

AS AMENDED IN THE H.O.R.

No. 23 of 2020

First Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the the Special Reserve Police Act,
Chap. 15:03 and the Police Complaints Authority
Act, Chap. 15:05.

THE MISCELLANEOUS PROVISIONS (SPECIAL RESERVE
POLICE AND POLICE COMPLAINTS AUTHORITY)
BILL, 2020

Explanatory Note

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

This Bill seeks to amend the Special Reserve Police Act, Chap. 15:03 and the Police Complaints Authority Act, Chap. 15:05.

Clause 1 of the Bill would contain the short title of the Act for which this is the Bill.

Clause 2 of the Bill would amend the Special Reserve Police Act, Chap. 15:03, by inserting a new section 23 which would provide that Regulations made under the Police Service Act, Chap. 15:01, are deemed to be applicable to any matter involving serious police misconduct by a member of the Special Reserve Police.

Clause 3 of the Bill would amend the Police Complaints Authority Act, Chap. 15:05—

- (a) in section 4, by inserting a new definition for the term “Assistant Commissioner” and by revising the definitions for the terms “police officer” and “serious police misconduct”;
- (b) in section 7, by deleting the word “appointed” in the second place in which it occurs and substituting the word “selected”, in order to provide for the use of the correct terminology in this section;
- (c) by inserting after section 13, a new section 13A which would provide that the Police Complaints Authority is deemed to be properly constituted with one member for a period of no more than three months immediately following the death, resignation or revocation of appointment of the Director or Deputy Director;
- (d) in section 21(1), by including references to the Municipal Police Service and the Assistant Commissioner of Municipal Police, in order to strengthen the functions of the Police Complaints Authority;

- (e) in section 26, to provide that the Police Complaints Authority may conduct an investigation on the basis of a complaint made, *inter alia*, by the Commission, or the appropriate unit or a disciplinary tribunal of the Municipal Police Service;
- (f) by inserting after section 44, a new section 44A which would provide that where the Police Complaints Authority makes a recommendation upon the conclusion of an investigation, the Commissioner of Police or the Assistant Commissioner of Municipal Police, as the case may be, is required to provide a written decision, with reasons, or a written update to the Police Complaints Authority on, *inter alia*, any action which has been taken or is proposed to be taken;
- (g) in section 48(2), by imposing a duty on the Assistant Commissioner of Municipal Police to inform the Police Complaints Authority where information or a complaint is received in relation to criminal offences involving police officers, police corruption and serious police misconduct.

THE MISCELLANEOUS PROVISIONS (SPECIAL RESERVE
POLICE AND POLICE COMPLAINTS AUTHORITY)
BILL, 2020

Arrangement of Clauses

Clause

1. Short title

1A. Commencement

2. Chap. 15:03 amended

3. Chap. 15:05 amended

BILL

AN ACT to amend the Special Reserve Police Act, Chap. 15:03 and the Police Complaints Authority Act, Chap. 15:05 to strengthen the operations of the Police Complaints Authority and its relationship with the Special Reserve Police and matters related thereto

[, 2021]

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

1. This Act may be cited as the Short title Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority) Act, 2021.

Commencement

1A. This Act comes into operation on such date as is fixed by the President by Proclamation.

Chap. 15:03
amended

2. The Special Reserve Police Act is amended by inserting after section 22, the following new section—

23. Regulations 136 and 150(2) of the Police Service Regulations, made under section 78 of the Police Service Act, are deemed to be applicable to a member of the Special Reserve Police and shall apply *mutatis mutandis* until such time as Regulations are made under section 22.”

Chap. 15:01

Chap. 15:05
amended

3. The Police Complaints Authority Act is amended—

(a) in section 4—

(i) by inserting in the appropriate alphabetical sequence, the following new definition:

““Assistant Commissioner” means the Director or Assistant Commissioner of Municipal Police;”

(ii) in the definition of “police officer”, in paragraph (b), by deleting the word “Force” and substituting the word “Service”; and

(iii) by deleting the definition of “serious police misconduct” and substituting the following definition:

“serious police misconduct” means—

(a) in respect of a member of the Police Service or

the Municipal Police Service, the commission of a disciplinary offence under the Police Service Regulations or the Municipal Police Service Regulations, as the case may be; or

(b) in respect of a member of the Special Reserve Police, the commission of a disciplinary offence under regulations 136 and 150(2) of the Police Service Regulations,

which the Authority considers to be so serious as to bring the Police Service, the Municipal Police Service or the Special Reserve Police into disrepute; and

(b) in section 7, by deleting the word “appointed” in the second place in which it occurs and substituting the word “selected”;

(c) by inserting after section 13, the following new section:

“Authority deemed to be constituted with one member” 13A. Where the Director or Deputy Director dies, resigns, is removed from or otherwise vacates his office prior to the expiry of the term for which he has been appointed, the Authority is deemed to be properly constituted with the remaining member for a period not exceeding three months from the date immediately following the death, resignation or revocation of appointment of the Director or Deputy Director.”;

(d) in section 21(1), in—

- (i) paragraph (d), by inserting after the word “Service” the words “, the Municipal Police Service”;
- (ii) paragraph (e), by inserting after the word “Service” the words “or the Municipal Police Service”;
- (iii) paragraph (f), by inserting after the word “Commissioner” the words “, the Assistant Commissioner”;

(e) in section 26 by—

- (i) inserting after the words “a public body or authority,” the words “the Commission,”; and
- (ii) inserting after the words “Police Service”, the words “or the Municipal Police Service”.

(f) in section 30(1), by—

(i) deleting the words “the Act” and substituting the words “this Act”; and

(ii) inserting after the word “Commissioner” the words “, Assistant Commissioner”;

(g) by inserting after section 44, the following new section:

“Authority to be provided with written decision or update

44A. (1) The Commissioner or the Assistant Commissioner, as the case may be, shall, within three months of the Authority making a recommendation in accordance with section 44(2), provide the Authority with—

(a) a written decision, with reasons, on any action which has been taken or is proposed to be taken or not taken, in respect of a recommendation; or

(b) a written update on the progress of a matter which is the subject of a recommendation.

(2) Where three months under subsection (1) has expired and the Authority has not received a written update on the progress of a matter, the Authority may request such further updates as it may require.

(3) Where the Authority has received a written update under this section and requires further updates in respect of the matter, the Authority may make such further requests as it requires and the Commissioner or the Assistant Commissioner shall so provide.”; and

(h) in section 48(2), by deleting the words “or the Commissioner” wherever they occur and substituting in each place, the words “, the Commissioner or the Assistant Commissioner”.

Passed in the House of Representatives this 5th day of March, 2021.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2021.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 23 of 2020

FIRST SESSION
TWELFTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Special Reserve Police Act, Chap. 15:03 and the Police Complaints Authority Act, Chap. 15:05

Received and read the

First time

Second time

Third time
