
5th Session First Parliament Trinidad and Tobago
15 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 16 of 1966

[L.S.]

AN ACT respecting Statutory Authorities.

[Assented to 2nd August, 1966]

BE IT ENACTED by the Queen's Most Excellent Majesty, **Enactment.**
by and with the advice and consent of the Senate and
House of Representatives of Trinidad and Tobago, and by
the authority of the same, as follows:—

1. This Act may be cited as the Statutory Authorities **Short title.**
Act, 1966.

PRELIMINARY

Interpretation.

2. In this Act—

“allowance” means compensation payable—

- (i) in respect of a grade, or in respect of some offices in a grade, by reason of duties of a special nature;
- (ii) for duties that an 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 a trade union or other organisation recognised in accordance with the provisions of this Act and the Regulations by a statutory authority as the bargaining body for any category or categories of officers;

“Civil Service” means the Civil Service established under the Civil Service Act, 1965;

“Commission” means the Statutory Authorities’ Service Commission established under section 4;

“Constitution” means the Constitution of Trinidad and Tobago;

“dispute” means any matter respecting the service of a statutory authority upon which agreement has not been reached between the Personnel Organisation and the appropriate recognised association and which is deemed to be a dispute under section 19 or 20;

“local authority” means the Port-of-Spain Corporation established under the Port-of-Spain Corporation Ordinance, the San Fernando Corporation established under the San Fernando Corporation Ordinance, the Arima Corporation established under the Arima Corporation Ordinance and a county council established under the County Councils Ordinance;

“Minister” means the Minister to whom responsibility for Finance is assigned;

“officer” means a person who is appointed to hold or to act in a pensionable office in the service of a statutory authority and whose remuneration is paid on a monthly basis;

“pay” means the rate of pay assigned to an office in a grade in accordance with the provisions of this Act and the regulations;

“Personnel Department” or “Department” means the Personnel Department established under section 14 of the Civil Service Act, 1965;

“Personnel Organisation” means the Personnel Organisation established pursuant to section 14;

“public officer” has the meaning assigned to it in section 105 of the Constitution;

“Public Service Commission” means the Public Service Commission established by section 92 of the Constitution;

“remuneration” includes pay and allowance;

“statutory authority” means a local authority and any commission, board, committee council or body (whether corporate or incorporated) established by or under an Act or an Ordinance other than the Companies Ordinance declared by the Governor-General under section 3 to be subject to the provisions of this Act;

“trade union” means a trade union registered under the Trade Union Ordinance.

3. (1) Subject to this section, this Act shall be construed as applying to a statutory authority notwithstanding any general or special power or authority vested in such statutory authority by any enactment or by virtue of its incorporation. ^{Application of Act.}

(2) The Governor-General may by Order published in the *Gazette* declare that any statutory authority or any specified class of statutory authority named in the Order is subject to the provisions of this Act.

ESTABLISHMENT OF COMMISSION AND PERSONNEL
ORGANISATION

Establishment
of Statutory
Authorities
Commission.

4. (1) There is hereby established for the purposes of this Act a Statutory Authorities' Service Commission which shall consist of a Chairman, a Deputy Chairman and no fewer than three or more than five other members.

(2) The members of the Commission shall be appointed by the Governor-General.

(3) A person shall not be qualified to be appointed to or to hold the office of a member of the Commission if he holds or is acting in any public office, or if he is, or is acting as or has been, within a period of three years immediately preceding such appointment to an office under a statutory authority.

(4) A person who has held office or acted as a member of the Commission shall not, within a period of three years commencing with the date on which he last so held office or acted, be eligible for appointment as an officer.

(5) The office of a member of the Commission shall become vacant at the expiration of five years from the date of his appointment or such shorter period, as may be specified at the time of his appointment.

(6) A member of the Commission may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Governor-General.

(7) A member of the Commission shall be paid in respect of his office such remuneration and allowances as the Governor-General thinks fit and the payment of such remuneration shall be a charge on the Consolidated Fund.

Appointment
of officers.

5. (1) The Commission shall have power to appoint persons to be or act as officers and to transfer, promote, remove and exercise disciplinary control over persons so appointed.

(2) The powers conferred on the Commission may with the approval of the Prime Minister be delegated by directions in writing to any other person or authority.

6. The Commission may with the consent of the Prime Minister by regulations or otherwise regulate its own procedure, including the procedure for appointment, promotion, transfer and removal from office of officers of statutory authorities and for the exercise of disciplinary control over such officers.

Procedure of
Commission.

7. The authority established for the review of the findings of the Public Service Commission in disciplinary cases in the Civil Service shall be the authority for the purpose of the review of the findings of the Commission in disciplinary cases.

Review
Committee in
disciplinary
cases.

8. At any meeting of the Commission, a quorum is constituted if at least three members are present and, if a quorum is present, the Commission shall not be disqualified from the transaction of the business by reason of any vacancy amongst its members, and any proceeding of the Commission shall be valid, notwithstanding that some person who was not entitled so to do took part therein.

Quorum of
Commission.

9. (1) An officer in the Civil Service may, with the approval of the appropriate Service Commission be transferred from the Civil Service to the service of a statutory authority, and an officer in the service of a statutory authority may, with the approval of the Commission be transferred to the Civil Service.

Transfer and
secondment
of staff.

(2) Where an officer in the Civil Service is transferred to the service of a statutory authority he shall be treated as a member of the Pension Scheme, if any, and the provisions thereof with respect to the superannuation benefits and liabilities shall apply accordingly, save that where no Pension Scheme is established or authorised to be established the Governor-General shall by regulations make such arrangements to protect the superannuation rights of the officer as is considered fit and proper.

(3) An officer in the Civil Service may, with the approval of the Commission and the appropriate Service Commission be seconded to the service of a statutory authority and an officer in the service of a statutory authority may, with the like approval be seconded to the Civil Service.

(4) Where a secondment is effected, the Governor-General or the statutory authority concerned, as the case may require, shall make such arrangements as may be necessary to preserve the rights of the officers so seconded to any pension, gratuity, allowance or other superannuation benefit for which he would have been eligible had he remained in the service of the Government or of the statutory authority, as the case may be.

(5) Except with the approval of the Governor-General a period of secondment shall not in any case exceed five years.

(6) An officer in the service of a statutory authority may, whenever the Commission consider it appropriate or the Minister so recommends, be transferred to the service of another statutory authority, and upon such transfer the officer shall be treated as a member of a Pension Scheme, if any, and the provisions of the Pension Scheme with respect to the superannuation benefit and liabilities shall apply accordingly, save that where no Pension Scheme is established or authorised to be established, the Governor-General shall by regulations make such arrangements to protect the superannuation rights of the officer as is considered fit and proper.

(7) In this section "Pension Scheme" means a superannuation plan established by a statutory authority under the provisions of any enactment so authorising the statutory authority or otherwise.

TERMS AND CONDITIONS OF EMPLOYMENT

Terms and conditions of employment.

10. An officer shall, subject to the provisions of this Act or any other enactment hold office upon such terms and conditions as may be prescribed or as are agreed to in the manner hereinafter provided.

Existing officers.

11. Officers who hold office in a statutory authority at the commencement of this Act shall be deemed to have been appointed under and subject to the provisions of this Act.

Resignation.

12. An officer who intends to resign his office in the service of a statutory authority shall give such period of notice as may be prescribed.

13. The modes by which the service of an officer of a statutory authority may be terminated are as follows—

Manner of termination of employment.

- (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;
- (f) on the expiry or on the termination of an appointment—
 - (i) for a specified period;
 - (ii) on probation;
- (g) on the abolition of office;
- (h) on such other grounds as the Commission may determine.

PERSONNEL ORGANISATION

14. (1) The Governor-General may establish a Personnel Organisation for the purpose of performing such duties and exercising such powers as are imposed or conferred on it by this Act or the regulations.

Power to establish Personnel Organisation.

(2) The Personnel Organisation shall comprise of a Chief Personnel Officer whose office shall be an office in the Civil Service and such other officers and servants (whether members of the civil service or not) as the Commission may consider necessary to appoint.

(3) Until the Personnel Organisation is established the Personnel Department established under section 14 of the Civil Service Act, 1965, shall be responsible for the exercise and performance of the powers and duties of the Personnel Organisation.

15. (1) The Personnel Organisation shall be responsible for—

Powers and duties of Personnel Organisation.

- (a) establishing and maintaining a classification of the offices in the service of the several statutory authorities;
- (b) keeping under review the remuneration payable to officers;
- (c) administering the regulations respecting the service of the statutory authorities;

- (d) providing for and establishing procedures for consultation and negotiation between the statutory authority concerned and the appropriate recognised association in respect of—
- (i) the classification of offices;
 - (ii) any grievances;
 - (iii) remuneration;
 - (iv) the terms and conditions of employment.

(2) The Minister may from time to time make recommendations with regard to remuneration to be paid to officers and employees.

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

- (a) consider the requirements of the statutory authorities;
- (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 service of the statutory authorities, and the relationship of the duties of the various classes and grades within the service of the statutory authorities; and
- (c) be guided by the considerations specified in paragraphs (a) to (d) of subsection (2) of section 9 of the Industrial Stabilisation Act, 1965.

No. 8 of 1965.

CONSULTATION, NEGOTIATION AND THE SETTLEMENT OF DISPUTES

Consultation
with organisation.

16. Prior to formulating any recommendations under subsection (1) of section 15, the Minister may require the Personnel Organisation to consult with representatives of the appropriate recognised associations with respect to the matters specified in that subsection.

Personnel
Organisation in
negotiations
subject to
direction of
Minister.

17. In the exercise of its duties and functions under sections 19 and 20 and subsection (1) of section 21, the Personnel Organisation shall be subject to the direction of the Minister.

18. The Personnel Organisation shall on behalf of the statutory authority concerned, consult with representatives of the appropriate recognised association with respect to the matters specified in section 15, at the request of such representatives or whenever in the opinion of the Minister such consultation is necessary or desirable.

Consultation
with
association.

19. Where the Personnel Organisation consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 15, at the request of such representatives, and the Personnel Organisation and the appropriate recognised association are within 21 days of the commencement of such consultation and negotiation, or within such further period as may be agreed upon, unable to reach agreement on any matters, the Personnel Organisation or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister, and on such report being made a dispute shall be deemed to exist as to such matter.

Where no
agreement
reached on
proposals
of association.

20. Where the Personnel Organisation before making proposals with respect to matters specified in section 15 does not consult with representatives of the appropriate recognised association, the Personnel Organisation shall submit the proposals to the appropriate recognised association for consideration and agreement, but where the Personnel Organisation and the appropriate recognised association are, within twenty-one days of the submission of the proposals as aforesaid, or within such further period as may be agreed upon, unable to reach agreement on any of the matters, the Personnel Organisation or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister and on such report being made a dispute shall be deemed to exist as to such matter.

Personnel
Organisation
to submit
proposals
to association
for approval.

21. (1) Where the Personnel Organisation and the appropriate recognised association reach agreement on any of the matters specified in section 15 after consultation and negotiation, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the statutory authority concerned and by a person designated by the appropriate recognised association on behalf of the association.

Agreement
reached with
Personnel
Organisation.

(2) Any agreement recorded and signed in accordance with subsection (1) shall be binding upon the statutory authority and the officers to whom the agreement relates.

Parties to disputes.

22. For the purposes of this Act the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association and any dispute under this Act shall be dealt with in accordance with the provisions of the Industrial Stabilisation Act, 1965.

Awards to be binding on parties for fixed period.

23. (1) An award made by the Industrial Court on any dispute under this Act shall be binding on the parties to the dispute and on all 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 Industrial Court may with the agreement of the parties to an award review such award at any time after the expiry of the third year.

(3) In this section "Industrial Court" means the Industrial Court established under the Industrial Stabilisation Act, 1965.

ASSOCIATIONS OF OFFICERS OR EMPLOYEES

Definitions.

24. In this section and in sections 25 and 26—

"class" means the division into which an office is assigned by regulations made by the Governor-General under section 28, and includes any category or categories of offices assigned to a division;

"existing association" means any trade union or other association recognised as the bargaining body for any class or classes of officers immediately before the commencement of this Act.

Representation of officers.

25. (1) Subject to any other enactment to the contrary, every existing association may continue to represent any class or classes of officers and, subject to the provisions of this Act, shall be recognised by the statutory authority as the appropriate association for the purpose of consultation and negotiation in respect of any of the matters specified in section 15 and any other matters concerning such officers other than officers who are holders of prescribed offices.

(2) Officers may form associations, and such associations shall, subject to this Act and the regulations, be recognised by the statutory authority as appropriate associations for consultation and negotiation in respect of any of the matters specified in section 15 and any other matters concerning such officers.

(3) For the purposes of recognition by the statutory authority an association formed pursuant to subsection (2) or, subject to subsection (1), an existing association, may be representative of any class or classes of officers but may not be representative of any class or classes of such officers already represented by an appropriate recognised association; and an association formed pursuant to subsection (2) or an existing association may not admit to its membership an officer who is a member of an appropriate recognised association.

(4) The statutory authority shall withdraw recognition from an appropriate recognised association that contravenes or fails to comply with any of the requirements of subsection (3).

(5) An association formed pursuant to subsection (2) may not be registered as a trade union.

26. The Governor-General may make regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the statutory authority of existing associations and of associations formed pursuant to subsection (2) of section 25. Rules governing recognition.

27. (1) An appropriate recognised association shall make rules providing for the good government of the association and for carrying out the objects of the association and with respect to such 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 First Schedule;

(b) a copy of the rules and of every amendment thereof shall be delivered by the association to every officer who is a member of that association on demand on payment of the prescribed sum. Association to make rules

(2) The Rules of the association shall be filed with the Registrar General. Association to make rules

(3) Amendments to the Rules of an association shall be filed with the Registrar General and shall have effect from the date of such filing unless some later date is specified from which they shall have effect.

MISCELLANEOUS AND GENERAL

Regulations—
generally.

28. The Governor-General may make regulations generally for carrying this Act into effect and, subject to this Act, for prescribing all matters which are required or permitted to be prescribed and in particular for the following, namely:—

- (a) for prescribing the terms and conditions of employment in the service of a statutory authority;
- (b) for prescribing remuneration;
- (c) for prescribing the probationary period on first appointment and for the reduction of such period in appropriate cases;
- (d) for prescribing conditions for the termination of first appointments on probation;
- (e) for prescribing the procedure for the recovery of any penalties from an officer;
- (f) for regulating the hours of attendance of officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (g) for regulating the granting of leave to officers;
- (h) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (i) for prescribing and providing for the use of powers under this Act and the regulations;
- (j) for regulating generally the terms and conditions of temporary employment.

Ordinances
amended.

29. The Ordinances set out in the first column of the Second Schedule are amended to the extent set out in the second column thereof.

Commencement.

30. This Act shall come into force on such day as the Governor-General may appoint by proclamation in the *Gazette*.

(Section 25)

FIRST SCHEDULE

MATTERS TO BE PROVIDED FOR BY THE RULES OF AN ASSOCIATION REGISTERED UNDER THIS 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, 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 inspection of the 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 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 an officer who is a member of an appropriate registered association.

SECOND SCHEDULE

AMENDMENTS TO ENACTMENTS

FIRST COLUMN

SECOND COLUMN

Enactments

Extent of Enactments

By repealing and replacing section 23 of the Port-of-Spain Corporation Ordinance, section 38 of the San Fernando Corporation Ordinance and section 38 of the Arima Corporation Ordinance as follows:

The Port-of-Spain Corporation Ordinance. Ch. 39. No. 1. Establish-ment.

“(1) Subject to the provisions of this Ordinance—
 (a) the Council shall fix an establishment for every department, which establishment shall be submitted in each

SECOND SCHEDULE—CONTINUED

FIRST COLUMN

SECOND COLUMN

*Enactments**Extent of Enactments*

The San Fernando Corporation Ordinance, Ch. 39. No. 7.

year along with the estimates to the Governor-General, who may make such amendments thereto as he considers expedient; and

The Arima Corporation Ordinance, Ch. 39. No. 11.

(b) the Corporation shall make regulations providing for the conditions of service under the Corporation of all employees, and such regulations may deal with entrance and promotion, qualifications, appointments, discipline, suspension and dismissal.

(2) Subject to the provisions of this Ordinance a Chief Officer of the Corporation shall, within the establishment laid down by the Council for his department be responsible for the appointment, suspension or dismissal of employees, but so however that any employee aggrieved by a decision of the Chief Officer to suspend or dismiss him may at any time within 7 days after the decision to suspend or dismiss has been taken, appeal to the authority, having jurisdiction under section 7 of the Statutory Authorities Act, 1966, for the purposes of that Act, and the authority shall review the findings of the Chief Officer and make an award and such award shall be final.

(3) In this section "employee" means a person, not being an officer (as defined in section 2 of the Statutory Authorities Act, 1966) who is employed in the service of the Corporation".

SECOND SCHEDULE—CONTINUED

FIRST COLUMN	SECOND COLUMN
<i>Enactments</i>	<i>Extent of Enactments</i>
Port-of-Spain Corporation Ordinance San Fernando Corporation Ordinance Arima Corporation Ordinance	By adding as section 422 of the Port-of-Spain Corporation Ordinance, and as section 343 of the San Fernando Corporation Ordinance, and as section 297 of the Arima Corporation Ordinance, the following:— Commission to make appointments. "Where, by any provision of the Port-of-Spain Corporation Ordinance, the San Fernando Corporation Ordinance or the Arima Corporation Ordinance, or any other enactment, the Council is authorised to appoint, promote or transfer or to exercise disciplinary control over any person, not being a member of the Council, in the service of the Corporation, such provision shall be read and construed as authorising the Commission established under the Statutory Authorities Act, 1966, to make the appointment, transfer of, or to exercise disciplinary control over, the officer".

Passed in the House of Representatives this 17th day of June, 1966.

G. R. LATOUR
Clerk, House of Representatives

Passed in the Senate this 28th day of June, 1966.

J. E. CARTER
Clerk of the Senate