

**EXCERPTS FROM THE EIGHTH REPORT OF THE JOINT SELECT COMMITTEE  
ON FINANCE AND LEGAL AFFAIRS ON AN INQUIRY INTO THE ADEQUACY OF  
MAGISTRATES' COURTS FACILITIES  
&  
RESPONSE OF THE MINISTRY OF NATIONAL SECURITY**

**Role of the TTFS (pages 36 and 37 of the Report)**

16. The TTFS communicated in its written response that Magistrates' Courts are categorised as industrial establishments and according to the Fire Service Act, Chapter 35:50 must be certified every twenty-four (24) months by the TTFS. The amended Act also gives the Chief Fire Officer the authority to set the standards and requirements inclusive of the period of re-certification. The TTFS noted that as at May 23, 2019, not all Magistrates' Courts were in possession of fire certification. Full certification encompasses multiple requirements related to egress, suppression systems, extinguishment and signage. To date none of the Magistrates' Courts has fully met the criteria as stipulated in the OSH Act.

17. The TTFS also plays an instrumental role in advising the Judiciary of the requisite safety measures to be taken in accordance with Section 3A (b) of the Fire Service Act chapter 35:50 via a written report which is generated post-inspection outlining the shortcomings, areas of recommendation and stipulated timeframes to bring the premises to the appropriate standard.

18. Currently, TTFS inspection reports are forwarded to the OSH Agency and the feasibility of collaboration for inspections by the TTFS and OSH personnel was being discussed.

19. By correspondence dated July 29, 2018 the TTFS informed the Committee that a total of four (4) inspections; three (3) scheduled and one (1) un-scheduled were conducted at Magistrates' Courts facilities within the last three (3) years and a total of three (3) notices were issued. These are highlighted in Table 5. A complete list of inspections and drills carried out by the TTFS can be found in Appendix IV of the Report. However, the rationale for selecting these courts was not provided.

**Table 5: Inspections of Courts carried out by the TTFS**

No.	Magistrates' Court Buildings	Date of Inspection	Scheduled or Unscheduled	Notices Issued
1	Chaguanas	01/05/2016	Scheduled	No
2	Couva	07/05/2019	Unscheduled	Yes
3	Juvenile Court, Fyzabad	08/12/2016	Scheduled	Yes

**Key Subject Areas/Issues Discussed during the Hearing (pages 80-81 of the Report)**

(f) Trinidad and Tobago Fire Services (TTFS)

- i. None of the buildings occupied by the Magistrates' Courts are in receipt of fire certification;
- ii. Full certification encompasses multiple requirements related to egress, suppression systems, extinguishment and signage. To date none of the Magistrates' Courts have fully met the criteria as stipulated in the OSH Act;

- iii. In terms of the follow up for requirements, each is given a timeframe of (30, 60 or 90) days. During this time frame communication is maintained with the Judiciary's Health and Safety Unit to ascertain completed and outstanding requirements;
- iv. In terms of the regularity of inspections, stipulations under the OSH Act requires that industrial establishments are inspected every two years;
- v. A risk assessment to estimate the compatibility of code requirements related to adequate means of escape, fire protection systems and training to the staff would determine the level of compliance. The TTFS liaises with the Court OSH Manager to get feedback on the level of compliance and outstanding areas in need of improvement;
- vi. Currently, six (6) buildings in the southern division and nine (9) in the northern division are inspected by the TTFS;
- vii. The Judiciary court buildings are equipped with what is termed by the TTFS as minimum requirements. In terms of the buildings inspected this entailed for example, primary and alternate means of escape, the presence of fire extinguishers and signage;
- viii. An improvement notice would be issued for example in the case where a fire alarm system was in place but was inoperable. The TTFS would also alert the Judiciary to any fire hazards that could be immediately rectified, such as improper storage practices;
- ix. The TTFS endeavours to take a proactive approach and would assist in conducting emergency training for the staff and the development of evacuation plans. The TTFS is therefore of the opinion that the Judiciary has a degree of responsiveness and safety training and that there are no immediate dangers posed by buildings occupied by the Judiciary;
- x. This is supplemented by training done by the Judiciary internal OSH Unit and from previous fire drills conducted by the TTFS;
- xi. The TTFS understands that resources are a major constraint to the implementation of some of the requirements but hold that the buildings' occupants are properly trained in the course of action to be taken in the event of an emergency; and
- xii. The TTFS plans to conduct more spot inspections.

### **Recommendations (page 46 of the Report)**

L. Since no court is certified by the Trinidad and Tobago Fire Services, immediate steps should be taken by the TTFS to inspect all Magistrates' Courts and advise as to what is required for certification with a timeline being given for compliance. Public safety is non-negotiable.

### **MINISTRY OF NATIONAL SECURITY'S RESPONSE**

The Ministry of National Security concurs, generally, with the findings and recommendations of the Committee relevant to the Ministry but would wish to offer the comments below on Recommendation L.

According to Subsection 13 (A) of the Occupational Safety and Health Act Chapter 88:08 (OSH Act), it is the responsibility of the employer, in this case the managers of the Magistrates' Courts, to ensure that annual assessments are carried out and that the premises meet the compliance standards outlined in the OSH Act.

While Part V of the OSH Act addresses the responsibilities of the Trinidad and Tobago Fire Service (TTFS), and the Fire Service Act Chapter 35:50 expounds on the powers of authorized officers to enter and inspect public premises, [specifically Subsections (43), (44) and (45)], due to the nature and sensitivity of the Judiciary, the usual procedure is for the Court Executive Administrator and/or the OSH Manager of the Judiciary to make arrangements with the TTFS to conduct inspections.

Despite it being the responsibility of personnel from the Magistrates' Courts to contact the TTFS and make arrangements for inspections to be carried out, within the last week of June 2020, TTFS officials contacted the Court Executive Administrator to facilitate re-inspections of all Court facilities throughout Trinidad and Tobago. It is anticipated that a timely response would be given to the Fire Service, following which both parties could come to an agreement as to an appropriate schedule of site visits.