

First Session Fifth Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 22 of 1996**

[L.S.]

AN ACT to provide for the payment of compensation in respect of officers of the protective services who suffer injury or die in circumstances arising out of and in the course of employment with the State.

*[Assented to 12th August, 1996]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

1. This Act may be cited as the Protective Services Short title (Compensation) Act, 1996.

Interpretation

**2. In this Act—**

“claim” means an application for compensation made under this Act and “claimant” has the corresponding meaning;

“Committee” means the body of persons constituting the Compensation Committee established under section 5;

“Minister” means the member of Cabinet to whom responsibility for National Security is assigned and “Ministry” has the corresponding meaning;

“officer” means a person who holds an office in accordance with any of the Acts listed in the First Schedule;

First Schedule

“permanent partial disablement” means such disablement of a permanent nature as reduces the earning capacity of an officer in the service in which he was employed at the time the disablement was sustained;

“permanent total disablement” means such disablement of a permanent nature as incapacitates an officer for all work which he was capable of performing at the time the disablement was sustained;

“personal injury” means permanent partial disablement or permanent total disablement;

“Protective Services” means the services established by the Acts listed in the First Schedule.

Liability to pay  
compensation**3. (1) Where an officer—**

(a) suffers personal injury;

(b) dies instantly; or

- (c) dies as a result of personal injury sustained,

in circumstances arising out of and in the course of his employment with the State, the State shall be liable to pay compensation in accordance with this Act.

(2) Any award of compensation under this Act, shall be a charge on the Consolidated Fund.

4. (1) In furtherance of section 3, the following persons are entitled to make a claim for compensation (hereafter called "a claim") under this Act:

Claims for compensation

- (a) an officer who suffers personal injury;
- (b) a person entitled under any written law to make a claim on behalf of an officer who is so incapacitated by reason of personal injury that he is unable to make a claim himself;
- (c) a named beneficiary of an officer who died in circumstances set out in subsection 3(1)(b) or (c); or
- (d) in the absence of the named beneficiary referred to at paragraph (c), the holder of a grant of probate or a grant of letters of administration.

(2) A claim shall be made in respect of personal injury or death arising after the coming into force of this Act, in accordance with the rules made under section 14.

(3) The time during which a claim may be made shall be as follows:

- (a) in respect of death, within four years of the date on which the death of the officer occurred; or
- (b) in respect of personal injury, within one year of the date on which such personal injury was sustained.

(4) In all proceedings before the Committee the claimant may appear in person or may be represented by any named person or an attorney-at-law.

Committee

5. (1) A Compensation Committee (hereafter referred to as "the Committee") shall be established for the purposes of performing the functions detailed under this Act.

(2) The chairman, secretary and other members of the Committee shall be appointed by the President by instrument in writing for a period of three years on such terms and conditions as the President may determine.

(3) The Committee shall comprise—

- (a) an attorney-at-law whose name is on the Roll of Attorneys-at-law in accordance with the Legal Profession Act, having at least seven years experience and who shall be Chairman;
- (b) an attorney-at-law whose name is on the Roll of Attorneys-at-law in accordance with the Legal Profession Act and who shall be secretary to the Committee;
- (c) a medical practitioner registered under the Medical Board Act with at least seven years experience;
- (d) a medical practitioner registered under the Medical Board Act or other suitably qualified person with at least four years experience in the field of occupational health and safety; and
- (e) a person who has at least three years experience in the business of accident and health claims.

Act No. 21 of 1986

Chap. 29:50

(4) At the expiration of his term of office, a member of the Committee shall be eligible for reappointment.

6. (1) The Committee shall have a seal which shall be Judicially noticed and shall be kept in the custody of the secretary. Seal of the Committee

(2) The seal shall be affixed by the secretary in the presence of one other member, and any document purporting to bear the seal of the Committee shall unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof.

7. The Committee shall meet at such times as may be necessary to deal promptly and expeditiously with all matters within its charge, and three members shall constitute a quorum. Meetings and quorum

8. A member of the Committee who has any interest in a matter before the Committee, shall be disqualified from all sittings on such matter. Disclosure of interest

9. (1) Where a member of the Committee is unable to perform his duties by reason of— Acting appointments

- (a) illness;
- (b) absence from Trinidad and Tobago;
- (c) the provisions of section 8; or
- (d) any other circumstance,

the President may appoint another person to act in place of such a member during the period of his inability to perform his duties, and such acting member shall hold the qualifications required by section 5(3).

(2) A person appointed to act under this section, shall perform all the functions as the absent member and shall do so under the same terms and conditions as those enjoyed by the said absent member.

Resignation from the  
Committee and  
revocation of  
appointment

**10.** (1) A member may resign his office by giving to the President one month's notice of his resignation in writing, which shall take effect from the date of receipt of such notice by the President.

(2) The President may revoke the appointment of a member of the Committee where the member—

- (a) is absent from three consecutive meetings without the written approval of the Minister or without reasonable cause;
- (b) is guilty of misconduct that may bring the Committee into disrepute;
- (c) is disqualified from the practice of his profession; or
- (d) is unable to perform his functions for any other reason.

Publication in  
*Gazette*

**11.** The appointment of members to the Committee, acting appointments in their absence, the revocation of appointments or resignations from the Committee shall be published in the *Gazette*.

Office of the  
Committee

**12.** The office of the Committee shall be situated in Port-of-Spain and the address shall be published in the *Gazette* and in one daily newspaper.

Functions and  
jurisdiction of the  
Committee

**13.** (1) The functions of the Committee shall be—

- (a) to receive, investigate, hear and determine claims for compensation filed in accordance with this Act and the rules of the Committee made under section 14, and to make such orders for compensation in accordance with the Second Schedule;
- (b) to discharge any other responsibility that is required by this Act.

Second Schedule

(2) Where it is proved that an officer suffered personal injury or died in circumstances arising out of and in the course of his employment with the State, the Committee shall, subject to subsections (3) and (4), make an order for the award of compensation in accordance with the Second Schedule and shall give reasons in writing for the award of, or the refusal to award compensation.

(3) In hearing a claim, the Committee shall determine—

- (a) whether the injury to, or death of the officer was caused, and to what extent, by his participation in any type of illegal activity and whether any compensation is payable under the circumstances; and
- (b) the proportion of contributory negligence if any, on the part of the officer and shall apportion compensation accordingly.

(4) The Committee shall, in determining the quantum of compensation, take into account any payment gratuitously made to an officer or a claimant by the State, in respect of the same personal injury or death.

(5) For the purpose of undertaking its functions, the Committee shall have the same powers as a court of civil jurisdiction under the Summary Courts Act.

Chap. 4:20

14. (1) The Committee shall make and publish its own rules in the *Gazette* for the procedure to be followed:

Committee rules and  
rules of evidence

- (a) for the initiation of claims; and
- (b) the conduct of its business, and shall publish in the *Gazette* and one daily newspaper the location and times of its sittings.

(2) Notwithstanding subsection (1), the Committee shall be bound by rules of evidence

applicable to a court of civil jurisdiction under the Summary Courts Act.

Staff

15. The staff for the Committee shall be selected by the Permanent Secretary of the Ministry from among public officers of that Ministry.

Right of appeal

16. (1) A party who is aggrieved by a determination of the Committee under section 13, is entitled to appeal to the Court of Appeal, within six weeks of that determination.

(2) On hearing an appeal under subsection (1), the Court of Appeal has power—

- (a) if it appears to it that a new hearing should be held, to set aside the order appealed against, and order that a new hearing be held; or
- (b) to order a new hearing on any question without interfering with the finding or decision upon any other question; and
- (c) to make such finding or other order as the circumstances of the case require.

Compensation otherwise awarded

17. In awarding compensation for injury or death under this Act, the Committee shall take into account any damages awarded to an officer or his beneficiary, in respect of the same injury or death.

Annual report

18. (1) the Committee shall submit to the Minister an annual report dealing with its operations during the preceding year and such report shall be submitted not later than three months of the anniversary date of the appointment of the Committee.

(2) The Minister shall within three months of the receipt of that Report lay the same in Parliament.

**19.** All claims in respect of personal injury or death <sup>Transition</sup> of an officer, occurring prior to the coming into operation of this Act, shall be treated in accordance with—

- (a) agreements executed between the Minister of Finance and the Associations representing the different Divisions of the Police Service, Fire Service and Prison Service;
- (b) the same principles applicable before the coming into operation of this Act, where there are no such agreements.

**20.** Nothing in this Act shall be construed in a <sup>Other entitlements</sup> manner that would disentitle or disqualify an officer from making a claim in respect of personal injury or death, in accordance with—

- (a) The National Insurance Act, the National <sup>Chap. 32:01</sup> Insurance Medical Expenses Regulations, the National Insurance (Employment Injury) (Payment of Medical Expenses) Order;
- (b) the Police Service Act, the Fire Service Act, the Prison Service Act and the Pensions Act;
- (c) any other legislation that may confer benefits relating to personal injury or death of an officer.

**21.** The Minister may by Order amend the First and <sup>Amendment of Schedules</sup> Second Schedules by adding to them any other Service or benefits as the case may be.

**22.** This Act shall come into operation on a date to be <sup>Commencement</sup> fixed by the President by Proclamation published in the *Gazette*.

## FIRST SCHEDULE

(Section 2)

The Police Service Act, Chap.15:01

The Fire Service Act, Chap. 35:50

The Prison Service Act, Chap. 13:02

## SECOND SCHEDULE

(Section 13)

*Benefits that should be granted in respect of injury or death arising out of and in the course of employment*

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| (a) Compensation for death arising out of and in the course of employment                              | (i) An amount equal to three years gross salary at the date of death; and<br>(ii) Such entitlement as is provided under the Police Service Act, the Fire Service Act, the Prison Service Act and the Pensions Act or any other relevant legislation.  |
| (b) Compensation for permanent total disablement, or permanent partial disablement                     | (i) The same percentages of the amount of (a)(i) above as those included under the Second Schedule to the Workmen's Compensation Act, Chap. 88:05; and<br>(ii) Such entitlement provided under the Police Service Act, the Fire Service Act, the Prison Service Act and the Pensions Act or any other relevant legislation. |
| (c) All necessary injury leave as may be certified by a medical practitioner approved by the Committee | Full pay  |

*Claims in respect of benefits for death or injury which should not come under the jurisdiction of the Committee*

- (d) Those claims which are occasioned by or have happened through the following circumstances:
- (i) war, invasion, act of foreign enemy; and
  - (ii) suicide or attempted suicide, venereal disease, the influence or effect (temporary or otherwise) of alcohol, or of drugs not prescribed by a registered medical practitioner.

Passed in the House of Representatives this 9th day of July, 1996.

J. SAMPSON  
*Clerk of the House*

Passed in the Senate this 18th day of July, 1996.

N. COX  
*Clerk of the Senate*

Senate amendments agreed to by the House of Representatives this 19th day of July, 1996.

J. SAMPSON  
*Clerk of the House*