

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 40,
No. 12, 22nd January, 2001*

No. 2 of 2001

First Session Sixth Parliament Republic of Trinidad
and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Supplemental Police Act,
Chap. 15:02

THE SUPPLEMENTAL POLICE (AMENDMENT) BILL, 2001

Explanatory Note

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

The primary purpose of the Supplemental Police (Amendment) Bill, 2001 is to remove obsolete bodies of police forces such as Rural Police and Special Constables from the purview of the Parent Act. The Bill further purports to remove from its purview private security agencies as Government is of the view that separate legislation is necessary to deal with the peculiar needs of that industry.

With the amendments to the Parent Act, therefore, the consolidated legislation will address itself exclusively to the body of supplemental police known as Estate Constables, responsible for protecting the property of Government, statutory bodies and state enterprises.

Additionally, the amendment seeks to modernise the legislation by guaranteeing this group of workers certain rights common to all workers, in keeping with modern industrial relations practices.

The major amendments to the Bill are highlighted as follows:

Clause 3 of the Bill amends section 2 of the Act by amending the definitions of a number of terms used in the Act.

Clause 4 of the Bill amends section 3 of the Act by removing the reference to "Rural Police", which body of police no longer exists.

For the reason given in respect of the amendment to section 3, clause 5 of the Bill deletes section 4 of the Act entirely and clause 6 purports to amend section 7.

Clause 7 of the Bill amends section 8 of the Act. Of particular note, this amendment would require that the appointment of a person as constable is conditional upon that person passing a drug test and successfully completing a programme of training approved by the Commissioner of Police.

Clause 11 causes new provisions to be inserted whereby the cost of medical attention, in respect of an injured constable, shall be met by the employer. Furthermore, insurance coverage for personal injury suffered by constables on duty is now mandatory and to be paid by the employer.

The amendment to section 25, at clause 18 of the Act, removes from the Act provisions relating to Special Constables, as this category of supplemental police does not exist.

Clause 21 repeals sections 29 to 34 of the Act, removing from the Act provisions relating to Special Constables, for the reasons given previously.

Clause 22 of the Bill amends section 38 of the Act to allow the Estate Police Association “EPA” to represent Private Security Officers, in addition to the constables who fall within the purview of this Act. Furthermore, the restrictions that were imposed on the EPA, in respect of their ability to represent their members, is removed.

Clause 23 proposes to add new sections penalising the victimisation of constables who, *inter alia*, are in any way affiliated to the EPA or have appeared before the Special Tribunal.

BILL

AN ACT to amend the Supplemental Police Act,
Chap. 15:02

[, 2001]

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

1. This Act may be cited as the Supplemental Police Short title
(Amendment) Act, 2001.

Interpretation
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2. In this Act “the Act” means the Supplemental Police Act.

Section 2 amended

- 3.** Section 2 of the Act is amended by—
- (a) deleting the term and the definition of “constable” and substituting as follows:
 - “ “constable” means a member of the supplemental body of police established under section 3;”;
 - (b) deleting the term and the definition of “dispute” and substituting as follows:
 - “ “dispute” means any dispute between an employer and constable connected with the employment or re-instatement of a constable and includes a dispute connected with the salaries and terms and conditions of employment of constables;”;
 - (c) deleting the term and definition of “employer” and substituting as follows:
 - “ “employer” means the Government of Trinidad and Tobago, a statutory authority or a state enterprise;”;
 - (d) repealing the term “protective service agency” and its definition.

Section 3 amended

- 4.** Section 3 of the Act is repealed and replaced as follows:
- “ 3. There is hereby established in Trinidad and Tobago a supplemental body of Police to be known as Estate Police.”.

Section 4 repealed

- 5.** Section 4 of the Act is repealed.

Section 7 amended

- 6.** Section 7 of the Act is repealed and replaced as follows:
- “ 7. Subject to the provisions contained above, the Estate Police employed on any

estate shall consist of such number and ranks of constables as the employer may, subject to the approval of the Commissioner, require and shall have the power and authority of members of the Police Service in respect of all offences committed on the estate to which they belong and throughout the Division in which the estate is situated.”.

7. Section 8 of the Act is repealed and replaced as Section 8 amended follows:

- “ 8. (1) A person who is—
- (a) over eighteen years of age;
 - (b) of sound health, as evidenced by a certificate issued by a registered medical practitioner; and
 - (c) of good character, as evidenced by a valid Police Certificate of character,

shall be eligible for appointment as a constable.

(2) A person’s appointment as a constable shall be conditional upon him successfully passing a drug test for any of the dangerous drugs listed in the Schedule to the Dangerous Drugs Act, 1991.

Act No. 38 of 1991

(3) A constable shall undergo a programme of training approved by the Commissioner of Police.”.

8. Section 9 of the Act is repealed.

Section 9 amended

9. Section 10 of the Act is amended—

Section 10 amended

- (a) in subsection (3)—
 - (i) by deleting the words “or Justice if a rural constable”; and

(ii) by repealing the oath of office of a rural constable; and

(b) in subsection (4) by deleting the words “a rural or” and substituting the word “an”.

Section 11 amended **10.** Section 11 of the Act is repealed and replaced as follows:

“ 11. (1) A constable shall be provided with a badge, baton and manual, describing the powers and duties of a constable, by his employer.

(2) The badge shall be evidence of the office of constable and shall be displayed by him when exercising the duties of his office.

(3) The employer shall, at his own expense, provide a constable with an annual issue of all clothing and equipment.”.

Act amended **11.** The Act is amended by inserting immediately after section 11, as amended, the following sections:

“Bodily injury to a constable” 11A. Where a constable sustains injury while in the discharge of his duty, the employer shall meet all the costs of medical attention, medical comfort and medicines, as required by law.

Insurance 11B. (1) An employer shall provide insurance coverage for each constable, whether individually or through a group insurance scheme, for any injury sustained by the constable in the performance of his duties.

(2) In this section, “injury” includes any injury, permanent disability or death.

(3) Any insurance benefits payable to an employer for or on behalf of a

constable shall be paid to the constable, his beneficiary or estate, as the case may be.”.

12. Section 12 of the Act is repealed and replaced as Section 12 amended follows:

“ 12. The Minister may make regulations generally for the carrying into effect the provisions of this Act.”.

13. Section 13 of the Act is amended by deleting from Section 13 amended the words “pay or allowance” to the end of the sentence and substituting with “wages or salary paid to the constable by the deduction of not more than ten per cent of the gross wages until the whole is paid, and any such fine or penalty shall be recoverable on summary conviction.”.

14. Sections 14 to 20 of the Act are repealed. Sections 14 to 20 repealed

15. Section 22 of the Act is repealed and replaced as Section 22 amended follows:

“Notice of termination of employment of constables 22. (1) When a constable ceases to be employed, the employer shall, within one week next after the termination of the employment of the constable, inform the Commissioner either directly or through the Superintendent of the Division in which the constable was employed.

(2) Where the constable was dismissed by the employer, the employer shall notify the Commissioner or Superintendent of the reasons for such dismissal.

(3) An employer who fails to observe the provisions of this section is liable on summary conviction to a fine of five thousand dollars.”.

Section 23 amended **16. Section 23 is amended—**

(a) in subsection (1) by repealing and replacing it as follows:

“Delivering up of articles of appointment by constable”

23. (1) Where the employment of a constable is terminated whether by resignation or dismissal, all powers and duties vested in him as a constable shall immediately cease and he shall, within seven days thereafter, deliver to his employer his articles of appointment issued to him and any such property belonging to his employer which may have been supplied to him for the execution of his duties.

(2) The former employer shall, thereafter, deliver the precept and Firearms User’s Licence to the Superintendent of the Division in which the constable was employed.”;

(b) by renumbering subsection (2) as subsection (3) and by deleting the words “two hundred dollars or to imprisonment for two months” and replacing them with the words “two thousand dollars or imprisonment for six months”; and

(c) by adding the following subsection:

“ (4) A magistrate may issue a warrant to search for and seize the articles of appointment or any property belonging to the employer, which are not so delivered, and to arrest the person in whose possession the same may be found.”.

17. Section 24 is amended—

Section 24 amended

(a) in subsection (1) by repealing and replacing it as follows:

“Delivering
up of articles
of
appointment
of deceased
constable

24. (1) Where a constable dies, any person in possession of the articles of appointment or any property belonging to the employer shall, within twenty-one days of the death of the constable, deliver such items to the employer or to the Superintendent of the Division in which the Constable was employed.”; and

(b) in subsection (2) by deleting the words “two hundred dollars, or to imprisonment for two months” and replacing them with the words “two thousand dollars, or to imprisonment for six months”.

18. Section 25 of the Act is repealed.

Section 25 repealed

19. Section 26 of the Act is amended by—

Section 26 amended

(a) deleting the word “any” in line one and substituting the word “a”;

(b) deleting the words “the High Court” and substituting the words “any court”;

(c) adding after the words “the Judge” wherever occurring, the words “or Magistrate”; and

(d) deleting the words “one hundred” and substituting the words “five thousand dollars”.

20. Section 28 of the Act is amended by deleting the words “four hundred dollars or to imprisonment for six months” and substituting the words “two thousand dollars or to imprisonment for six months.”.

Section 28
amended

Sections 29 to 34
repealed

21. Sections 29 to 34 of the Act are repealed.

Section 38 amended

22. Section 38 is amended—

(a) in subsection (1)—

(i) by adding the words “and officers employed by private security agencies” after the word “Police” occurring in the second line;

(ii) by deleting the words “, subject to subsection (2),”; and

(iii) in the second sentence, by adding the following words at the beginning of the sentence:

“ (2) In respect of the Estate Police only”; and

(a) by deleting subsections (2) and (3).

Act amended

23. The Act is amended by adding immediately after section 38 as amended, the following sections:

“Victimization
for trade
union
activities

23. (1) An employer shall not dismiss a constable, adversely affect his employment or alter his position to his prejudice by reason only of the circumstances that the constable—

(a) is an officer, delegate or member of a trade union or association;

(b) is entitled to the benefit of an order or award under the Industrial Relation Act;

(c) has appeared as a witness or has given any evidence in a proceeding under the Industrial Relations Act;
or

Chap. 88:01

(d) has absented himself from work without leave after he has made an application for leave for the purpose of carrying out his duties as an officer or delegate of a trade union or association and the leave has been unreasonably refused or withheld.

(2) An employer shall not—

(a) make the employment of a person subject to the condition that he shall not join a union or association or that he shall relinquish trade union or association membership;

(b) dismiss or otherwise prejudice a constable by reason of union membership or because of participation in union or association activities outside working hours;

(c) with intent to dissuade or prevent the constable from becoming such officer, delegate or member or from so appearing or giving evidence, threaten to dismiss the security officer or to affect adversely his employment or to alter his position to his detriment by reason of the circumstances that the constable is, or proposes to become, an officer, delegate or member of a trade union or association or that the constable proposes to appear as a witness or to give evidence in any proceeding under the Industrial Relations Act.

(3) An employer who contravenes subsection (1) or (2) is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year and the magistrate making the order for conviction may also order that the constable be reimbursed any wages lost by him and direct that, notwithstanding any rule of law to the contrary, the constable be reinstated in his former position or in a similar position.

(4) In any proceedings for an offence under subsection (3), if all the facts and circumstances constituting the offence other than any specific intent are proved, the defendant may be convicted unless he proves that he did not have the specific intent in question.

(5) Subject to subsection (3), nothing in this section shall be construed so as to compel any employer, in the absence of agreement to the contrary, to pay or compensate any constable for any time not spent in performance of the duties of his employer.”.

Section 41 amended **24.** Section 41 of the Act is amended by deleting the words “, other than terms and conditions in respect of discipline, promotion or transfer,”.

Act amended **25.** The Act is amended by adding the following section:

“Increase in penalties 47. The Minister may, by Order subject to negative resolution of Parliament, increase the penalties contained in this Act.”.

Passed in the House of Representatives this day
of _____, 2001.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of _____,
2001.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 2 of 2001

FIRST SESSION

SIXTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Supplemental
Police Act, Chap. 15:02

Received and read the

First time

Second time

Third time
