

THE POLICE COMPLAINTS AUTHORITY (AMENDMENT) BILL, 2000

EXPLANATORY NOTE

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to amend the Police Complaints Authority Act, No. 17 of 1993, *inter alia*, to extend the jurisdiction of the Policy Complaints Authority (hereinafter referred to as “the Authority”) by conferring on the Authority the power to deal with complaints made against members of the Special Reserve Police and Municipal Police.

Clause 1 would provide the short title and would state that the Act comes into force on a date to be proclaimed by the President.

Clause 2 would provide the definition section which is self-explanatory.

Clause 3 would expand the definition of “police officer” which, under the Police Complaints Authority Act (hereinafter referred to as “the Act”) is restricted to members of the Police Service, to include Special Reserve Police and Municipal Police.

Clause 4 of the Bill would amend section 17 of the Act to ensure the Authority’s accountability by requiring the Authority to keep accurate and proper accounts and records of all transactions and to submit to the Minister an annual report of its financial activities and a copy of the audited statement of accounts which are to be laid in Parliament.

Clause 5 of the Bill would amend section 21 of the Act by inserting a new provision which would allow the Authority to exercise its discretion to deal with complaints made in writing in the same manner as it would deal with complaints made on the prescribed form pursuant to section 21(1) of the Act.

Clause 6 of the Bill would amend section 23 of the Act by deleting an incorrect reference to section 25 and substituting therefor the correct reference, that is, to section 24.

Clause 7 of the Bill would amend section 27 of the Act to provide for disciplinary action to be taken in respect of members of the Police and the Special Reserve Police Forces where the Commissioner so decides.

Clause 8 of the Bill would amend section 32 of the Act to impose on the Authority the obligation to inform the complainant of the action taken, in a case where the Authority is not satisfied with the manner of disposition of the complaint.

A BILL

AN ACT to amend the Police Complaints Authority Act, No. 17 of 1993
and for matters connected therewith or incidental thereto

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title and
commencement

1. (1) This Act may be cited as the Police Complaints Authority
(Amendment) Act, 2000.

(2) This Act comes into force on such date as the President may
appoint by Proclamation.

Interpretation
No. 17 of 1993

2. In this Act, “the Act” means the Police Complaints Authority
Act.

Section 3
amended

3. Section 3 of the Act is amended by deleting the definition of
“police officer” and substituting the following:

“ “police officer” means -

(a) a member of the Police Service established
Chap. 15:01 under the Police Service Act;

(b) a member of the Municipal Police Force
established under the Municipal Corpora-
No.21 of 1990 tions Act;

(c) a member of the Special Reserve Police
established under the Special Reserve
Chap. 15: 03 Police Service Act.”.

New sections
17 A and 17B
inserted

4. The Act is amended by inserting after section 17, the following sections :

“Auditing
of accounts

17A. The Authority shall keep accurate and proper accounts and records of all transactions in accordance with internationally and locally recognized accounting standards, principles and practices and shall ensure that all payments out of the funds of the Authority are properly authorised and correctly made and that adequate control is maintained over the incurring of expenditure.

17B. (1) The Authority shall, within three months of the end of each financial year submit to the Minister in respect of the preceding financial year -

- (a) an annual report dealing with the activities of the Authority during the financial year;

(b) a copy of the audited statement of accounts and such information relating to the operations of the Authority as the Minister may require.

(2) The Minister shall cause a copy of the annual report and audited statement to be laid in Parliament and if Parliament is not then in session, within twenty-eight days of the commencement of its next session.”.

Section 21
amended

5. Section 21 of the Act is amended by inserting immediately after subsection (4), the following subsection :

“ (5) Where a person makes a complaint in writing to the Authority, but fails to complete the form contained in the Schedule, the Authority may proceed to deal with the complaint in the same manner as it would deal with complaints made under subsection (1).”.

Section 23
amended

6. Section 23 of the Act is amended in subsection (3), by deleting the word “25” and substituting the word “24”.

Section 27
amended

7. Section 27(1) of the Act is amended by deleting paragraph (b) and substituting the following:

“(b) take such action as he thinks fit –

(i) with respect to members of the Police Service, in accordance with the Police Service Regulations or the Police Service Commission Regulations as the case may be; and

(ii) with respect to members of the Special Reserve Police in accordance with the Special Reserve Police Act.”.

Section 32
amended

8. Section 32 of the Act is amended in subsection (2), by inserting after paragraph (c), the following new paragraph:

“(ca) shall inform the person who made the complaint of the action taken ;”.

Passed in the House of Representatives this day of , 2000.

Clerk of the House.

I confirm the above

Speaker.

Passed in the Senate this day of , 2000.

Clerk of the Senate.

I confirm the above.

President of the Senate.