

LAWS OF TRINIDAD AND TOBAGO

PRISON SERVICE ACT

CHAPTER 13:02

Act

32 of 1965

Amended by

125/1966

267/1971

219/1973

136/1976

177/1976

206/1976

206/1977

45 of 1979

65/1980

20/1983

Current Authorised Pages

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1-2	1/1990
3-12	1/1980
13-18	1/1990

Note**on****Subsidiary Legislation**

1. Section 10 of the Law Revision (Miscellaneous Amendment) (No. 1) Act 1979 (No. 45 of 1979) provides that notwithstanding the repeal of the Colonial Prison Service Medal Regulations 1957 (G.N. 73/1957) 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 (Prison Service) Order G.N. 130/1978 as amended by L.N. 64/1980 and L.N. 86/1982 has been omitted as it is of a temporary character.

3. For other Regulations relating to the Prison Service, see sections 164 to 181 of the Public Service Commission Regulations G.N. 132/1976 (Ch. 1:01 p. 115).

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PRISON SERVICE ACT

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CHAPTER 13:02

PRISON SERVICE ACT

An Act to make provision for the establishment and the classification of the Prison Service, for the establishment of procedures for negotiation and consultation between the Government and members of the Prison Service for the settlement of disputes, and for other matters concerning the relationship between the Government and the Prison Service. 32 of 1965.

[27TH AUGUST 1966]

Commencement.

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

Short title.

PART I

PRELIMINARY

2. In this Act—

Interpretation.

“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 prison 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 26 as the bargaining body for any class or classes of prison officers;

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

“dispute” means any matter respecting prison officers upon which agreement has not been reached between the Personnel Department and the appropriate recognised association and which is deemed to be a dispute under section 18 or 19;

“grade” includes a range given in the Classification of Offices set out in the First Schedule;

First Schedule.

“office” means an office in the Prison Service assigned to a grade;

“Personnel Department” or “the Department” means the Personnel Department established under the Civil Service Act;

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“pay” means the rate of pay assigned to an office in a grade by a Remuneration Order;

“Prison Service” means the Prison Service established under section 3;

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

“remuneration” means pay and allowances;

“Special Tribunal” means the Special Tribunal established under section 21 of the Civil Service Act;

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PART II

ESTABLISHMENT AND STRUCTURE OF THE PRISON SERVICE

Establishment
of Prison
Service.
First Schedule.

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 Prison Service, which is hereby established for the purposes of this Act.

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

(3) A public officer who immediately before the commencement of this Act held or was acting in a public office in the public service connected with the performance of any duties under the Prisons Act shall, as from the commencement of this Act, continue to hold or act in the like office in the Prison Service by whatever title called.

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(4) In any written law in force immediately before the commencement of this Act, references to a public officer by whatever title called, performing duties under the Prisons Act, shall, as from the commencement of this Act, be read and construed as references to a member of the Prison 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.

(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. (1) The President may by Order—

Orders.

- (a) determine the pay in respect of the office in a grade;
- (b) establish the allowances that may be paid in addition to pay;
- (c) give effect to any agreement entered into between the Chief Personnel Officer on behalf of the Minister of Finance and the appropriate recognised association; and
- (d) give effect to an award made by the Special Tribunal.

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

6. Except where the contrary is otherwise provided in a Remuneration Order, increase of pay that may be granted in respect of an office in a grade in accordance with the Remuneration Order shall be annual; but no increase of pay shall be made in respect of an office in a grade in which the prison officer performing the duties of such office has not completed a period of twelve months continuous duty in such office.

Increments.

TERMS AND CONDITIONS OF EMPLOYMENT

7. A prison officer shall hold office subject to this Act and any other written law and any regulations thereunder and unless some other period of employment is specified, for an indeterminate period.

Tenure of office.

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

Term appointments.

9. A prison officer who intends to resign his office shall give such period of notice as may be prescribed by regulations.

Resignation.

Prison officer
and voting.

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

Prison officers
and political
activities.

11. A prison officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a County Council.

Public
statements by
prison officers
on certain
matters.

12. (1) Subject to this section, a prison officer may not—

(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 County Council.

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(2) Subsection (1)(a) shall not apply—

(a) where a prison 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 responsible for the Prison Service is assigned, made or given at an educational institution in the *bona fide* pursuit of the professional activities of the prison 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 responsible for the Prison Service is assigned, to a journal or other periodical or document prepared in pursuit of the profession as aforesaid.

(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.

13. (1) Every prison officer who is appointed to an office after the commencement of this Act shall take and subscribe the oath or affirmation of allegiance set out in the Third Schedule.

Prison officers to take oath.

Third Schedule.

(2) A prison officer who is—

(a) the holder of an office specified in the Second Schedule; and

(b) the secretary to the holder of an office specified in the Second Schedule,

Second Schedule.

shall take and subscribe the oath or affirmation of office and secrecy set out in the Third Schedule.

Third Schedule.

TERMINATION

14. The modes by which the appointment of a prison officer may terminate are as follows:

Modes of termination of appointment.

(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 other termination of an appointment for a specified period;

(g) on the abolition of office;

(h) in the case of a prison officer on probation on the termination of appointment.

PART III

THE PERSONNEL DEPARTMENT IN RELATION TO THE PRISON SERVICE

15. (1) In addition to the powers and duties conferred on the Personnel Department by any other written law, the Department shall, in relation to the Prison Service, have the following duties:

Powers and duties of the Department in relation to the Prison Service. [45 of 1979].

(a) (i) to maintain the classification of the Prison Service; and

(ii) to keep under review the remuneration payable to prison officers;

- (b) to administer the general regulations respecting the prison service;
- (c) to provide for and establish procedures for consultation and negotiation between the Personnel Department and an appropriate recognised association or associations in respect of—
 - (i) the classification of offices;
 - (ii) any grievances;
 - (iii) remuneration; and
 - (iv) the terms and conditions of employment.

(2) The Minister of Finance may from time to time make recommendations with regard to remuneration to be paid to prison 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 Prison 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 Prison Service and the relationship of the duties of the various grades within the Prison 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 associations of prison officers with respect to the matters specified in subsection (1).

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

16. Notwithstanding section 13(1) of the Civil Service Act, in the exercise of its duties and functions under sections 15, 17, 18, 19 and 20(1), the Personnel Department shall be subject to the direction of the Minister of Finance.

Consultation with association of prison officers.

17. The Personnel Department shall from time to time consult with representatives of the appropriate recognised association of prison officers with respect to the matters specified in section 16, at the request of such representatives or whenever in the opinion of the Minister of Finance such consultation is necessary or desirable.

18. Where the Personnel Department 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 Department and the appropriate recognised association are, within twenty-one 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 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 such report being made a dispute shall be deemed to exist as to such matter.

Where no agreement reached on proposals of association.

19. Where the Personnel Department before making proposals with respect to matters specified in section 15 does not consult with representatives of 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 such report being made, a dispute shall be deemed to exist as to such matter.

Department to submit proposals to association for approval.

20. (1) Where the Personnel Department and the appropriate recognised association reach agreement on any of the matters specified in section 15 after consultation and negotiation in accordance with section 18 or 19, 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 prison officers to whom the agreement relates.

21. (1) Where a dispute is deemed to exist under section 18 or 19, the Minister shall refer the dispute for settlement to the Special Tribunal established under section 21 of the Civil Service Act, within twenty-one days from the date on which the dispute was reported to him.

Disputes to be referred to Special Tribunal. Ch. 23:01.

(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 said 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 prison officers.

PART IV

FUNCTIONS OF THE SPECIAL TRIBUNAL IN RELATION TO PRISON SERVICE

Special Tribunal established. [45 of 1979].

22. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 21 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.

23. (1) An award made by the Special Tribunal under section 22 shall be binding on the parties to the dispute and on all prison 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 such award at any time after the expiry of the third year.

PART V

ASSOCIATION OF PRISON OFFICERS

Definitions.

24. In this Part and in section 2, "class" means the division into which an office is assigned by regulations made by the President under section 30, and includes any category or categories of offices assigned to a division.

25. A prison officer may not be represented by any existing association within the meaning of section 23 of the Civil Service Act.

Representation
by certain
associations.
Ch. 23:01.

26. (1) Prison officers may form associations, and such associations shall, subject to this Act and the Regulations, be recognised by the Minister as appropriate associations for consultation and negotiation in respect of any of the matters specified in section 15 and any other matters concerning prison officers, except that for the purposes of recognition by the Minister, an association formed pursuant to this subsection may not be representative of any class or classes of prison officers already represented by an appropriate recognised association; and an association formed pursuant to this subsection may not admit to its membership a prison officer who is a member of an appropriate recognised association.

Representation
of prison
officers.

(2) The Minister shall withdraw recognition from an appropriate recognised association that fails to comply with any of the requirements of subsection (1).

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

27. 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 associations formed pursuant to section 26(1).

Regulations
governing
recognition.

28. (1) Every association formed pursuant to section 26(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 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 Fourth Schedule;

Fourth
Schedule.

(b) a copy of the Rules and every amendment thereto shall be delivered by the association to every prison 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 amendment thereof shall have effect from the date on which they are filed unless some later date is specified from which they shall have effect.

Complaints by
members of
association.

29. (1) On any complaint in writing signed by not less than fifty financial members of an appropriate recognised association respecting the Rules or business of the association, the Registrar General shall 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 such 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.

Regulations for
Prison Service.

30. (1) The President may make Regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for the following:

- (a) for prescribing the terms and conditions of employment in the Prison Service;
- (b) for prescribing allowances, not being allowances that may be established by Order under section 5;
- (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 a prison officer;
- (f) for regulating the hours of attendance of prison officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (g) for regulating the duties and the conduct of prison officers;
- (h) for regulating the granting of leave to prison officers;
- (i) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (j) for prescribing and providing for the use of powers under this Act and the Regulations;
- (k) for regulating generally the terms and conditions of temporary employment.

(2) The President may from time to time by Order add to, vary or amend the offices specified in the Second Schedule.

Procedure for amendment to Second Schedule.

FIRST SCHEDULE

CLASSIFICATION OF OFFICERS IN THE PRISON SERVICE

Section 3 and 4.
*[206/1976
206/1977
65/1980
20/1983].

<i>Old Title of Post</i>	<i>New Title of Post</i>	<i>Effective Date</i>
	RANGE 21	
Prisons Officer I	Prisons Officer I (for five (5) years)	1.1.77
	Prison Service Driver	1.9.74
	RANGE 24C	
Prisons Officer I	Prisons Officer I (after five (5) years)	1.1.77
	RANGE 40E	
Prisons Officer II	Prisons Officer II	1.1.77
	RANGE 32	
Prisons Welfare Officer	Prisons Welfare Officer	1.1.74
	RANGE 36	
Prisons Cadet Officer	Prisons Cadet Officer	1.1.74

*Previous amendments, now completely superseded, were made to this Schedule by G.N.'s 125/1966, 267/1971, 219/1973 and 177/1976.

CLASSIFICATION OF OFFICERS IN THE PRISON
SERVICE—CONTINUED

<i>Old Title of Post</i>	<i>New Title of Post</i>	<i>Effective Date</i>
	RANGE 47E	
Prisons Supervisor	Prisons Supervisor	1.1.77
	RANGE 50D	
Senior Prisons Welfare Officer	Senior Prisons Welfare Officer	1.1.77
	RANGE 53F	
Assistant Superintendent of Prisons	Assistant Superintendent of Prisons	1.1.74
	RANGE 57E	
Superintendent of Prisons	Superintendent of Prisons	1.1.74
	RANGE 60	
	Senior Superintendent of Prisons	1.1.74
	RANGE 62	
Assistant Commissioner of Prisons	Assistant Commissioner of Prisons	1.9.74
	RANGE 64	
Deputy Commissioner of Prisons	Deputy Commissioner of Prisons	1.1.74
	RANGE 67	
Commissioner of Prisons	Commissioner of Prisons	1.1.74

SECOND SCHEDULE

[Section 13 and 30(2)].

Commissioner
Deputy Commissioner
Senior Superintendent of Prisons
Prison Superintendent
Cadet Officer.

THIRD SCHEDULE

(Section 13).
[136/1976].

OATH OF ALLEGIANCE

I.....do swear by.....
that I will bear true faith and allegiance to Trinidad and
Tobago according to law.

AFFIRMATION OF ALLEGIANCE

I,do solemnly declare
that I will bear true faith and allegiance to Trinidad and
Tobago according to law.

OATH/AFFIRMATION* OF OFFICE AND SECRECY

I, (A.B.) solemnly and sincerely swear/affirm* that I will
faithfully and honestly fulfil the duties that devolve upon
me by reason of my employment in the Prison Service
and that I 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 such employment. †So help me God!

*delete whichever is inapplicable.

†delete in case of affirmation.

FOURTH SCHEDULE

(Section 28).

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, 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 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 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 prison officer who is a member of an appropriate recognised association.
