



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date Introduced: June 28th2022

House: Senate

Introduced by: The Minister of
National Security

Senate Bill No: 8 of 2022

Links: The links to the Bill, and its
progress can be found on the Bill's
home page through the Parliament's
Website

<<http://www.ttparliament.org/publications.php?mid=28&id=954>>

BILL ESSENTIALS

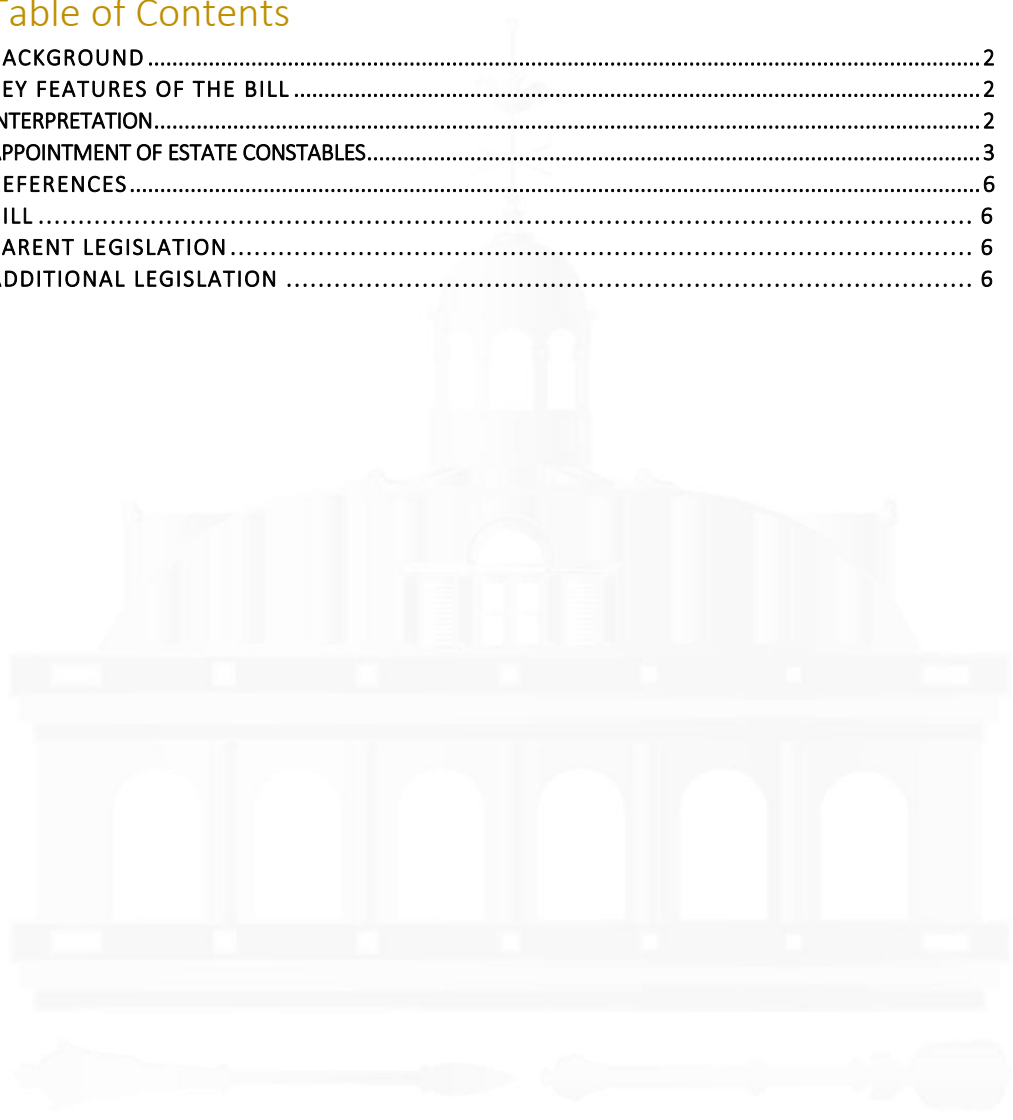
BILL ESSENTIALS NO. 22 2021-2022

2nd SESSION, 12TH PARLIAMENT

The Supplemental Police (Amendment) Bill, 2022

Table of Contents

BACKGROUND	2
KEY FEATURES OF THE BILL	2
INTERPRETATION.....	2
APPOINTMENT OF ESTATE CONSTABLES.....	3
REFERENCES.....	6
BILL	6
PARENT LEGISLATION	6
ADDITIONAL LEGISLATION	6



BACKGROUND

1. **The Supplemental Police (Amendment) Bill 2022** (“the Bill”) seeks to amend the **Supplemental Police Act Chap. 15:02**¹ (“the Act”).
2. Supplemental Police Officers are an auxiliary to the Trinidad and Tobago Police Service in the performance of its ordinary duties. Estate constables are specifically those officers attached to any estate with the responsibility of maintaining order on and in the protection of, the estate to which they are assigned.
3. For example, the Ministry of Works and Transport has an Estate Police Unit established in accordance with the Act. This Unit provides a safe and secure work environment throughout the Ministry’s facilities through professional policing. They provide general assistance to the public, engage in contingency planning, protect persons and property, enforce law and order and provide a safe and secure environment for work.² Persons appointed under this Act therefore perform police and security duties within the confines of a specified location.

KEY FEATURES OF THE BILL

INTERPRETATION

4. **Clause 3** of the Bill amends section 2 of the Act (the interpretation section) *by inter alia*, deleting the definition of ‘constable’, supplementing the definition of ‘dispute’, substituting the definition of ‘employer’ and deleting the definition contained within the Act for ‘protective service agency.’ Notably, restrictions have now been placed on the term ‘employer’ when compared to the definition in the Act. ‘Employer’ now solely refers to the state, state agencies and enterprises. The existing section 2 of the Act contemplates *inter alia*, “the government and owners, managers, attorneys or agents of any estate which an estate constable is employed and a protective service industry.”
5. This change in definition represents a clear distinction between the public and private sector and place estate constables under the sole remit of the state. This suggests that estate constables will no longer be available for private employment.
6. This Clause also seeks to incorporate new definitions into the Act, namely, ‘certificate of character’ (as contained in the Police Service Act, Chap: 15:01³), estate constable, estate

¹ https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.02.pdf

² <https://mowt.gov.tt/Divisions/Administrative-Supporting-Units/Estate-Police/What-We-Do>

³ https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.01.pdf

police, medical practitioner⁴ (as defined by the Medical Board Act, Chap: 29:50⁵) and Minister⁶.

7. **Clause 4** of the Bill makes provision for the deletion of the phrase “*supplemental bodies of Police, namely – (a) a rural Police; (b) an Estate police*” and substitutes it with “*a supplemental body of police to be known as the Estate Police.*” This amendment absorbs the post of ‘Rural Police’ into the general rubric of, ‘Estate police.’
8. **Clause 5** of the Bill repeals Section 4 of the Act. This section provides for the duties of Rural Police officers in times of peace and disturbance. Given that the Bill seeks to absorb the ‘Rural Police’ into the estate police, the provision will no longer be relevant.
9. **Clauses 6 and 7** of the Bill proposes to substitute “Supplemental Police” as contained in sections 5 and 6 of the Act with the words “Estate Police” wherever the previous phrase occurs. This provision changes the title of the post to that of ‘Estate Police’ removing the classifications of ‘Supplemental Police’ contained in the Act.
10. **Clause 8** of the Bill makes several amendments to Section 7 of the Act. This amendment revokes the post of Rural Police from the Act and provides that persons exercising powers conferred on to them by this Act should be classified as “Estate Police.”
11. **Clause 8** of the Bill also amends section 7(b) of the Act by substituting the words “*Estate Police*” with “*estate constables*”. It also removes the phrase “or by a protective service agency” which ensures that estate constables shall only be under the control of the State.
12. The deletion of the paragraph “*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*” reemphasises that estate constables are only to be employed by the state and strips constables employed by private service agencies of their ability to exercise the powers and authority of members of the Police Service.

APPOINTMENT OF ESTATE CONSTABLES

13. **Clause 9** of the Bill repeals and replaces section 8 with a new section labeled ‘Appointment of Estate Constables.’ The proposed substitution identifies the qualifications for appointment as an estate constable by providing that a person must be
 - over the age of eighteen (18) and under the age of sixty (60);
 - of sound health as evidenced by a certificate of fitness issued by a medical practitioner; and

⁴ ‘medical practitioner’ or any other words or expression suggesting legal recognition of any person as a medical practitioner or member of the medical profession means a person registered under this [The Medical Board] Act.

⁵ https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/29.50.pdf

⁶ ‘Minister’ is defined as the Minister to whom the responsibility for national security is assigned.

- of good character as substantiated by a certificate of good character.
14. **Clause 11** of the Bill makes amendments to Section 10. These amendments establish the procedure by which estate constables are appointed. This procedure includes *inter alia* the taking of an oath. The oath confirms sole service and allegiance to the state and the location on which said estate constable shall be appointed.
 15. **Clause 12** of the Bill repeals and replaces Section 11 of the Act. It identifies the articles of appointment and equipment to be provided to an estate constable by his employer, namely, a badge (which must be displayed by the estate constable when on duty), a baton and a manual describing the powers and duties of an estate constable.
 16. **Clause 13** of the Bill replaces Section 12 of the Act. The proposed provision empowers the Minister to make general regulations (instead of specific regulations) to aid in giving effect to the provisions contained within the Act. The proposed provision creates stiffer penalties for contravening regulations made under this section with an increased fine capped at no more than thirty thousand dollars (\$30,000.00) compared to the previous nominal fine of one hundred dollars (\$100.00).
 17. **Clause 14** of the Bill repeals and substitutes a new Section 13 that treats with the recovery of penalties. Under this proposed section, estate constables that are fined or have penalties imposed against them shall satisfy these fines/penalties by deductions of no more than twenty-five (25%) levied against their gross wages until the fine/penalty is fully satisfied. This fine/penalty shall be recoverable on summary conviction. Notably, the deduction represents a reduction in the amount to be levied against the constable's wages when compared to the previous fifty (50%) deduction rate.
 18. **Clause 15** of the Bill seeks to repeal Sections 14 through 17 of the Act, which provide for the general powers of constables, calling out rural constables for service, remuneration of rural constables, and offences by constables.
 19. **Clause 16** of the Bill seeks to replace Section 18 of the Act and substitutes with a new provision allowing an estate constable to resign by providing one (1) month's notice in writing. Notably, new Section 18 does not empower the Commissioner to refuse the resignation. This change represents a transition to good industrial relations practice which recognises that the employment relationship is rooted in mutual trust and confidence. It further represents a public policy consideration whereby it is against the public interest to compel an employee to work for a particular employer against his will.⁷
 20. **Clause 17** of the Bill will repeal Sections 19 and 20 of the Act, regarding the dismissal of a constable and recommendation for dismissal respectively.

⁷ See: *De Franceses v Barnum* (1890) 45 Ch D 430 at 438.

19. **Clause 19** mandates employers to notify the Commissioner or his designate of the termination or dismissal (along with reasons) of an estate constable. An employer will be liable on summary conviction to a fine of fifty thousand dollars (\$50,000.00) if he fails to comply with this provision.

21. **Clause 20** seeks to delete and replace Section 23(1) and provide for the return of the articles of appointment and equipment within seven (7) days of termination. It also requires the return of the precept of Firearm User's (Employee's) Certificate. Section 23(2) of the Act seeks to increase the penalty for breach of subsection (1). The proposed fine represents an increase from two hundred dollars (\$200.00) to twenty-five thousand dollars (\$25,000.00) and also increases the sentence of imprisonment from two (2) months to a term of three (3) years. New Section 23(3) empowers a Magistrate to issue a search and seizure warrant for the purpose of recovering property belonging to an employer whereby there is a breach of proposed section 23(1). It establishes a legal procedure that may be triggered where a person fails to surrender his articles of appointment and equipment within the stipulated timeframe. This ensures that due process of the law is followed in regard to any action which may be construed as a violation of said person's rights.

22. **Clause 21** amends Section 24 which allows persons to deliver the articles or appointment to the nearest Police Station. The proposed legislation mandates that persons in possession of articles of appointment and equipment of a deceased estate constable must surrender them to the former employer of the estate constable. The penalty for non-compliance will also be increased from two hundred dollars (\$200.00) or imprisonment for two (2) months to twenty-five thousand dollars (\$25,000.00) and imprisonment for three (3) years.

23. **Clause 22** seeks to repeal Section 25 of the Act and substitute it with a new provision places the responsibility on the employer to bear all cost for medical care in the event that an estate constable sustains an injury while in the actual discharge of his duty.

24. **Clause 23** purports to amend Section 26 of the Act by extending the jurisdiction of the court, also empowering Magistrates to issue awards to estate constables who have distinguished themselves in the apprehension of a criminal. The provision goes on to increase the reward payable one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00).

25. **Clause 25** amends Section 28 by increasing the penalty for impersonating an estate constable from a fine of four hundred dollars (\$400.00) to twenty-five thousand dollars (\$25,000.00) and from a term of imprisonment of six (6) months to five (5) years.


26. **Clause 26** seeks to repeal Sections 29 through 34 of the Act which provide for: special constables, as this Act is being amended to provide specifically for estate constables.
27. **Clause 27** proposes amendments to Section 38 of the Act to make the 'Estate Police Association' the sole representative body for the estate constables.
28. **Clause 28** seeks to repeal and replace Section 39. It empowers the Minister to create Rules to govern the Association which are subject to negative resolution⁸ of Parliament.
29. **Clause 31** seeks to insert a new Section 47 which seeks to bind the State to this Act. This in effect will hold the State liable breaches of duties under this Act.

REFERENCES



BILL

-  **The Supplemental Police (Amendment) Bill, 2022**
< <http://www.ttparliament.org/publications.php?mid=28&id=954>>

PARENT LEGISLATION

-  **The Supplemental Police Act, Chap 15:02**
< https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.02.pdf>

ADDITIONAL LEGISLATION

-  **The Police Service Act, Chap 15:01**
< https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.01.pdf>
-  **Medical Board Act**
< https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/29.50.pdf>



⁸ Negative Resolution- This expression, when used in relation to any regulation, means that the regulations shall be laid before the House and, within a prescribed period of time, may be annulled by a resolution of the House. Regulations subject to a negative resolution become law upon publication and remain law unless negated by Parliament <<http://www.ttparliament.org/about.php?mid=42>>

Legal Unit
Parliament Secretariat
Parliament of the Republic of Trinidad and Tobago
Cabildo Parliamentary Complex
No. 23-27 St. Vincent Street, Port of Spain

July 05, 2022

Disclaimer: Bills Essentials are prepared to support the work of the Members of the Parliament of the Trinidad and Tobago and is not intended to address the specific circumstances of any particular individual. They are produced under time and resource constraints and aim to be available in time for debate in the Houses.

The views expressed in Bill Essentials do not reflect an official position of the Legal Unit, nor do they constitute professional legal opinion. Bill Essentials reflect the relevant legislation as introduced and do not canvass subsequent amendments or developments. To determine the official status of the Bill or follow its progress click here:

< <http://www.ttparliament.org/publications.php?mid=28&id=954> >