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Fourth Session Eleventh 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, 2019

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 Supplemental Police Act, Chap. 15:02 (“the Act”) to create a clear divide between security officers and Estate Constables and to provide further for the regulation of Estate Constables under the Act.

Clause 1 of the Bill cites the short title.

Clause 2 declares the Act for which this is the Bill to have effect even though inconsistent with the Constitution.

Clause 3 provides for the commencement of the Act, for which this is the Bill, by Proclamation.

Clause 4 defines certain words and phrases used in the Bill.

Clause 5 amends section 2 of the Act to amend certain definitions and to provide definitions for new terms.

Clause 6 amends section 3 of the Act to change the title of the supplemental body of Police, which is to be known as the Estate Police.

Clause 7 repeals section 4 of the Act.

Clause 8 amends section 5 of the Act to delete the references to “Supplemental Police” and substitute the phrase “Estate Police” accordingly.

Clause 9 amends section 6 of the Act to delete the references to “Supplemental Police” and substitute the phrase “Estate Police” accordingly.

Clause 10 amends section 7 of the Act to provide that the section speaks to estate constables only.

Clause 11 repeals section 8 of the Act and substitutes a new section 8 to provide for the qualifications for appointment as an estate constable.

Clause 12 repeals section 9 of the Act and substitutes a new section 9 to provide for the appointment of estate constables.

Clause 13 amends section 10 of the Act to, *inter alia*, provide for a new oath of office.

Clause 14 repeals section 11 of the Act and substitutes a new section 11 to provide for articles of appointment and equipment.

Clause 15 repeals section 12 of the Act and substitutes a new section 12 to provide for new regulation making powers for the Minister.

Clause 16 repeals section 13 of the Act and substitutes a new section 13 to provide for the recovery of penalties from estate constables.

Clause 17 repeals sections 14, 15, 16 and 17 of the Act.

Clause 18 repeals section 18 of the Act and substitutes a new section 18 to provide for the resignation of estate constables.

Clause 19 repeals sections 19 and 20 of the Act.

Clause 20 amends section 21 of the Act to change the references to 'constables' to 'estate constables'.

Clause 21 repeals section 22 of the Act and substitutes a new section 22 to provide for the notice of termination of the employment of an estate constable to be given to the Commissioner of Police.

Clause 22 amends section 23 of the Act to provide for the procedures to be followed where an estate constable ceases to hold office.

Clause 23 amends section 24 of the Act to provide for the procedures to be followed upon the death of an estate constable while holding office.

Clause 24 repeals section 25 of the Act and substitutes a new section 25 to provide that the employer of an estate constable shall meet all medical expenses of his estate constable where the estate constable is injured during the discharge of his duties.

Clause 25 amends section 26 of the Act to also empower a Magistrate to grant a reward to an estate constable where he deems fit.

Clause 26 amends section 27 of the Act to change the reference to 'constable' to 'estate constable'.

Clause 27 amends section 28 of the Act to change the references to 'constable' to 'estate constable' and to increase the penalty for the unlawful possession of the equipment of an estate constable or the personation of an estate constable.

Clause 28 repeals sections 29, 30, 31, 32, 33 and 34 of the Act.

Clause 29 amends section 38 of the Act to, *inter alia*, insert a new subsection (2) to clearly provide for the Estate Police Association and its role and function.

Clause 30 amends section 39 of the Act to provide for a new procedure for the making of Rules for the Estate Police Association.

Clause 31 amends section 41 of the Act to change the reference to 'constable' to 'estate constable'.

Clause 32 amends section 43 of the Act to change the reference to 'constables' to 'estate constables'.

Clause 33 amends the Act to include a new section 47 which provides that the Act shall bind the State.

Clause 34 amends the Schedule to the Act to change the references to 'constable' to 'estate constable'.

THE SUPPLEMENTAL POLICE (AMENDMENT) BILL, 2019

Arrangement of Clauses

PART I

PRELIMINARY

Clause

1. Short title
2. Act inconsistent with the Constitution
3. Commencement
4. Interpretation
5. Section 2 amended
6. Section 3 amended
7. Section 4 repealed
8. Section 5 amended
9. Section 6 amended
10. Section 7 amended
11. Section 8 repealed and substituted
12. Section 9 repealed and substituted
13. Section 10 amended
14. Section 11 repealed and substituted
15. Section 12 repealed and substituted
16. Section 13 repealed and substituted
17. Sections 14, 15, 16 and 17 repealed
18. Section 18 repealed and substituted
19. Sections 19 and 20 repealed
20. Section 21 amended
21. Section 22 repealed and substituted

22. Section 23 amended
23. Section 24 amended
24. Section 25 repealed and substituted
25. Section 26 amended
26. Section 27 amended
27. Section 28 amended
28. Sections 29, 30, 31, 32, 33 and 34 repealed
29. Section 38 amended
30. Section 39 amended
31. Section 41 amended
32. Section 43 amended
33. New section 47 inserted
34. Schedule amended

BILL

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

[, 2019]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly;

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House;

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Supplemental Police (Amendment) Act, 2019.
Act inconsistent with the Constitution	2. This Act has effect even though inconsistent with sections 4 and 5 of the Constitution.
Commencement	3. This Act comes into operation on such date as is fixed by the President by Proclamation.
Interpretation Chap. 15:02	4. In this Act, “the Act” means the Supplemental Police Act.
Section 2 amended	5. Section 2 of the Act is amended by— <ul style="list-style-type: none"> (a) deleting the definition of “constable”; (b) deleting the definition of “dispute” and substituting the following definition: <ul style="list-style-type: none"> “ “dispute” means a dispute between an employer and an estate constable connected with the employment or re-instatement of the estate constable or with the salary or other terms and conditions of employment of the estate constable;”;

(c) deleting the definition of “employer” and substituting the following definition:

“ “employer” means the State, a statutory authority or a state enterprise;”;

(d) deleting the definition of “protective service agency”; and

(e) inserting in the appropriate alphabetical order, the following definitions:

“ “certificate of character” means the certificate of character referred to in section 51 of the Police Service Act;

“estate constable” means a member of the Estate Police;

“Estate Police” means the supplemental body of police established under section 3;

“medical practitioner” has the meaning assigned to it under section 2 of the Medical Board Act;

“Minister” means the Minister to whom responsibility for national security is assigned;”.

6. Section 3 of the Act is amended by deleting the Section 3 amended words “supplemental bodies of Police, namely—

(a) a Rural Police; and

(b) an Estate Police.”

and substituting the words “a supplemental body of police to be known as the “Estate Police.”.

7. Section 4 of the Act is repealed

Section 4 repealed

8. Section 5 of the Act is amended by deleting the Section 5 amended words “Supplemental Police”, wherever they occur, and substituting the words “Estate Police”.

Section 6 amended **9.** Section 6 of the Act is amended by deleting the words “Supplemental Police”, wherever they occur, and substituting in each place the words “Estate Police”.

Section 7 amended **10.** Section 7 of the Act is amended—
 (a) by deleting paragraph (a); and
 (b) in paragraph (b), by—

- (i) deleting the words “Estate Police” and substituting the words “estate constables”;
- (ii) deleting the words “or by a protective service agency”; and
- (iii) deleting the words “However, constables employed by a protective service agency shall have the power and authority of members of the Police Service in respect of all offences committed in relation to any person whom or any property which they are employed to guard or protect.”.

Section 8 repealed and substituted **11.** Section 8 of the Act is repealed and the following section is substituted—

“APPOINTMENT OF ESTATE CONSTABLES

- Qualifications for appointment **8.** (1) A person who is—
- (a) at least eighteen years of age but no more than sixty years of age;
 - (b) of sound health, as evidenced by a certificate issued by a medical practitioner; and
 - (c) of good character, as evidenced by a

certificate of character,
shall be eligible for appointment as an
estate constable.

(2) A person shall not be appointed
as an estate constable unless—

- (a) he passes a drug test for
any of the dangerous
drugs specified in the
Dangerous Drugs Act;
- (b) provision is made to the
satisfaction of the
Commissioner by the
employer for the
remuneration of the
constable; and
- (c) he undergoes a
programme of training
approved by the
Commissioner.”.

12. Section 9 of the Act is repealed and the following Section 9 repealed
and substituted
section is substituted:

“Appointment 9. Subject to section 8, the
Commissioner may appoint a qualified
person to be an estate constable.”.

13. Section 10 of the Act is amended— Section 10 amended

- (a) in subsection (1), by deleting the words “a
constable”, wherever it appears, and
substituting the words “an estate
constable”;
- (b) in subsection (2), by deleting the words
“7(b)” and substituting the words “7(1)”;
- (c) by deleting subsection (3) and substituting
the following subsection:
“ (3) When he receives the precept,
the person so appointed shall take,

before any First Division Officer, the following oath of office:

I, of do swear that I will well and truly serve the State as an Estate Constable on estate situated at in Trinidad and Tobago. So help me God.”; and

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

Section 11 repealed and substituted

14. Section 11 of the Act is repealed and the following section is substituted:

“Articles of appointment and equipment

11. (1) An employer shall provide an estate constable with a badge, a baton and a manual describing the powers and duties of an estate constable.

(2) A badge shall be evidence of the office of estate constable and shall be displayed by an estate constable when exercising the duties of that office.

(3) An employer shall provide an estate constable with an annual issue of clothing and equipment.”.

Section 12 repealed and substituted

15. Section 12 of the Act is repealed and the following section is substituted:

“Regulations

12. (1) The Minister may make regulations generally for bringing into effect the provisions of this Act.

(2) Regulations made under this Act shall be subject to negative resolution of Parliament.

(3) A person who contravenes any regulations made under this Act shall be liable on summary conviction to a fine not exceeding thirty thousand dollars.”.

16. Section 13 of the Act is repealed and the following section is substituted: Section 13
repealed and
substituted

“Recovery of penalties 13. When a fine or penalty is imposed upon an estate constable under this Act, the amount shall be satisfied out of the wages or salary paid to the constable by the deduction of not more than twenty five per cent of the gross wages until the whole is paid, and the fine or penalty shall be recoverable on summary conviction.”.

17. Sections 14, 15, 16 and 17 of the Act are repealed. Sections 14, 15, 16
and 17 repealed

18. Section 18 of the Act is repealed and the following section is substituted: Section 18
repealed and
substituted

“Resignation of estate constable 18. An estate constable may resign by giving one month’s notice by instrument, in writing, addressed to his employer.”.

19. Sections 19 and 20 of the Act are repealed. Sections 19 and 20
repealed

20. Section 21 of the Act is amended by— Section 21
amended

- (a) deleting the words “dismissals of constables” and substituting the words “dismissals of estate constables”;
- (b) deleting the words “the rural and”; and
- (c) inserting the word “estate” before the word “constables” in the last place where it occurs.

21. Section 22 of the Act is repealed and the following section is substituted: Section 22
repealed and
substituted

“Notice of termination of employment of estate constables 22. (1) Where an estate constable ceases to be employed, his employer shall, within one week after the estate constable ceases to be employed—

- (a) inform the Commissioner or his designate of the termination either directly

or through the Superintendent of the Division in which the estate constable was employed; and

(b) in the case of termination of employment by dismissal, inform the Commissioner or his designate of the dismissal and the reason for the dismissal.

(2) An employer who fails to comply with this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.”.

Section 23 amended **22.** Section 23 of the Act is amended—

(a) by repealing subsection (1) and substituting the following subsections:

“ (1) Where the employment of an estate constable is terminated, whether by resignation or dismissal, the powers and duties vested in him as an estate constable immediately cease to have effect and he shall, within seven days of the termination, deliver to his immediate former employer the articles of appointment and equipment issued to him under section 11 and any other property belonging to his immediate former employer which may have been supplied to him for the execution of his duties as an estate constable.

(1A) Upon receiving a precept or a Firearm User’s (Employee’s) Certificate pursuant to subsection (1),

the former employer of an estate constable shall forthwith deliver the precept or Firearm User's (Employee's) Certificate to the Commissioner or his designate.”;

(b) in subsection (2), by—

- (i) inserting before the word “constable”, the word “estate”; and
- (ii) deleting the words “two hundred dollars or to imprisonment for two months” and substituting the words “twenty-five thousand dollars and imprisonment for three years”; and

(c) by inserting after subsection (2), the following new subsection:

“ (3) A Magistrate may issue to a police officer a warrant to search for and seize the articles of appointment, equipment or any other property belonging to an employer, which are not delivered to the employer in accordance with subsection (1).”.

23. Section 24 of the Act is amended—

Section 24 amended

(a) by repealing subsection (1) and substituting the following subsection:

(1) Where an estate constable dies, a person in possession of the articles of appointment or equipment issued to the estate constable under section 11 or other property referred to in section 23(1) shall, within fourteen days of the death of the estate constable, deliver the articles and property to the immediate former employer of the estate constable or to the Commissioner or his designate.”; and

- (b) in subsection (2), by deleting the words “two hundred dollars, or to imprisonment for two months” and substituting the words “twenty five thousand dollars and imprisonment for three years”.

Section 25 repealed
and substituted

24. Section 25 of the Act is repealed and the following section is substituted:

<sup>“Bodily injury
to constable</sup> **25.** Where an estate constable sustains injury while in the discharge of his duty, his employer shall meet all costs of medical attention and medicine.”.

Section 26 amended

25. Section 26 of the Act is amended by—

- (a) deleting the words “the High Court” and substituting the words “a court”;
- (b) deleting the words “in its criminal jurisdiction”;
- (c) inserting after the words “the Judge” wherever they occur, the words “or Magistrate”;
- (d) deleting the words “one hundred dollars” and substituting the words “one thousand dollars”; and
- (e) inserting before the word “constable”, the word “estate”, wherever it occurs.

Section 27 amended

26. Section 27 of the Act is amended by inserting before the word “constables”, the word “estate”.

Section 28 amended

27. Section 28 of the Act is amended by—

- (a) deleting the words “a constable” wherever they occur, and substituting the words “an estate constable”; and
- (b) deleting the words “four hundred dollars or to imprisonment for six months” and substituting the words “twenty five thousand dollars and imprisonment for five years”.

28. Sections 29, 30, 31, 32, 33 and 34 of the Act are repealed. Sections 29, 30, 31,
32, 33 and 34
repealed

29. Section 38 of the Act is amended— Section 38 amended

(a) in subsection (1), by—

- (i) deleting the word “constables” and substituting the words “estate constables”;
- (ii) deleting the words “, subject to subsection (2),”; and
- (iii) deleting the words, “The Estate Police Association shall have the sole right to make representations as in this subsection mentioned.”;

(b) by repealing subsection (2) and substituting the following subsection:

“ (2) In respect of Estate Police, the Estate Police Association shall have the sole right to make representations as mentioned in this section.”; and

(c) by repealing subsection (3).

30. Section 39 of the Act is amended— Section 39 amended

(a) by repealing subsection (2) and substituting the following subsection:

“ (2) Rules made under this section shall be subject to negative resolution of Parliament.”; and

(b) in subsection (3), by deleting the words “two thousand dollars or imprisonment for six months” and substituting the words “twenty thousand dollars and imprisonment for three years”.

31. Section 41(b) of the Act is amended by inserting Section 41 amended
before the word “constable”, the word “estate”.

Section 43
amended

32. Section 43(1) of the Act is amended by inserting before the word “constables”, the word “estate”.

New section 47
inserted

33. The Act is amended by inserting after section 46, the following:

“MISCELLANEOUS

Act binds
the State

47. This Act binds the State.”.

Schedule amended

34. The Act is amended in the Schedule, by—

- (a) inserting the word “estate” before the word “constable” in the heading; and
- (b) deleting the words “a (Rural/Estate)* Constable” wherever they occur and substituting the words “an Estate Constable”.

Passed in the House of Representatives this day
of , 2019.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members in the House, that is to say by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day
of , 2019.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 9 of 2019

FOURTH SESSION
ELEVENTH 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