—

- (a) has passed a job-related written examination conducted by the Examinations Board; or
- (b) is the holder of the Graduate Diploma of the Institution of Fire Engineers or equivalent related qualification as determined by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer.

(2) Where a candidate for appointment to the office of Fire Station Officer has at least five years service in the office of Fire Sub-Station Officer, he shall be required to pass a written examination in English and Management Studies conducted by the Examinations Board.

(3) Where a candidate for appointment to the office of Fire Station Officer has served for at least five years in the office of Fire Sub-Station Officer, he shall be required to pass examinations in Management Studies conducted by the Examinations Board.

(4) A candidate for appointment to the office of Fire Equipment Supervisor shall be a person holding the office of Fire Sub-Station Officer who is the holder of a National Technician's Certificate in Mechanical Engineering or its equivalent as determined by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer.

9. (1) A candidate for appointment Assistant to the office Divisional Fire Officer shall be selected from among those persons holding the office of Fire Station Officer or Fire Equipment Supervisor with at least ten years' service in the Service.

Qualification for
appointment—
First Division.

(2) A Fire Station Officer or a Fire Equipment Supervisor in order to be a candidate for appointment to the office of Assistant Divisional Fire Officer shall possess one of the following qualifications:

- (a) passes in five subjects in the Caribbean Examinations Council Examinations including a pass in the subject of English Language at General Proficiency Grade I, II, III or Basic Proficiency at Grade I and in the other subjects at the General Proficiency Grade of I, II or III or the Basic Proficiency Grade of I or II, and passes in two (2) subjects at "Advanced" level in the General Certificate of Education Examination;

- (b) a General Certificate of Education with passes at “Ordinary” level in not less than five subjects including English Language and passes in two subjects at “Advanced” level;
- (c) the Graduate Diploma of the institution of Fire Engineers, or equivalent related qualification as assessed by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer;
- (d) the Diploma from the Joint Services Staff College;
- (e) successful completion of the Overseas Operational Commanders’ and Fire Prevention Course;
- (f) passes in a written examination in English and Management Studies conducted by the Examinations Board.

(3) A candidate for another office in the First Division shall have the qualifications prescribed for the office of Assistant Divisional Fire Officer and shall have served in that office.

Waiver of
qualifying
period.

10. The qualifying period of service specified in this Part in respect of an office may be waived in full or in part in writing by the Chief Fire Officer after consultation with the Chief Personnel Officer where the candidate for appointment to an office demonstrates an exceptional level of performance as indicated in his performance appraisal reports, particularly in regard to his performance in his present office.

Age limit for
candidate.

11. (1) For the purpose of determining the age of a candidate for admission into the Service, there shall be deducted from the candidate’s actual age—

- (a) a period of national or military service or service in a protective service, not exceeding two years; or

- (b) any period of continuous service not exceeding two years, in a civil capacity under the State including acting or temporary service or service in a statutory authority,

where such service immediately precedes the date of application for entry into the Fire Service School.

(2) For the purposes of these Regulations, “Protective Service” means the Fire Service as established by the Fire Service Act, the Prison Service as established by the Prison Service Act and the Police Service as established by the Police Service Act.

Ch. 35:50.

Ch. 13:02.

Ch. 15:01.

12. (1) The Minister after informing the appropriate recognised association may employ a person, including a pensioner, on contract for a period not exceeding five years if he is satisfied that the person or pensioner is in possession of essential experience or technical qualifications which make him particularly useful to the service.

Employment of pensioners and others on contract.

(2) For the purpose of this regulation a “pensioner” means a person who is in receipt of a pension.

13. A person who has attained the age of thirty-five years but who is under fifty years of age and who has previous service in the Service which under the Fifth Schedule to the Act may be deemed to count for Pension purposes may be re-employed in an office in the Service.

Age limit for Service.

14. (1) An Examinations Board appointed in writing by the Minister shall—

Examinations Board.

- (a) set and conduct at least once a year the examination which is to be passed by an officer prior to appointment to an office in the Service; and
- (b) assess each examination paper submitted.

(2) A candidate shall apply in writing to sit an examination referred to in subregulation (1) and shall undergo an examination conducted by the Examinations Board.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

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Fire Service

[Subsidiary]

Fire Service (Terms and Conditions of Employment) Regulations

(3) A candidate shall be placed in order of merit by the Examinations Board according to his performance in that examination.

(4) A candidate for an examination conducted by the Examinations Board shall be required to pay such examination fee as may be determined by the Minister by Notice in the *Gazette*.

(5) Payment of the examination fee shall be made at the office of the Comptroller of Accounts, Port-of-Spain or at any District Revenue Office, and the official receipt for such payment shall be attached to the application referred to in subregulation (2).

(6) An officer may sit for any examination conducted by the Examinations Board in respect of an office.

Medical examination.

15. (1) A candidate selected for appointment by the Commission to the office of Firefighter, other than a graduate of the Fire Service School, who is selected for appointment within twenty-four months of graduation, shall be required to pass a medical examination specifically designed for persons required to respond to the physical and psychological demands of an office in the Service as a qualification for appointment.

(2) The examination referred to in subregulation (1) shall be conducted by an appropriately qualified person appointed by the Chief Fire Officer.

(3) Where a person is recruited from outside Trinidad and Tobago, he shall undergo and pass a medical examination to be conducted by a recognised medical practitioner of the country where he is recruited before he leaves the country from which he is recruited.

PART II

PROBATIONARY PERIOD

Chief Fire Officer to release transferred officer.

16. Where an officer is transferred from the Service to an office in another Service of the Government, the Chief Fire Officer shall take immediate steps to ensure the release of such officer to assume duties in his new office on the date fixed by the appropriate Service Commission.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2012

17. (1) Subject to this Part, an officer on first appointment to the Service shall serve a probationary period of twelve months. Probationary period.

(2) Subject to this Part, an officer who is appointed on promotion to office shall serve a probationary period of six months in the office to which he is promoted.

(3) Where an officer is transferred to the Service from another Service of the Government and the exigencies of that Service preclude his assumption of duties in his new office on the date fixed by the appropriate Service Commission, the period of probation commences from the date of assumption in his new office.

18. (1) Where an officer is appointed to an office in which he has performed the duties whether in an acting capacity or on secondment for periods of equal or longer duration than the period of probation prescribed in regulation 17 immediately preceding the appointment, the officer shall not be required to serve a probationary period. Variation of probationary period.

(2) Where an officer is appointed on promotion on probation to an office in which immediately preceding the promotion he has acted for a period less than that prescribed in regulation 17 that period of acting service shall be offset against the probationary period.

19. (1) The following principles shall be observed for the treatment of an officer during that officer's period of probation: Principles to be observed during probationary period.

- (a) the officer shall be given every opportunity to learn his work and be tested as to his suitability for it;
- (b) the officer shall be accorded all possible facilities for acquiring experience in his duties;
- (c) the officer shall be subject to continual and sympathetic supervision;
- (d) so far as the exigencies of the Service permit, the officer shall be assigned to duty only where such observation is possible.

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(2) Where, at any time during his period of probation, the officer exhibits tendencies in the performance of his office which indicate that he is unlikely to be fit for confirmation in his appointment, these tendencies shall immediately be drawn to his attention in writing by the Chief Fire Officer and the officer shall be given such assistance as may be possible to enable him to correct those tendencies.

Probationary reports.

20. (1) In the case of an officer serving a probationary period of twelve months the Chief Fire Officer through the Permanent Secretary shall submit to the Director two reports as follows:

- (a) a first report after the officer has completed six months service; and
- (b) a final report one month before the period of probation expires.

(2) In the case of an officer serving a probationary period of six months the Chief Fire Officer through the Permanent Secretary shall submit to the Director two reports as follows:

- (a) a first report three months before the period of probation expires; and
- (b) a final report one month before the period of probation expires.

(3) In submitting the final report under this Regulation, the Chief Fire Officer through the Permanent Secretary shall recommend that—

- (a) the officer be confirmed in the appointment; or
- (b) the services of the officer be terminated in that office.

(4) A report under this Regulation shall be seen by the officer on probation who may comment upon the report and shall sign it.

Officer to make representations on adverse markings in probationary report.

21. (1) An adverse comment in a probationary report on the officer shall be in specific terms and the officer shall be notified accordingly in writing in duplicate, as early as possible, in order

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that he has sufficient time in which to make an effort to correct any shortcomings before his probation expires and to make any representations on the adverse marking.

(2) The officer shall retain the original notification of the adverse report or comments referred to in subregulation (1) and shall sign the duplicate and return it to the Chief Fire Officer for the record and may also indicate his intention of making representations.

(3) The officer may present to the Chief Fire Officer and the Permanent Secretary his representations in writing on the adverse report referred to in subregulation (1), within ten working days of signing the notification of adverse comments and may send a copy of the representations directly to the Commission.

(4) The Permanent Secretary shall forward to the Commission any representations submitted to him under subregulation (3) together with his comments and those of the Chief Fire Officer.

(5) Where an adverse report is made on an officer during a probationary period, the Permanent Secretary shall remove that report from the officer's record on his confirmation of appointment in that office and shall notify the Commission accordingly.

22. The Permanent Secretary shall keep a record in relation to each officer who has been appointed on probation to an office in the Service. Record to be kept.

23. (1) The Chief Fire Officer shall keep a current seniority list of all officers in the Service for the purposes of allocation of tasks. Seniority list.

(2) The seniority of an officer shall be determined by the date of his appointment to the particular office in which he is serving.

(3) The seniority of officers promoted to the same office from the same date shall be determined by their seniority in their former office.

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(4) The seniority of an officer who resigns voluntarily from the Service and is subsequently reappointed shall be reckoned from the date of his reappointment.

PART III

REMUNERATION AND ADVANCES

Salary.

24. (1) An officer is entitled to the full salary of the office to which he is appointed as from the date of his appointment.

(2) Subject to subregulation (3), upon initial appointment, whether temporary or permanent, the commencing pay in respect of an office to which a person is appointed shall be the minimum of the salary scale applicable to that office.

(3) The Permanent Secretary may authorise payment to an officer, after consultation with the Chief Personnel Officer, of a commencing pay at any incremental point in the salary scale in respect of the office to which the person is appointed.

Date of payment of salary.

25. (1) Subject to subregulations (2) and (3), salary shall be paid on the business day previous to the last business day of the month.

(2) The Permanent Secretary in the Ministry of Finance may vary the date of payment of salary to a date earlier than that referred to in subregulation (1) whenever it appears to him expedient to do so.

(3) An officer who is proceeding on leave may receive his salary at his request before the day referred to in subregulation (1) or (2) for the whole month which he proceeds on leave where the period of leave extends beyond the end of the particular month.

Advance of salary.

26. (1) An advance not exceeding one month's salary may be paid to an officer proceeding on vacation leave of no less than fourteen days if taken out of Trinidad and Tobago or if in Trinidad and Tobago, is taken away from his ordinary place of residence.

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(2) An advance referred to in subregulation (1) may be paid to the officer at his request either in Trinidad and Tobago before he proceeds on leave or while he is abroad on leave.

(3) Interest is payable by the officer on any advance of salary paid under this regulation, and at such rate as the Minister of Finance may from time to time determine.

(4) An advance not exceeding one month's salary may be paid to an officer through a Trinidad and Tobago Overseas Mission in cases of emergency, each case being dealt with on its merit.

(5) An advance granted under this regulation, together with interest, shall be repayable in twelve monthly instalments or in such longer period as the Minister of Finance may determine, with the first instalment falling due at the end of the month following that in which the officer resumes duty.

27. (1) The Minister of Finance may authorise an advance of salary for other purposes not specified in these Regulations.

Minister may authorise advance for other purposes.

(2) For the purposes of subregulation (1), the Permanent Secretary in the Ministry of Finance may require the officer to furnish security.

(3) Interest is payable by the officer on any advance made under this regulation and at such rate as the Minister of Finance may from time to time determine.

(4) An officer shall apply for an advance under this regulation to the Permanent Secretary in the Ministry of Finance through the Comptroller of Accounts.

(5) An advance granted under this regulation shall be recovered by deductions from the officer's salary in not more than thirty monthly instalments as shall be fixed by the Permanent Secretary in the Ministry of Finance.

(6) The Permanent Secretary in the Ministry of Finance, when determining the number of monthly instalments, shall take into account the indebtedness of the officer.

Deduction
from salary.

28. (1) Subject to subregulation (3), no money shall be deducted from an officer's salary without prior notice in writing to him of not less than one month.

(2) An officer may authorise the Accounting Officer of the Ministry to make monthly deductions from his salary, of dues, liabilities or contributions payable to—

- (a) the appropriate recognised association to which he belongs;
- (b) an insurance company in respect of his life insurance premiums, pensions or annuities;
- (c) a credit union or other financial institution approved by the Comptroller of Accounts for receipt of such payments;
- (d) a spouse or parent of his child, in accordance with a Court order.

(3) The Permanent Secretary may—

- (a) deduct from the salary of an officer the amount of any penalty imposed as a result of disciplinary action under the relevant Regulations made by the Public Service Commission;
- (b) in accordance with the Financial Regulations deduct from the salary of an officer all overpayments of salary; or
- (c) make such deductions as may be approved by the Minister of Finance towards the reduction of or payment of outstanding debts due to Government.

Adjustment of
salary on
promotion or
secondment.

29. (1) Subject to this regulation, where an officer is appointed to an office on promotion, that officer shall receive as a minimum increase in salary, an amount not less than the value of an increment in the salary scale applicable to the office from which the officer has been promoted.

(2) An officer who has completed a period of secondment shall on his return to his substantive office revert to

the point in the salary scale in respect of his substantive office which he would have reached had he not been seconded.

(3) Where a person has been seconded to an office in the Service and is subsequently appointed to that office or to an office in the same salary scale, he shall retain the salary which he was receiving at the time of such appointment.

30. (1) Where an officer is appointed to act in an office in which the salary scale is higher than that of his substantive office, that officer shall, with effect from the date of the commencement of his acting appointment, receive salary at the point in that salary scale determined according to the principle applicable for promotion prescribed in regulation 29(1).

Adjustment of salary on acting appointment.

(2) Any additional payment made under this Regulation to an officer appointed to act in a higher office, which is over and above what he would have drawn in his substantive office, shall be deemed to be an acting allowance.

(3) On reverting to his substantive office on the termination of his acting appointment, the officer shall be paid the salary in his substantive office which he would have received, including increments that would have been earned, had he not been given an acting appointment.

(4) For the purpose of payment of an acting allowance under this regulation an acting appointment shall be considered not to have been broken and an acting allowance shall be paid during periods of—

- (a) leave on casual absence from duty under regulation 70 provided that such leave does not exceed seven consecutive working days;
- (b) attendance at an in-service training course at the direction of the Chief Fire Officer;
- (c) ordinary sick leave under regulation 81.

(5) Where—

- (a) an officer has been acting continuously in a higher office for at least twelve months and a break occurs in his acting appointment; and

- (b) the officer resumes acting in the same office in the same salary scale within six months of the break,

the officer on resumption of duty shall continue to receive salary at the point of the salary scale applicable to the higher office at which he was being paid immediately preceding the break or if such salary is lower than the salary payable to him in his substantive office, his salary shall convert to a point in the salary scale in respect of the higher office in accordance with regulation 29(1).

(6) Where an officer has been acting in a higher office for less than twelve months and a break occurs in his acting appointment, that officer on resuming acting in the same office or another office in the same salary scale shall be paid salary at the rate he would have been paid as if his appointment to act was an initial acting appointment.

(7) For the purposes of subregulations (5) and (6) the term “break” does not include—

- (a) annual vacation leave taken by the officer after a period of acting continuously for twelve months in a higher office;
- (b) ordinary sick leave;
- (c) casual absences from duty referred to in regulation 70 not exceeding seven consecutive working days;
- (d) attendance at an in-service training course at the direction of the Chief Fire Officer;
- (e) a training award not exceeding one year.

(8) Subject to subregulation (9), where an officer who has held an acting appointment for at least twelve continuous months proceeds on annual vacation leave granted under regulation 65, or accumulated annual vacation leave granted under regulation 68, an allowance equivalent to the acting allowance for which the officer would have qualified had he not proceeded on such leave shall be

paid to the officer in respect of such annual vacation leave or accumulated annual vacation leave earned in the higher office in which he held an acting appointment.

(9) No allowance equivalent to an acting allowance referred to in subregulation (8) shall be payable in respect of accumulated annual vacation leave referred to in regulation 68 if that leave was not earned in the higher office in which the officer held an acting appointment.

31. (1) Where an officer has been acting in a higher office and the officer is subsequently appointed to act in or is promoted instead to a lower office which is still higher than his substantive office (hereinafter referred to as his intermediate office), the officer shall receive credit in the intermediate office in respect of the period of acting in the higher office for the purpose of payment of an acting allowance.

Salary when appointed to act in intermediate office or promoted to intermediate office.

(2) The credit referred to in subregulation (1) shall be applied by treating the officer as though he had been appointed to act in, or had been promoted to, the intermediate office from the date on which he commenced acting in the previous higher office.

(3) Where the officer has been acting in the intermediate office or in an office of similar salary scale immediately before he started to act in the higher office, on being reappointed to act in the lower intermediate office or on being promoted to such office, credit shall be applied in respect of the intermediate office by allowing the officer to retain the remuneration in the intermediate office that he would have received if he had continued to act in the intermediate office instead of in the higher office.

(4) Where, prior to acting in the higher office, the officer had been acting in the intermediate office for at least twelve continuous months and there was a break of not more than six months in that acting appointment, the salary which is payable to him in the higher office shall be determined by adjusting his salary in the higher office to the point in the salary scale in respect of that

office which is equivalent to, or higher than, that payable to him in respect of the intermediate office determined in accordance with the principles specified in regulation 29(1).

(5) For the purposes of subregulation (4), the term “break” does not include those circumstances described in regulation 32(3).

Acting
appointment in
an office higher
than that in
which an officer
held acting
appointment.

32. (1) Where an officer has been appointed to act in an office which is higher than that in which he had been acting previously without any break occurring between the two acting appointments, his salary in such higher office shall be determined in accordance with the principles specified in regulation 29(1) as if that appointment was one to which regulation 29(1) applies.

(2) Where—

- (a) a break of six months or less occurs between the two acting appointments of an officer referred to in subregulation (1); and
- (b) the officer has been acting continuously for more than twelve months in an office lower than the one to which he is appointed to act immediately subsequent to the break,

his salary on assumption of duty to act in the higher office shall be determined in accordance with subregulation (1).

(3) For the purposes of this regulation, the term “break” does not include—

- (a) annual vacation leave taken by the officer after a period of acting continuously for twelve months in a higher office;
- (b) ordinary sick leave;
- (c) casual absence from duty referred to in regulation 70 not exceeding seven consecutive working days;
- (d) attendance at an in-service training course at the direction of the Chief Fire Officer;
- (e) a training award not exceeding one year.

33. On the reassignment of an office to a higher salary scale, the salary of an officer holding an appointment in that office shall be determined in accordance with the principles specified in regulation 29(1) with effect from the date of that reassignment.

Salary on reassignment of office.

34. At the termination of his acting appointment, the officer on reverting to his substantive office shall be paid the salary in his substantive office which he would have received had he not been given an acting appointment.

Salary on reversion to substantive office.

35. (1) Unless otherwise provided for by any other written law, the incremental date, being the date on which an increment in the salary scale is due to an officer, shall be the annual anniversary date of an officer's first appointment or promotion to an office, or that date as varied by the imposition of a penalty deferring increment under the Public Service Commission Regulations.

Incremental date.

(2) Where an Officer is advised by the Commission that his appointment or promotion is effective from the date of his assumption of duty, his incremental date shall be the annual anniversary date of his assumption of duty.

(3) The incremental date of an officer who is acting in an office shall be the annual anniversary date of his acting in such office for a continuous period of twelve months.

(4) Where an officer's salary on an acting appointment or on promotion has been adjusted in accordance with regulation 29(1), his incremental date for movement of salary to the next point in the salary scale while on that acting appointment or promotion shall be the date of the acting appointment or promotion.

(5) Where an officer is promoted to an office immediately after having held an acting appointment in the same office or an office in the same salary scale, his incremental date on promotion shall not vary from that held in the acting appointment immediately prior to promotion.

(6) Where there is a break in the acting appointment of an officer who has acted continuously in a higher office for twelve months or more, and that officer resumes acting or is promoted to that office or another office in the same salary range within six months of the commencement of the break in such acting appointment, the incremental date of that officer while in such higher office shall be—

- (a) the date immediately following the date on which he completes the unexpired period of his incremental year which was outstanding at the time the break occurred; or
- (b) the anniversary date of his substantive appointment whichever is the more beneficial to the officer for the purposes of calculation of salary.

(7) Where an officer who is appointed to act in a higher office proceeds on an in-service training course in excess of six weeks but not more than twelve consecutive months and resumes his acting appointment or is promoted to the same office or to another office in the same salary scale, his incremental date shall be the date immediately following the date on which he completes the unexpired period of service of his incremental year in such higher office.

(8) For the purposes of subregulations (6) and (7) “incremental year” means the year immediately subsequent to the date referred to in subregulations (1), (2) and (3).

(9) Where the period of probation of an officer has been extended and he is subsequently confirmed in his appointment the Permanent Secretary may direct that the officer’s increment be paid—

- (a) with effect from the date following that on which the extended period of probation expired, without change in the incremental date; or
- (b) with effect from the date following that on which the extended period of probation expired, which date becomes the incremental date.

36. An officer who is transferred from one office to another office that has the same salary scale shall retain the incremental date he had in the office from which he has been transferred.

Incremental date on transfer.

37. (1) Where an officer holds an office carrying a salary scale, the Permanent Secretary may award an increment to that officer according to the standard of the performance of his duties as reflected in his performance appraisal report in respect of the year reviewed.

Payment of increment.

(2) The Permanent Secretary shall sign an incremental certificate on the determined form in respect of an officer to be effective from the date on which the officer's increment becomes due, and shall attach that certificate to the paysheets for the month in which the increment accrues.

(3) Where the Chief Fire Officer recommends in a performance appraisal report that an increment ought not to be granted, he shall notify the officer in writing, not later than thirty days before the incremental date, of the reasons for his recommendation and the officer may, within seven days of the receipt of such notification, make representations in writing to the Permanent Secretary.

(4) In determining whether the performance of an officer merits the award of an increment the Permanent Secretary shall not take into account any act of minor misconduct if the officer qualified for an increment in other respects.

38. An officer on attaining the point in his salary scale immediately prior to "Longevity" in an Order under section 7 of the Act or in a circular whichever is later in time, in respect of an office may, after two years of obtaining that point in the salary scale, be paid an increment in the salary scale, biennially, on three separate occasions at the value of the increment in the salary scale applicable to that office specified in the column headed "Longevity".

Payment of increment where officer at maximum of salary scale.

Performance appraisal reports.

39. (1) A periodic assessment of the job performance and career appraisal potential of each officer in relation to his contribution to the Service shall be conducted by the Chief Fire Officer in accordance with a form which the Minister shall determine.

(2) That form which shall be known as the performance appraisal report, shall—

- (a) provide for communication to a person of the nature of his job performance for the period under review, and his career potential;
- (b) ensure the person's participation in the establishment of the standards required in order that his job performance and career potential may be accurately evaluated by persons specified in the form.

Conduct of performance appraisal.

40. (1) The Chief Fire Officer shall cause an unbiased assessment of the job performance of each officer in the Service to be made by the officer identified as the reporting officer in the performance appraisal report.

(2) A reporting officer shall, after ensuring that full communication has occurred with the officer concerning that officer's job performance, record in the performance appraisal report—

- (a) the strengths and weaknesses of that officer's job performance based on the duties and standards previously agreed upon with that officer;
- (b) the means, if any, by which the officer's job performance may be improved;
- (c) the training and developmental needs of that officer within the Service;
- (d) the means by which that officer's job satisfaction may be enhanced;
- (e) the future career potential of that officer and how it may be developed;
- (f) the duties and standards of performance required of that officer for the next year.

(3) A reporting officer shall ensure that any commendation or award shall be recorded in that officer's performance appraisal report.

(4) An officer being reported on shall comment in the performance appraisal report on any aspect of the assessment whether it be satisfactory or otherwise.

(5) Where a shortcoming in performance has been recorded in that report, the Chief Fire Officer shall discuss the content of the performance appraisal report with the officer being reported on and the reporting officer.

(6) A copy of a performance appraisal report signed by the Chief Fire Officer and endorsed as having been seen by the officer being reported on shall be sent to the Director and made available to the officer, on request.

41. (1) The Permanent Secretary may defer the payment of an increment to a officer for a period not exceeding six months. ^{Deferral.}

(2) Where the Permanent Secretary after considering any representations by an officer made under regulation 37(3) or 40 is of the view, on the basis of the performance appraisal report and representations of the officer, that payment of an increment to the officer is not justified, the Permanent Secretary shall notify the officer in writing, of his decision to defer the payment of the increment and of the period of that deferral and the reasons therefor.

(3) Where the Permanent Secretary defers payment of an increment to an officer under subregulation (2) for a specified period, the Permanent Secretary shall, not less than thirty days before the expiration of the specified period, obtain a report on that officer from the Chief Fire Officer.

(4) Where the Permanent Secretary, after taking into account the report referred to in subregulation (3) is of the view that the payment of the increment is justified, the Permanent Secretary shall grant the payment of the increment from a date determined by the Permanent Secretary.

(5) Where the Permanent Secretary is of the view that the report referred to in subregulation (3) does not justify the payment of the increment he may refuse to award the increment, and such refusal shall be entered into the performance appraisal report.

(6) Where the Permanent Secretary, defers the payment of an increment to an officer under this regulation, that deferral shall not affect the officer's incremental date.

PART IV

SECONDMENT

Secondment.

42. (1) A person on secondment to an office in the Service shall draw the full pay applicable in respect of the office to which he is seconded and shall be eligible for increments, if any, normally payable to the holder of that office.

(2) The remuneration of an officer on secondment to an office out of the Service shall be paid by the receiving Ministry or Department, Government, administration or organisation.

(3) During the period of secondment of an officer out of the Service the officer shall remain on the establishment of the Service, and may be promoted *in absentia*.

(4) The period of service of an officer while on secondment shall count for pension purposes where the secondment is to an office in another Service of Government or where the receiving organisation makes the appropriate arrangement for the preservation of the officer's pensionable service.

(5) A person on secondment into the Service shall be eligible for the leave applicable to the office to which he is seconded and while on such leave, he shall receive the pay available to the holder of that office.

(6) An officer who has completed a period of secondment outside of the Service and who returns to the Service shall normally revert to the point in the salary scale in respect of his substantive office which he would have reached if he had not been seconded.

PART V

PAYMENT OF PENSION

43. (1) The computation and authorisation of pensions and gratuities of officers whose retirement from the Service is known to be impending shall be treated as urgent matters of high priority.

Computation of pension—a matter of high priority.

(2) The Chief Fire Officer through the Permanent Secretary shall ensure that particulars of service and pay of each officer whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts not less than six calendar months before the date on which the officer concerned is due to retire, in order to enable the computation and checking of pensions, retiring allowances and gratuities to be completed by the Comptroller of Accounts and the Auditor General and submitted for authorisation before the date on which the officer's retirement from the Service is due to take effect.

(3) The Comptroller of Accounts shall keep separate records with respect to each officer in the Service, showing the various offices held by each officer and the pay drawn by him while in the Service.

CHAPTER III

TERMINATION OF SERVICE

44. (1) An officer who wishes to resign from the Service shall give to the Permanent Secretary through the Chief Fire Officer notice in writing of his intention to resign at least one month before the date on which he wishes to relinquish his appointment, but the Permanent Secretary may waive the requirement of notice in whole or in part if he thinks fit.

Requirement of notice.

(2) Where a notice of resignation is received under subregulation (1) the Permanent Secretary shall immediately forward that notice to the Commission.

(3) Notwithstanding any regulation in respect of non-forfeiture of leave, an officer who fails without reasonable cause to comply with subregulation (1) may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(4) An officer is not entitled to withdraw his notice of resignation before such resignation becomes effective except with the permission of the Commission.

Cessation
of service.

45. (1) The service of an officer who holds a permanent appointment ceases on—

- (a) removal from office by the Commission;
- (b) abandonment of office;
- (c) voluntary resignation; or
- (d) attaining the age of compulsory retirement or exercising the option of voluntary retirement specified in regulation 46.

(2) For the purposes of subregulation (1) “abandonment of office” occurs where an officer—

- (a) is absent from the duties of his office without authorised leave for a period of fourteen consecutive days;
- (b) fails within the period to notify the Permanent Secretary, the Chief Fire Officer or a senior officer either directly or by a third party of the cause of absence; and
- (c) fails to respond within fourteen consecutive days to a request to explain his absence made to him in writing by the Permanent Secretary on the day immediately following the expiry of the period specified in paragraph (a).

(3) Where an officer’s service ceases under subregulation 45(1)(b), (c) or (d) the Permanent Secretary shall notify the Commission accordingly in writing.

Retirement age.

46. (1) An officer in the First Division—

- (a) shall retire on attaining the age of sixty years;
- (b) may retire voluntarily at any time after attaining the age of fifty-five years;
- (c) may apply to the Commission through the Chief

Fire Officer seeking permission to retire at any time after attaining the age of fifty years.

- (2) An officer in the Second Division—
- (a) shall retire on attaining the age of fifty-five years;
 - (b) may apply to the Commission through the Chief Fire Officer seeking permission to retire after attaining the age of fifty years.

(3) An officer who complies with subregulation (1)(b) or (c) or (2)(b) retires without deferral of his pension benefits.

(4) The Permanent Secretary shall inform the Director of all officers in the Service who are within one year of attaining the relevant compulsory retirement age.

CHAPTER IV

PART I

HOURS OF WORK, RECORDS

47. (1) Subject to subregulation (4), officers in the Second Division shall work forty hours per week. Workweek and working hours.

(2) Subject to subregulation (4), an officer in the Second Division shall be entitled in respect of any one week to two full days free from duty to be known as “weekly rest days” provided always that the normal workweek is not reduced to less than forty hours.

(3) Subject to subregulation (4), the weekly rest days referred to in subregulation (2) shall be in lieu of Saturdays and Sundays either of which may be counted as a rest day if granted as such.

(4) The Chief Fire Officer may require the attendance of staff on such days and for such hours as he considers necessary in the exigencies of the Service.

(5) Where a public holiday falls within an officer’s scheduled workweek, a day off in lieu of such public holiday shall be granted to the officer.

Compensation
for excess
hours rostered.

48. (1) Subject to subregulation (2) and regulation 49, where an officer in the Second Division works in excess of the period prescribed in regulation 47 he may —

- (a) be granted compensatory leave on full pay to the extent of the excess; or
- (b) be granted overtime pay which shall be calculated at a rate of time and one-half his basic hourly rate.

(2) An officer in the Second Division who works in excess of the period prescribed in regulation 47 up to two hours per week, shall be compensated in accordance with the Agreement dated 23rd March 1993 made between the Chief Personnel Officer and the Fire Service Association of Trinidad and Tobago (Second Division).

(3) An officer who works on weekly rest days shall be compensated for the time worked by a like number of hours multiplied by one and a half.

(4) Compensatory leave referred to in paragraph (a) of subregulation (1) or subregulation (3) earned by an officer in the Second Division shall be granted to that officer within six weeks after the month in which the excess hours have been worked.

(5) Where compensatory leave earned has not been granted within the period specified in subregulation (4) the officer shall be paid at the rate referred to in paragraph (b) of subregulation (1).

(6) Leave granted under this regulation shall not affect leave entitlements prescribed in Chapter V.

Compensation
for excess hours
when called out
for duty.

49. (1) Where an officer in the Second Division is called out for duty by the Chief Fire Officer in the exigencies of the Service, he shall be compensated —

- (a) if called out on his rostered rest day —
 - (i) by being granted overtime pay for a guaranteed minimum of four hours, calculated at a rate of time and one-half his basic hourly rate; or

- (ii) by being granted overtime pay for a minimum of eight hours, calculated at a rate of time and one-half his basic hourly rate when required for duty in excess of two hours; and
- (b) if called out on a day other than his rostered rest day by being granted overtime pay for a minimum of two hours calculated at a rate of time and one-half his basic hourly rate.

(2) For the purpose of subregulation (1), time spent travelling to and from the location at which the officer is required to report for duty shall be included in the calculation of the time the officer was required for duty.

(3) Where an officer in the Second Division is called out for duty by the Chief Fire Officer in the exigencies of the Service, he shall be paid, in addition to his entitlement under subregulation (1), those expenses actually incurred by him in the use of public transportation to the location at which he is required for duty or where there is no public transportation service available at that time, the cost of one seat for one return journey by route taxi.

50. (1) An officer in the Second Division shall report for duty at the watchroom of the fire station to which he is assigned and the time of his arrival at, and departure from, that station shall be recorded by the officer on duty, in the Station Diary or in any object or device designed to record the time of arrival and departure at the place of work as identified by the Chief Fire Officer for that purpose. Attendance.

(2) The Station Diary, or other object or device referred to in subregulation (1), shall be examined daily by the duty officer.

(3) An officer in the First Division shall be required to advise the officer in charge of Fire Control and Divisional Control of his whereabouts at all times.

(4) For the purpose of this regulation “duty officer” means an officer with the responsibility of checking the Station Diary and includes the officer in charge of a station.

Certain officers may be allowed to be absent from duty.

51. (1) Subject to subregulation (2), the Chief Fire Officer may permit an officer whose religious persuasion prohibits his working on any day or part thereof to be absent from duty on such day or part thereof.

(2) Any such officer shall apply in writing to the Chief Fire Officer specifying the denomination of the religious persuasion to which he belongs and the day or part thereof that he is prohibited from working.

(3) The Chief Fire Officer in granting permission—

- (a) where practicable, may arrange for the officer to work for a period or periods outside the normal hours of work during the week in which such officer is permitted to be absent commensurate with the period during which he has been permitted to be absent from duty; or
- (b) where the course mentioned in paragraph (a) is impracticable, shall cause the absence to be registered as leave without pay and the appropriate deductions to be made from the officer's salary.

PART II

RECORDS OF PERSONNEL

Personal record.

52. (1) There shall be one personal record for each officer which shall be kept by the Chief Fire Officer.

(2) The personal record referred to in subregulation (1) shall contain—

- (a) a description of the officer;
- (b) the officer's place and date of birth;
- (c) particulars of marriage (if any) and children (if any);
- (d) a record of service (if any) in any Naval, Military or Air Force of a Commonwealth territory or in the public service;
- (e) a record of service (if any) in any other Fire Service;

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- (f) a record of results of examinations at which the officer was a candidate;
- (g) his personal appraisal reports;
- (h) a record of service in the Service including particulars of all promotions, assignments, transfers, removals, injuries received, commendations, awards, punishments other than cautions, and the date, reason and manner of his ceasing to be a member of the Service;
- (i) copies of the divisional inset sheet referred to in regulation 53.

(3) An officer shall be informed in writing of any adverse reports or of any commendations which are made on the personal record referred to in subregulation (1).

53. (1) A divisional inset sheet with the comments of the officer in charge of the Division or Section shall be kept in respect of each officer in a Division or Section. Divisional inset sheet.

(2) Where an officer is transferred from a Division or Section that officer's divisional inset sheet shall be sent directly to the Chief Fire Officer, and a new inset sheet opened at his new Division or Section.

54. An officer shall within fourteen days of his request to the Chief Fire Officer in writing be shown all his personal records. Officer to see personal records.

55. The personal records of an officer who leaves the Fire Service shall be kept for such time as the Chief Fire Officer, after consultation with the officer in charge of Government Archives, thinks fit. Destruction of personal records.

56. (1) An officer who leaves the Service shall be given a Certificate of Service stating his office and the period of his service in the Service and the reason for or the cause of his leaving the Service. Certificate of Service.

(2) The Chief Fire Officer may append to such certificate any recommendation with respect to the officer's efficiency and conduct which he feels justified in giving.

CHAPTER V

LEAVE AND RELATED BENEFITS

Restrictions on grant of leave.

57. (1) Leave available to be granted under these Regulations, other than sick leave and maternity leave, is granted subject to the exigencies of the Service.

(2) The Chief Fire Officer shall determine whether the exigencies of the Service are such as to enable an officer to proceed on leave at any given time.

(3) The Chief Fire Officer may, if the exigencies of the Service so require—

- (a) cancel any leave already granted; or
- (b) recall to duty any officer who has proceeded on leave at any time before the expiration of such leave.

(4) Where an officer has been recalled from annual vacation leave, he shall be eligible for the unexpired period of his vacation leave.

(5) An officer who is recalled from annual vacation leave or whose leave has been cancelled shall be reimbursed actual financial loss sustained as a consequence of the decision to recall him from leave or to cancel his leave.

Limit of officers on annual vacation leave.

58. No more than twelve per cent of the total strength of the Fire Service may be granted annual vacation leave at any one time.

Record of officers on annual vacation leave.

59. The Chief Fire Officer shall cause a record to be kept to show—

- (a) the officers to whom he has granted annual vacation leave;
- (b) particulars of the duration of such leave; and
- (c) the address or addresses at which an officer may be located during such leave.

60. Saturdays, Sundays and public holidays shall not be counted in the calculation of the period of annual vacation leave.

Exclusion of Saturdays, Sundays and public holidays from annual vacation leave.

61. (1) An officer shall be eligible for annual vacation leave in accordance with regulation 62 only after the completion of one year of continuous service, and thereafter annual vacation leave shall be pro-rated according to the subsequent period of continuous service.

Eligibility for annual vacation leave.

(2) An officer shall not earn annual vacation leave while on such leave.

62. (1) Every officer shall be entitled to annual vacation leave based on his salary and length of service as follows:

Annual vacation leave.

<i>Level of Office</i>	<i>1–10 Years Continuous Service</i>	<i>Over 10 Years Continuous Service</i>
(a) officers in receipt of a salary equal to or greater than that of the maximum in respect of an office in Range 24 as specified in an order made under section 7 of the Act;	28 working days	35 working days
(b) officers in receipt of a salary less than that of the maximum in respect of an office in Range 24 as specified in an order made under section 7 of the Act.	21 working days	28 working days

(2) In computing length of service for the purpose of subregulation (1), “service” shall include other service in the public service.

63. (1) An officer shall not take less than—

(a) fourteen working days leave each year if his annual vacation leave entitlement is that referred to in paragraph (a) of regulation 62(1); or

Minimum annual vacation leave to be taken.

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(b) seven working days leave each year if his annual vacation leave entitlement is that referred to in paragraph (b) of regulation 62(1).

(2) The leave taken under subregulation (1) shall be deducted from his leave entitlement referred to in regulation 62(1).

Application
for annual
vacation leave.

64. (1) An officer shall apply in writing for permission to take annual vacation leave of fourteen working days or less to the Chief Fire Officer no later than thirty days before the date he anticipates proceeding on such leave.

(2) An application for annual vacation leave in excess of fourteen (14) working days shall be submitted to the Chief Fire Officer no later than October 3, in the preceding year or at such other time as the Chief Fire Officer notifies the Service.

(3) An officer shall indicate in his application whether the leave is to be spent in or out of Trinidad and Tobago and the address at which he can be contacted at any time during that leave.

(4) The Chief Fire Officer may, in exceptional circumstances, entertain an application for annual vacation leave although it does not conform with the requirements specified in subregulation (1) or (2).

Grant of
annual
vacation leave.

65. (1) The Chief Fire Officer may grant annual vacation leave to an officer for the period requested in his application.

(2) An officer who has applied for leave within the time specified in regulation 64(1) shall be advised of the outcome of his application within fifteen days of the date of his application.

(3) An officer who has applied for leave within the time specified in regulation 64(2) shall be advised of the outcome of his application no later than sixty days prior to the date of the commencement of the annual vacation leave requested in the application.

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66. (1) The Chief Fire Officer may, owing to the exigencies of the Service, require an officer to defer the taking of annual vacation leave. Deferral of annual vacation leave.

(2) An officer who, owing to the exigencies of the Service, is required to defer his annual vacation leave under subregulation (1) shall, in the year following that in respect of which his leave was deferred, be granted such deferred vacation leave together with the annual vacation leave approved for that year.

67. Annual vacation leave once earned under regulations 62 and 68 shall not be forfeited. No forfeiture of annual vacation leave.

68. (1) Annual vacation leave may be accumulated to a maximum of— Accumulation of annual vacation leave.

- (a) ninety working days in the case of an officer entitled to leave as specified in paragraph (a) of regulation 62(1);
- (b) sixty working days in the case of an officer entitled to leave as specified in paragraph (b) of regulation 62(1).

(2) Where—

- (a) the officer applies for vacation leave within thirty days of the date on which the maximum falls due; and
- (b) the Chief Fire Officer intimates to the officer concerned in writing of his inability to grant leave owing to the exigencies of the Service,

an officer may accumulate leave in excess of the maximum specified in subregulation (1).

(3) Approval to accumulate leave in excess of the maximum specified in subregulation (1) shall be given by the Chief Fire Officer.

(4) The Chief Fire Officer when granting his approval to accumulate leave, shall indicate to the officer the precise reasons

why the officer cannot proceed on his leave, and the date by which the officer will be allowed to proceed on leave and inform the Permanent Secretary accordingly.

Notification of return from leave abroad.

69. An officer who has been abroad on annual vacation leave shall report his return to the Chief Fire Officer as soon as possible on his arrival in Trinidad and Tobago whether or not he continues to be on leave.

Casual absence from duty.

70. (1) An officer may be allowed casual absences from duty which shall be deducted from the annual vacation leave specified in regulation 62(1) in units of half days to a maximum of—

- (a) fourteen working days in the case of an officer with the leave entitlement according to paragraph (a) of regulation 62(1);
- (b) seven working days in the case of an officer with the leave entitlement according to paragraph (b) of regulation 62(1).

(2) Casual absence from duty with the prior approval of the Chief Fire Officer shall be recorded as annual vacation leave.

Absences from duty may be treated as leave without pay.

71. Where an officer is absent from work without the prior approval of the Chief Fire Officer such absence may be treated as leave without pay or as casual absence from duty where the Chief Fire Officer is satisfied that the circumstances precluded the obtaining of the prior approval.

Bereavement leave.

72. (1) The Chief Fire Officer may grant to an officer three working days leave of absence on the death of a person who was the spouse, parent or guardian, child, ward or sibling of the officer where the death occurs within Trinidad and Tobago and up to five working days where that death occurs outside Trinidad and Tobago and the officer travels abroad with respect to that death.

(2) The Chief Fire Officer shall treat the leave in subregulation (1) as bereavement leave when the officer submits documentary evidence at or about the time the leave is taken of the death of the person and the person's relationship to the officer.

(3) An officer shall register the name of his guardian or ward with the Chief Fire Officer in order to be eligible for bereavement leave in the event of that person's death.

73. The grant of bereavement leave shall not affect the officer's entitlement to any other leave in these Regulations.

Bereavement
leave not
to affect
other leave.

74. An officer who is granted a scholarship or study leave to pursue a course of study sponsored by Government shall be eligible for study leave and for such allowances and benefits as may from time to time be provided for public officers under the Scholarship and Study Leave Rules in force.

Scholarship and
study leave.

75. An officer who, while on leave is required to attend a Court or an Administrative Tribunal (including a Tribunal established under the Public Service Commission Regulations) as a result of his official duty shall have his leave preserved or extended by a period equal to the number of days he attends the Court or Administrative Tribunal.

Attending Court
while on leave.

76. (1) Subject to the exigencies of the Service, an officer selected as a member of an official Fire Service team, as approved by the Chief Fire Officer, engaging in a sporting, educational or cultural event, may be granted duty leave with full pay by the Chief Fire Officer.

Duty leave and
Special leave.

(2) Subject to the exigencies of the Service, an officer selected to participate in a sporting, educational or cultural event approved by Government may, for this purpose, be granted special leave with full pay by the Chief Fire Officer after consultation with the Permanent Secretary.

(3) An officer selected to represent Trinidad and Tobago as a member of a national team engaging in a sporting, educational or cultural event may, in order to enable him to complete his engagement and subject to the exigencies of the Service, be granted special leave with full pay by the Chief Fire Officer after consultation with the Permanent Secretary.

(4) Leave granted under this regulation shall not affect an officer's entitlement to annual vacation leave.

Special
duty leave.

77. (1) Subject to the exigencies of the Service, special duty leave with full pay up to fourteen days per annum may be granted by the Chief Fire Officer to an officer attending a conference in or outside Trinidad and Tobago as a delegate of an appropriate recognised association.

(2) Leave granted under subregulation (1) shall not affect an officer's entitlement to annual vacation leave.

Leave—
industrial
relations
matters.

78. (1) An officer who is a member of an appropriate recognised association and who is selected by the association to attend a local or overseas course in trade unionism approved by Cabinet may be granted leave of absence with full pay by the Chief Fire Officer for the full period of the course, depending on the financial assistance received by the officer from other sources during that period.

(2) An officer who is a member of an appropriate recognised association and who is authorised to do business for that association shall be allowed time off to do such business by the Chief Fire Officer provided that the work of the Service is not unduly affected.

(3) An application for leave or time off referred to in this regulation shall, as far as practicable, be made well in advance of the commencement of such leave or time off.

Officer to
undergo medical
examination as
required.

79. (1) An officer shall undergo an annual examination to be conducted by an approved medical practitioner in order to ensure his physical and psychological fitness for duty.

(2) The Chief Fire Officer may direct an officer at any time to undergo a medical examination by the Medical Board to determine whether or not the officer is—

- (a) physically or psychologically fit for the performance of his duties; or
- (b) taking illicit drugs.

(3) An officer who is required to undergo a medical examination under this regulation shall submit himself to be examined at such time and place as directed.

80. (1) There shall be a Medical Board comprising such Medical Board.
duly qualified medical practitioners as the Minister of Health may in writing appoint.

(2) An officer shall undergo an examination by a Medical Board where so directed by the Chief Fire Officer, the Permanent Secretary, the Chief Personnel Officer or the Commission, as the case may be.

(3) Where an officer is directed to attend a Medical Board, the Board shall be provided with records relating to that officer's health held by the Chief Fire Officer, the Permanent Secretary or the Commission, as the case may be.

(4) A Medical Board, after examining an officer referred to it and examining records as are provided under these Regulations may recommend a course of treatment in its report to the Chief Fire Officer, Permanent Secretary or the Commission, as the case may be.

(5) Whenever it is considered necessary for an officer to be examined with a view to ascertaining his physical or psychological fitness for duty including whether or not he should be retired on grounds of ill health, the Chief Fire Officer or the Permanent Secretary shall recommend accordingly to the Commission and shall where possible make available the medical records of the officer and may direct the officer to attend a Medical Board.

(6) A Medical Board after examining an officer referred to it under subregulation (5) shall advise in its recommendations to the Commission that—

(a) sick leave or extension of sick leave be granted to the officer;

- (b) the officer is fit for continued performance of his duties without need for sick leave or extension of sick leave; or
- (c) the officer is unfit for further service, and shall provide a copy of its report to the Permanent Secretary and the Chief Fire Officer.

(7) Where a deterioration in the work of the officer is the reason or one of the reasons for requesting that the officer undergo a medical examination, the Chief Fire Officer, the Permanent Secretary or the Commission may direct the officer to attend a Medical Board.

(8) The Medical Board after examining an officer referred to it by the Chief Fire Officer, the Permanent Secretary or the Commission, as the case may be, shall report its findings and recommendations to the party which has referred the officer, and shall copy its report and recommendations to the other parties specified in this subregulation.

(9) Where a Medical Board advises that an officer is fit for the continued performance of his duties, the Chief Fire Officer shall not grant an extension of sick leave to that officer under regulation 82.

(10) Where an officer, through refusal or neglect, fails to obtain, or comply with, specialist advice or to obtain such other treatment as recommended by a Medical Board, and is still sick and absent from duty, his request for further sick leave shall be treated as an extension of sick leave without pay.

(11) Where the Medical Board is of the belief that an officer has been taking illicit drugs, it shall advise the Commission immediately.

(12) Nothing in this regulation precludes a Medical Board from being “an approved medical practitioner” for the purposes of these Regulations.

Ordinary
sick leave.

81. (1) The Chief Fire Officer shall grant to an officer up to fourteen working days sick leave a year on full pay where that

officer submits a medical certificate issued by an approved medical practitioner.

(2) An officer who is absent from duty, due to illness, for a period not exceeding two days at any one time but not exceeding fourteen days in a year shall not normally be required to tender a medical certificate in respect of that two-day period.

(3) Any leave taken under subregulation (2) shall be taken into account in calculating the leave referred to in subregulation (1) available to an officer.

(4) The Permanent Secretary or Chief Fire Officer may require an officer who habitually takes advantage of the concession in subregulation (2) to present himself to a Medical Board or an approved medical practitioner for examination.

(5) An officer who avails himself of leave under this regulation shall cause an immediate report to be made to the officer in charge of the Fire Station to which he is attached.

82. (1) An officer may apply for an extension of sick leave to the Chief Fire Officer who may approve that extension up to seventy days, being the maximum number of days unused by the officer over the five-year period immediately preceding the application, on full pay.

Extension of
sick leave.

(2) The officer's application for that sick leave shall be supported by a report from the Medical Board, a medical certificate from an approved medical practitioner, or from a medical practitioner in a hospital who has treated the officer and is familiar with his condition.

(3) Where a further period of extension of sick leave is required, the Chief Fire Officer may grant that extension on full pay, half pay or without pay subject to the officer being examined by a Medical Board at the time of the officer's application for that further extension or at more such intervals as determined by the Chief Fire Officer.

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(4) The Medical Board shall have access to the Medical History Book referred to in regulation 84 when examining an officer.

Sick leave
abroad.

83. (1) An officer who desires to leave Trinidad and Tobago during a period of sick leave shall obtain the prior approval of the Chief Fire Officer.

(2) Where an officer falls ill abroad, the officer may apply to the Chief Fire Officer through the Head of Mission or a duly appointed representative of Trinidad and Tobago, as the case may be, for leave under regulation 81 or 82 and such application shall be forwarded to the Chief Fire Officer.

Medical record
to be kept.

84. The Chief Fire Officer shall cause to be kept a Medical History Book in respect of each officer indicating every illness or injury sustained by such officer during his period in the Service, together with such account of treatment received, and other comments and recommendations made by the medical practitioner concerned with the case as well as a record of all sick leave granted.

Absence
through illness
to be reported.

85. Where an officer is unable to perform the duties of his office as a result of illness he shall cause an immediate report to be made to the Chief Fire Officer.

Maternity leave.

86. (1) Subject to this regulation, maternity leave of one month with full-pay and two months with half pay shall be granted to a pregnant officer.

(2) In order to be granted maternity leave—

(a) the pregnant officer as of the date of commencement of such leave, shall have served for a period of not less than twelve continuous months in the Service;

(b) the pregnant officer shall proceed on maternity leave at least one month before the expected date of delivery of the child as certified by an approved medical practitioner; and

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(c) the pregnant officer shall furnish the certificate referred to in paragraph (b) to the Chief Fire Officer six weeks before the expected date of delivery.

(3) Maternity leave consisting of one month with full pay and two months with half pay shall be granted to a pregnant officer from the date of actual delivery of the child where the delivery occurs before the officer has proceeded on maternity leave in accordance with subregulation (2)(b) irrespective of whether or not the pregnant officer has complied with subregulation (2)(b) or (2)(c).

(4) Where a pregnant officer who has proceeded on maternity leave has a still birth delivery, she is eligible for the grant of maternity leave consisting of one month with full pay and one month with half pay.

(5) Where a pregnant officer who has not yet proceeded on maternity leave has a still birth delivery, she is eligible for the grant of maternity leave of one month with full pay.

(6) A pregnant officer who has not completed twelve months continuous service prior to the date on which she would have proceeded on maternity leave had she so served, shall not qualify for the grant of maternity leave but shall be permitted to proceed on leave of absence of up to three months without pay on account of pregnancy provided the officer complies with the conditions in subregulation 2(b) and (c).

(7) Where the half pay to which an officer is entitled during maternity leave together with the periodic maternity benefit payable under the National Insurance Act is less than the full-pay of the officer, there shall be paid to the officer the difference between the amount payable as full pay and the amount due that is half pay combined with the periodic maternity benefit under the National Insurance Act. Ch. 32:01.

(8) Subject to subregulation (9), an officer who has not completed twelve months continuous service shall not qualify for the grant of maternity leave but shall be permitted to proceed on leave of absence without pay on account of pregnancy.

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(9) Where an officer proceeds on leave in accordance with subregulation (8), and the period of such leave extends beyond the date on which the twelve-month qualifying period expires, that officer shall be paid for the leave at the same rate of salary that the officer would have received for that period had that officer proceeded on maternity leave in accordance with subregulation (1) commencing from the day following the completion of the qualification of twelve months service.

(10) The taking of maternity leave by an officer shall not prejudice or affect the eligibility of such officer for annual vacation leave.

Other leave to be availed of.

87. (1) An officer may be granted any period of annual vacation leave due to her to immediately precede or follow the period of leave referred to in regulation 86.

(2) An application by an officer for leave due to illness arising out of pregnancy either before or after the period of leave referred to in regulation 86 shall be considered under regulation 81, 82 or 83 as the case may be.

Light duty during pregnancy.

88. The Chief Fire Officer may direct that an officer who is pregnant be given light duties prior to her departure on maternity leave granted under regulation 86 and for such period as the circumstances of the officer's case may justify and may permit or require such officer to attend work out of uniform.

Paternity leave.

89. (1) An officer is eligible for paternity leave of three working days at or about the time his spouse gives birth on furnishing a certificate to the Chief Fire Officer from a registered medical practitioner stating the expected date of birth.

(2) For the purposes of this regulation, a "spouse" includes a person with whom the officer lives as his spouse and whose name is registered accordingly with the Chief Fire Officer.

Leave for work-related injury.

90. (1) Where an officer is injured in the course of, or arising out of his employment as an officer, that officer shall be entitled to such leave on full pay as approved by the Chief Fire Officer as a result of such injury.

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(2) Where the grant of leave under subregulation (1) exceeds one hundred and twenty days, a further grant of leave may be made by the Chief Fire Officer subject to an examination of the officer by a Medical Board at intervals of three months or at more frequent intervals as determined by the Chief Fire Officer.

(3) The Medical Board shall have access to the Medical History Book referred to in regulation 84 and all other medical records relevant to the injury, when examining the officer.

(4) The Chief Fire Officer may relay his concerns, together with any reports, relating to the officer's fitness for duty to the Commission.

(5) Where an officer on being referred to a Medical Board by the Commission is examined and found unfit for further duty, that Board shall send its report to the Commission and copy that report to the Chief Fire Officer.

(6) Where an officer is notified by the Commission that he is unfit for further duty he shall be granted such annual leave and accumulated leave for which he is eligible or two months leave, whichever is the greater, commencing from the date on which he is notified of his lack of fitness for further duty.

(7) Where a Medical Board advises the Chief Fire Officer that an officer is fit for service, no leave or further leave, as the case may be, shall be granted.

(8) Leave granted under this regulation shall not be construed as leave granted due to illness.

91. (1) An officer shall be entitled to receive free medical, dental, optical and hospital treatment and medicines as may be necessary and as may be provided by a medical officer or a medical institution. Medical benefits.

(2) Where such treatment or medicines are not readily available from such medical officer or from an institution referred to in subregulation (1), the officer having obtained the prior approval in writing of the Chief Fire Officer to seek medical treatment or medicines privately shall be reimbursed the reasonable

Ch. 29:52. cost of such treatment he may have received from an approved medical practitioner or purchased from any pharmacist registered under the Pharmacy Board Act or from another medical institution, on submission to the Chief Fire Officer of receipts for payment in respect of such treatment or medicines.

(3) Notwithstanding that prior approval was not obtained under subregulation (2), where the Chief Fire Officer is of the view that there are exceptional circumstances he may cause the officer to be reimbursed the reasonable cost of treatment he may have received or medicines he may have purchased from any pharmacist registered under the Pharmacy Board Act or from another medical institution on submission of related receipts for payment to the Chief Fire Officer.

Ch. 29:03.
Ch. 29:05. (4) For the purpose of this regulation, “medical institution” means an institution that is approved as a private hospital under the Private Hospitals Act or a health care facility within the meaning of section 2 of the Regional Health Authorities Act.

CHAPTER VI

BUILDINGS, STORES, QUARTERS, ETC.

Provision of quarters.

92. (1) An officer shall reside in official quarters where provided, or in quarters approved by the Minister.

(2) Official quarters occupied by officers of the First Division shall be furnished and rent free.

(3) An officer of the Second Division who occupies official quarters shall do so rent free.

(4) An officer who is provided with quarters under this regulation shall comply with a circular with respect to quarters.

(5) An officer shall not be provided with quarters in more than one locality.

Service establishments and contents to be kept in good condition.

93. (1) All items of Government furniture in stations, establishments or offices of the Service shall be maintained in good

order and condition, the responsibility for which shall rest with the senior officer in charge of such station, establishment or office.

(2) When any item of furniture requires repair or needs to be replaced in respect of any station, establishment or office of the Service, the appropriate officer of the Ministry responsible shall be notified so that inspection, repair or replacement may be effected.

94. If an institutional or departmental building is expected to remain vacant for a long period, the Permanent Secretary shall report such fact to the Permanent Secretary in the appropriate Ministry responsible for accommodation.

Vacancy of building to be reported.

95. The description of all items of uniform and the orders of dress to be worn by members of the Service shall be determined by the Chief Fire Officer and shall be published in the Fire Service Order referred to in regulation 120.

Description of uniform.

96. No badges, emblems or decorations other than those officially approved by the Chief Fire Officer shall be worn with the uniform.

Unauthorised badges or emblems.

97. Subject to the Financial Regulations relating to stores, miscellaneous stores shall be issued to divisions, stations and sections at such intervals as the Chief Fire Officer may direct.

Issue of stores.

98. (1) The supply of stores, uniforms and equipment shall occur only on a requisition made to the officer in charge of stores.

Requisitions.

(2) A delivery and receipt voucher signed by the officer making the issue shall be sent with such supplies.

(3) On receipt, such voucher shall be signed by the officer receiving the stores, uniforms and equipment as the case may be and returned to the officer in charge of Stores.

99. (1) Stores ledgers shall be kept by the officer in charge of stores and all stores received, issued and returned to Stores shall be entered in such Ledgers.

Stores ledgers.

(2) Receipt for all articles returned to Stores shall be given by the officer in charge of Stores.

CHAPTER VII

CONDUCT

General
conduct.

100. An officer shall conduct himself at all times in such a manner that does not bring discredit to the reputation of the Service or of the public service.

Duties of an
officer.

101. (1) An officer shall carry out all lawful orders of an officer senior in office and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office.

(2) An officer in the First Division of the Service shall be responsible for the state of his command and for the conduct and efficiency of all under his command.

(3) An officer in the Second Division shall, where applicable, be responsible for his station or section.

(4) In the absence of the officer referred to in subregulation (2) or (3), the authority and responsibility of that officer shall devolve upon the next in seniority unless the Chief Fire Officer otherwise specifically directs.

(5) In the discharge of his duties, an officer shall be courteous and polite both to members of the Service and to members of the public.

Saluting.

102. (1) Officers holding the office of Fire Station Officer and above shall salute their seniors in office.

(2) Officers below the office of Fire Station Officer shall salute all officers of that office and above.

(3) Officers to whom such compliments are paid shall acknowledge them in an appropriate manner.

(4) All fire officers shall pay compliments to such designated persons, on such occasions and in such manner, as the Chief Fire Officer may direct.

103. (1) An officer shall not be absent from duty without leave or reasonable excuse. Absence to be reported.

(2) Where an officer is unable to perform the duties of his office, whether from illness or some other cause, he shall cause an immediate report to be made to the Chief Fire Officer or to his senior officer to whom he reports.

(3) An officer when leaving the country shall inform the Chief Fire Officer in writing accordingly or, in cases of emergency, a senior officer, who shall report forthwith, in writing, to the Chief Fire Officer.

104. (1) An officer—

(a) shall not at any time engage in any activity which would in any way tend to impair his usefulness as an officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interests of the Service or be inconsistent with his position as an officer; or

(b) shall not engage, whether or not on any leave, in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake private work for remuneration without the prior approval in writing of the Chief Fire Officer.

(2) An officer who is desirous of engaging in an activity, occupation, undertaking or work referred to in subregulation (1)(b) shall apply in writing to the Chief Fire Officer.

(3) Where the Chief Fire Officer is of the opinion that an officer's performance of his duties is likely to be influenced by the fact that he owns shares or investments in any company, or he has interest in any professional, commercial, agricultural or industrial undertaking the Chief Fire Officer may, after discussing the matter with the officer, suggest to the officer that he disposes of such shares, investment or interest within such period as the Chief Fire Officer may specify or he may assign the officer to other duties so as to avoid a conflict of interest.

Activities outside the Service.

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Officer not to call public meeting or participate in certain public meetings.

105. (1) An officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such purpose or procure signature to any public petition regarding the actions of the Government.

(2) Nothing in this regulation affects an officer's right to participate actively in a meeting called or to sign any petition prepared by his appropriate recognised association on matters affecting the Service.

(3) An officer shall not participate in meetings of any political party or organisation while on duty or while wearing official uniform.

Officer not to publish information.

106. An officer shall not make public, communicate to the press or to individuals, or make private copies of documents, papers or information which he may possess in his official capacity, unless his duties require him to do so.

Officer not to allow interview on questions of public policy.

107. (1) An officer, other than an officer acting in his capacity as a representative of an appropriate recognised association, shall not allow himself to be interviewed on questions of public policy.

(2) An officer shall not allow himself to be interviewed on matters affecting the defence or military resources of Trinidad and Tobago or of any other country unless his official duties require him to do so.

Officer not to publish comment on national or local matter.

108. (1) Subject to subregulations (2) and (4), an officer shall not publish by words or pictures or other signal, in any medium of communication including newspapers, journals, wireless, television or computer link-up, any information or expression of opinion on matters of a political or administrative nature in a public place so as to be said to be publishing such information or expression.

(2) Subregulation (1) does not apply —

(a) where the officer, by publishing such information or expression is executing or performing the duties of his office; or

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(b) where the approval in writing of the Permanent Secretary or Chief Fire Officer has been obtained by the officer to the fact and subject of the publication referred to in subregulation (1).

(3) Where the Chief Fire Officer is in any doubt as to the propriety of any proposed publication or broadcast under this regulation, he shall refer the matter to the Permanent Secretary.

(4) This regulation does not apply to the publishing or broadcasting of material by an officer acting in his capacity as a representative of an appropriate recognised association.

109. Except in the case of the official organs of appropriate recognised associations or professional associations, an officer shall not, without the permission in writing of the Chief Fire Officer, act as editor of any newspaper or take part directly or indirectly in the management of a newspaper, or anonymously contribute any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government or that of any other Government.

Officer not to edit or manage newspaper.

110. Broadcast talks by an officer shall be governed by the following rules:

Rules relating to broadcast talks.

- (a) there shall be no payment either to the officer or to the Service arising out of the preparation or delivery of a lecture or talk to be broadcast that is necessary or desirable in order to enable the Service to carry out its recognised duties to the community;
- (b) lectures or talks which are to be broadcast and are not necessary for the purposes of the Service may be given by officers who are experts in a particular subject, whether or not they have specialised in this subject in their official capacity;
- (c) where the subject matter of a broadcast is related to the work or the policy of the Service,

or if the broadcaster is to be announced by his departmental title, the prior authority of the Chief Fire Officer is required with the object of ensuring—

- (i) that there is nothing in the lecture nor talk contrary to the public interest or inconsistent with the status of the officer; and
 - (ii) that the standing of the speaker is sufficient to justify the delivery by him of a lecture under the title of his office;
- (d) subject to paragraph (a), it shall be open to an officer to make his own terms with the broadcasting authority, but in those cases the work involved in the preparation and delivery of the lecture or talk shall not be done when the officer is on duty.

Indebtedness. **111.** An officer shall not incur indebtedness to the extent that it impairs his efficiency or has brought or is likely to bring the Service into disrepute.

Bankruptcy. **112.** An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Chief Fire Officer.

Officer not to solicit intervention. **113.** An officer shall not solicit the intervention or influence of members of Parliament, Minister, or prominent members of the community to support or advance his individual claims in the Service.

Gifts, rewards. **114.** Except with the permission of the Chief Fire Officer, an officer shall not accept—

- (a) any gift or reward from any member of the public or from any organisation for services rendered in the course of the performance of his duty; or

(b) any present which is likely to influence him in the performance of his duty.

115. (1) An officer shall not receive from any subordinate officer any present, gift or reward except with the permission of the Chief Fire Officer. Officer not to accept gifts.

(2) Where the officer who is to be the recipient of any present, gift or reward referred to in subregulation (1) is the Chief Fire Officer, he shall not receive the same except with the permission of the Permanent Secretary.

116. Notwithstanding regulation 114 or 115, an officer may accept a present offered by— Exceptions.

- (a) a representative of a foreign government on the occasion of any official visit to that country;
- (b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation;
- (c) other officers in the Service on the occasion of marriage, retirement, transfer or other celebratory occasion to which the Chief Fire Officer signifies approval.

117. An officer shall not fail or refuse to attend a Medical Board for examination as directed by the Chief Fire Officer, the Permanent Secretary, the Chief Personnel Officer or the Commission, as the case may be. Officer to attend Medical Board.

118. (1) An officer shall be clean and smart in appearance. Appearance and turn out.

(2) An officer shall be alert on duty, smart in his movements and respectful in bearing and manner.

(3) An officer shall not appear in public view improperly dressed.

(4) An officer shall keep the hair on the head dressed short and neatly groomed and have the chin and underlip shaven.

Other acts
of misconduct.

119. (1) An officer who without reasonable excuse does an act which—

- (a) amounts to failure to perform in a proper manner any duty imposed upon him as an officer;
- (b) contravenes any of these Regulations, circulars or orders referred to in regulation 120;
- (c) contravenes any written law relating to the Service; or
- (d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring discredit on the reputation of the Service or of the public service, commits an act of misconduct.

(2) Without prejudice to the generality of subregulation (1), an officer commits an act of misconduct if he behaves in such a manner that it can be alleged that he is guilty of—

- (a) discreditable conduct, that is to say, if an officer acts in any disorderly manner or in any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the Service or of the public service;
- (b) insubordinate or oppressive conduct, that is to say, if an officer—
 - (i) is insubordinate by word, act or demeanour;
 - (ii) is guilty of oppressive or tyrannical conduct towards an officer in a lower office;
 - (iii) uses obscene, abusive or insulting language to any other officer;
 - (iv) wilfully or negligently makes any false complaint or statement against any other officer;
 - (v) assaults any other officer; or
 - (vi) withholds any report or allegation against any officer;

- (c) disobedience to orders, that is to say, if an officer disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise, or fails to promptly comply with such order;
- (d) neglect of duty, that is to say, if an officer—
 - (i) neglects or without good and sufficient cause, fails to promptly and diligently do anything which it is his duty as an officer to do;
 - (ii) absents himself from his place of work or his official duties without leave or valid excuse, or is habitually irregular in the time of his arrival and departure from his place of employment;
 - (iii) idles or gossips while on duty;
 - (iv) fails to perform his duty in accordance with orders, or leaves his place of duty to which he has been ordered, without permission or sufficient cause;
 - (v) fails to report any matter which it is his duty to report;
 - (vi) fails to report anything which he knows concerns a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any person or defendant in a criminal charge;
 - (vii) omits to make any necessary entry in any official document or book; or
 - (viii) neglects or omits without good and sufficient cause to carry out any instruction of an approved medical practitioner under these Regulations, or while absent from duty on account of sickness, commits an act that is calculated to retard his return to duty;

- (e) falsehood or prevarication, that is to say, if an officer—
- (i) knowingly makes or signs any false statement in any official document or book;
 - (ii) wilfully or negligently makes any false, misleading or inaccurate statement; or
 - (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry in that document or record;
- (f) breach of confidence, that is to say, if any officer—
- (i) divulges any matter which it is his duty to keep secret;
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been, or is about to be issued;
 - (iii) without proper authority shows to any person outside the Service any book or written or printed document which is the property of the Service;
 - (iv) makes any anonymous communication to the Commission or to the Chief Fire Officer or any senior officer;
 - (v) signs or circulates any petition or statement with regard to any matter concerning the Service, except through the proper channel of correspondence to the Chief Fire Officer;
 - (vi) calls or attends any unauthorised meeting to discuss any matter concerning the Service; or
 - (vii) canvasses any officer in regard to any matter concerning the Service other than a matter relating to the business and functions of the appropriate recognised association;

- (g) corrupt practice, that is to say, if an officer—
- (i) receives or solicits any private advantage for himself or for another person as a consequence of performing his duties;
 - (ii) fails to account for or to make a prompt and true return of any money or property received by him in his official capacity;
 - (iii) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial without the consent of the Chief Fire Officer; or
 - (iv) places himself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the Service may have to report or give evidence;
- (h) unlawful or unnecessary exercise of authority, that is to say, if an officer—
- (i) uses any unnecessary violence to any person with whom he may be brought into contact in the execution of his duty; or
 - (ii) is uncivil to any member of the public;
- (i) malingering, that is to say, if any officer feigns or exaggerates any sickness or injury with a view to evading duty;
- (j) absence without leave or being late for duty, that is to say, if an officer without reasonable excuse is absent without leave from duty or is late for parade, Court or any other duty;
- (k) uncleanliness, that is to say, if an officer, while on or off duty, is in uniform in a public place, is improperly dressed or is dirty or untidy in his person, clothing or accoutrements;

- (l) damage to clothing or other articles supplied, that is to say, if an officer—
 - (i) wilfully or by carelessness causes any loss or damage to any article of clothing, accoutrement or to any book, document or any other property of the Service given to him or used by him for the performance of his duty or entrusted to his care; or
 - (ii) fails to report any loss or damage as above however caused;
- (m) drunkenness, that is to say, if an officer, while on duty or required for duty, is unfit for duty through the taking of drink;
- (n) drinking on duty or soliciting drink, that is to say, if an officer—
 - (i) without the consent of his senior officer, drinks or receives from any other person any intoxicating liquor while he is on duty; or
 - (ii) demands, or endeavours to persuade any other person to give to him, or to purchase or obtain for him, any intoxicating liquor while he is on duty;
- (o) entering licensed premises, that is to say, if without permission or reasonable excuse an officer enters—
 - (i) while on duty any public premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty; or
 - (ii) any such premises in uniform while off duty;
- (p) illicit drug taking, that is to say, if an officer is found to be indulging in the use of narcotic or psychotropic substances;

- (q) lending, borrowing or accepting presents, that is to say, if an officer lends money to an officer senior to him or borrows money or accepts any present from any officer junior to him;
- (r) proving of a criminal offence, that is to say, if an officer has been proved guilty in a Court of law of a criminal offence;
- (s) being an accessory to an act of misconduct, that is to say, if an officer connives at, or is knowingly an accessory to, an act of misconduct;
- (t) using any property or facilities of the Service without consent, given personally in writing by the Chief Fire Officer for some purpose not connected with his official duties;
- (u) damage to property, that is to say, if an officer wilfully or recklessly damages property belonging to the Service.

CHAPTER VIII

MISCELLANEOUS

120. (1) Orders for the efficient management of the Service referred to in these Regulations include—

Circulars,
Orders and
Notices.

- (a) Fire Service Orders issued by the Chief Fire Officer to deal with matters of management of the Service;
- (b) Fire Service Circulars issued by the Chief Fire Officer to disseminate information on Government policy;
- (c) Fire Service Instructions issued by the Chief Fire Officer to deal with matters of uniform, accoutrement and matters pertinent to the conduct of the fire station;
- (d) Station Notices issued by the Chief Fire Officer to provide general information; and

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(e) Divisional Notices issued by Divisional Fire Officers to deal with matters pertinent to the conduct of the Division.

(2) An Order made under these Regulations is a lawful order for the purposes of Chapter VII.

Corrections.

121. No erasures shall be made in any official book or document but mistakes shall be crossed out and initialled and a new entry shall be made correcting the original entry.

Circulation of Orders.

122. (1) All Regulations, Circulars, Orders and other official publications affecting officers shall be brought to their attention by the Chief Fire Officer.

(2) All relevant Proclamations, Government Notices or other official notices shall be brought to the attention of officers by the Chief Fire Officer.

Forfeiture of benefits on dismissal.

123. Where an officer is dismissed from the Service, any benefit which would otherwise be payable to that officer on departure from the Service may be forfeited.

Remuneration on suspension.

124. (1) Where an officer is suspended by the Commission prior to the institution of proceedings under the Public Service Commission Regulations that officer shall be paid his monthly salary in full.

(2) Where an officer is exonerated in disciplinary proceeding from an alleged act of misconduct which had resulted in a suspension under the Public Service Commission Regulations, he shall be entitled to receive the remuneration he would have received had he not been suspended.

Channel of communication.

125. (1) For the purposes of these Regulations, any communication other than that referred to in regulation 126 which an officer wishes to address to the Chief Fire Officer shall, wherever possible, be forwarded through the senior officer under whom that officer is serving.

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(2) Any official communication in respect of or relating to the employment of an officer which he wishes to address to any Government official, or a Government Department shall be forwarded to the Chief Fire Officer through the senior officer under whom that officer is serving.

(3) The senior officer on receipt of a communication referred to in subregulation (1) or (2) shall forward forthwith such communication together with his comments, to the Chief Fire Officer.

126. (1) An officer who wishes to make a complaint may do so to his immediate senior officer, and where he considers himself wronged by that senior officer, he may complain to a higher authority who shall deal with the complaint and advise the Chief Fire Officer, Permanent Secretary and the Commission accordingly.

Complaints.

(2) The officer may provide a copy of his complaint to the Permanent Secretary and the Commission.

(3) An officer to whom a complaint is made shall immediately acknowledge receipt of such complaint in writing and cause enquiries to be made into such complaint, and if satisfied with the justice of the complaint shall take such steps as may be necessary for giving full redress, if within his powers, or refer the case to a higher authority.

127. The Permanent Secretary or Chief Fire Officer shall facilitate any request made by the Commission by giving the appropriate direction to the relevant officer to accord with the Commission's request.

Permanent Secretary or Chief Fire Officer to facilitate request of Commission.

128. Except with the permission of the Permanent Secretary in the Ministry of Finance, no foreign currency shall be accepted for payment in the transaction of Government business.

Acceptance of foreign currency.

129. The Permanent Secretary or Chief Fire Officer shall ensure that no payment shall be made out of public funds in respect

Payment from public funds.

of any matter requiring the approval of the Commission until such approval has been obtained.

Authorisation of deduction from pay.

130. (1) Subject to any written law, an officer may authorise the Permanent Secretary to make deductions from his pay for the repayment of any debt owed to Government.

(2) Where a debt is owed to Government which has been incurred as a penalty consequent on disciplinary proceedings, the Permanent Secretary may with or without authorisation of the officer, deduct the officers pay accordingly.

Legal proceedings.

131. (1) An officer who desires to initiate legal proceedings on his own behalf against another officer or against a member of the public with respect to any matter which arises out of, or in the course of the execution of his duty, shall inform the Chief Fire Officer accordingly.

(2) Where an officer is charged with an offence arising out of, or in the course of, the execution of his duty, and the Attorney General is satisfied that such officer acted in good faith in the execution of his duty, such officer shall be granted legal representation in the conduct of his defence.

Determined form.

132. (1) Where, in these Regulations there is a reference to a determined form the Permanent Secretary may determine an appropriate form if no other authority is specified to so determine.

- (2) A form determined by the Permanent Secretary shall:
- (a) contain—
 - (i) particulars of the purpose for which it is to be used;
 - (ii) particulars designed to elicit the required information;
 - (iii) the address to which the form on completion may be posted or delivered; and
 - (b) be published in the *Gazette*.

133. (1) A copy of these Regulations shall be made available to an officer at his request. Availability of Regulations.

(2) The Chief Fire Officer shall take all reasonable steps to ensure that all officers are familiar with the contents of the written law affecting the operation and conduct of the Fire Service.

134. At the date of the commencement of these Regulations, any administrative action done, or privilege or benefit including a permission or approval given by, or to, an officer in the Service in respect of a matter to which these Regulations apply shall be deemed to have been done or given in accordance with these Regulations. Act deemed to be done under these Regulations.

135. The Chief Fire Officer may approve in writing a duly qualified medical practitioner to be an “approved medical practitioner” for the purposes of these Regulations. Chief Fire Officer to approve medical practitioner.

136. Where, in respect of the Chief Fire Officer, a term and condition of employment has been determined by the Salaries Review Commission and agreed to by Cabinet that term and condition of employment shall prevail over that prescribed in these Regulations, to the extent of any inconsistency. Application of Regulations to Chief Fire Officer.