

LEGAL NOTICE NO. 92

REPUBLIC OF TRINIDAD AND TOBAGO

THE FIRE SERVICE ACT, CHAP. 35:50

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 31 OF THE
FIRE SERVICE ACT

THE FIRE SERVICE (RECOGNITION OF AN APPROPRIATE
ASSOCIATION) REGULATIONS, 2005

1. These Regulations may be cited as the Fire Service (Recognition Citation
of an Appropriate Association) Regulations, 2005.

2. In these Regulations—

Interpretation

“Act” means the Fire Service Act;

Chap. 35:50

“applicant association” means an association making an
application for recognition as an appropriate recognized
association;

“application” means an application made under regulation 3;

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

“association” means an association formed under section 30 of
the Act;

“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 under section 3 of
the Act;

“member” means a fire officer who has paid by way of
subscription to an association for a continuous period of
two months immediately prior to the date on which an
application is made, the sum required by the rules of that
association;

“Minister” means the Minister of Finance;

“objecting association” means an association making an
objection under regulation 5.

Application
for
recognition

3. (1) An association seeking recognition as an appropriate recognized association shall apply in writing to the Minister in accordance with subregulation (2).

(2) An application under subregulation (1) shall be made in the prescribed form and shall be accompanied with—

- (a) a document from the Registrar General certifying that the rules of the applicant association have been filed in accordance with section 32(2), of the Act;
- (b) a copy of the rules of the applicant association containing the provisions specified in the Sixth Schedule to the Act;
- (c) a list of the names of members of the applicant association which it purports to represent and of the class and any category of office into which those members fall; and
- (d) an affidavit made by the person authorized by the Executive of the applicant association testifying that at the date of the application—
 - (i) no member of the applicant association is a member of any other association; and
 - (ii) the membership of the applicant association comprises more than fifty per cent of the persons falling into the class that the applicant association purports to represent.

(3) For the purposes of these Regulations, where a fire officer is a member of an appropriate recognized association, any subscription paid by him to any other association shall not be taken into account for the purpose of determining membership of that other association.

Publication of
Application
for
recognition

4. The Minister shall within seven days of receipt of an application for recognition cause a notification to be published in the *Gazette* stating—

- (a) the date of the application;
- (b) the name of the applicant association;
- (c) the place where the documents specified in regulation 3(2)(b) and (c) may be examined; and
- (d) that unless another association objects before the expiration of fourteen days from the date of publication of the notification, the applicant association shall be recognized under section 30(1) of the Act as the appropriate recognized association.

5. (1) Where an association desires to object to an application for recognition it may submit a written application to the Minister before the expiration of fourteen days from the date of the publication of the notification under regulation 4. Objection to application for recognition

(2) An objection under subregulation (1) shall be made on the ground that—

- (a) more than fifty per cent of the class that the applicant association purports to represent, are already represented by the objecting association; or
- (b) the members of the applicant association are members of the objecting association.

(3) The Minister on receipt of an objection, shall cause the applicant association to be informed in writing of the objection submitted by the objecting association within fourteen days of the receipt of such objections.

(4) Where an objection is made, the applicant association may respond in writing to the Minister no later than seven days of being so informed.

6. Where an application for recognition, or an application for an objection is made to the Minister, he may require the applicant association or the objecting association, as the case may be, to produce no later than seven days from the date of the application any book, record or other document maintained by the applicant association or the objecting association to be examined so as to ascertain— Examination of books records or other documents

- (a) the membership of the association; and
- (b) which association is representative of more than fifty per cent of a class of fire officers.

7. Where the Minister is satisfied that an applicant association meets the requirements under the Act and Regulations made thereunder, he shall cause to be published a notification of recognition in favour of the applicant association together with any withdrawal of recognition from any appropriate recognized association in the *Gazette* no later than sixty days from the date of the notification of application under regulation 4. Publication of recognition

Dated this 25th day of April, 2005.

A. LEUNG WOO-GABRIEL
Secretary to Cabinet