

PRISON SERVICE ACT

CHAPTER 13:02

Act
32 of 1965

Amended by

125/1966	87/1987
267/1971	17 of 2000
219/1973	120/2005
136/1976	17 of 2007
177/1976	*30 of 2007
206/1976	*23 of 2008
206/1977	*1 of 2009
45 of 1979	*13 of 2010
65/1980	*2 of 2012
20/1983	288/2014
86/1987	

**See Note on page 2*

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N.B. <i>For other Regulations relating to the Prison Service, see the Public Service Commission Regulations (Ch. 1:01).</i>	

Note on Subsidiary Legislation

Note on Colonial Prison Service Medal Regulations 1957 (GN 73/1957)

Section 10 of the Law Revision (Miscellaneous Amendment) (No. 1) Act 1979 (No. 45 of 1979) provides that notwithstanding the repeal of the Colonial Prison Service Medal Regulations 1957 (GN 73/1957) any medal or clasp granted under those Regulations shall continue to be as valid and effective, and may be worn and used by the persons entitled to do so under those Regulations in all respects as if those Regulations were still in force.

Omission

The Remuneration (Prison Service) Orders have been omitted—

See the Current Edition of the Consolidated Index of Acts and Subsidiary Legislation for references to these Orders.

Note on Act No. 30 of 2007

Amendments made to rules 4, 5 and 6 of the Fifth Schedule by Act No. 30 of 2007 took effect from 1st January 2008.

Note on Act No. 23 of 2008

Subsequent amendments made to subrules 4(1)(d), (1A) and (1B) of the Fifth Schedule by Act No. 23 of 2008 took effect from 1st January 2007.

Note on Act No. 1 of 2009

Amendments made to rules 5(1) and 6(c) of the Fifth Schedule by Act No. 1 of 2009 took effect from 1st October 2008.

Note on Act No. 13 of 2010

Amendments made to rules 5(1) and 6 of the Fifth Schedule by Act No. 13 of 2010 took effect from 1st September 2010.

Note on Act No. 2 of 2012

By Act No. 2 of 2012, section 15A took effect from 1st October 2011.

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PRISON SERVICE ACT

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CHAPTER 13:02

PRISON SERVICE ACT

32 of 1965. **An Act to make provision for the establishment and the classification of the Prison Service, for the establishment of procedures for negotiation and consultation between the Government and members of the Prison Service for the settlement of disputes, and for other matters concerning the relationship between the Government and the Prison Service.**

Commencement. [27TH AUGUST 1966]

Short title. **1.** This Act may be cited as the Prison Service Act.

PART I

PRELIMINARY

Interpretation.
[17 of 2000].

2. In this Act—

“allowance” means compensation payable—

- (a) in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature;
- (b) for duties that a prison officer is required to perform in addition to the duties of his grade where those duties relate to an office in the same grade or a higher grade;

“appropriate recognised association” means an association recognised by the Minister of Finance under section 26 as the bargaining body for any class or classes of prison officers;

“classification” means the assignment of an office to a grade;

“Commissioner of Prisons” and “Deputy Commissioner of Prisons” mean respectively the persons occupying or performing the duties of the offices of Commissioner of Prisons and Deputy Commissioner of Prisons, offices specified in Part A of the Second Schedule;

Second
Schedule.

“dispute” means any matter respecting prison officers upon which agreement has not been reached between the Personnel Department and the appropriate recognised association and which is deemed to be a dispute under section 18 or 19;

- “institution” means an Industrial Institution as proclaimed by the Minister in accordance with section 2 of the Young Offenders Detention Act; Ch. 13:05.
- “office” means an office in the Prison Service as specified in the Second Schedule; Second Schedule.
- “pay” means the amount payable to an officer at a rate prescribed in respect of his substantive office and for the purposes of the Fifth Schedule may include certain prescribed allowances; Fifth Schedule.
- “Personnel Department” or “the Department” means the Personnel Department established under the Civil Service Act; Ch. 23:01.
- “prison” has the meaning assigned to it by section 2 of the Prisons Act; Ch. 13:01.
- “Prison Service” means the Prison Service established under section 3;
- “public service” has the meaning assigned to it by section 3 of the Constitution;
- “remuneration” means pay and allowances;
- “Special Tribunal” means the Special Tribunal established under section 21 of the Civil Service Act.

PART II

ESTABLISHMENT AND STRUCTURE OF THE PRISON SERVICE

3. (1) The several public offices in the public service from time to time set out in the First Schedule shall be deemed to constitute the Trinidad and Tobago Prison Service, which is hereby established for the purposes of this Act. Establishment of Prison Service. First Schedule. [17 of 2000].

(1A) The Prison Service shall consist of two Divisions—

- (a) the First Division, comprising certain offices specified in Part A of the Second Schedule and such other offices as the President may, from time to time, by Order prescribe in accordance with section 30(2); and Second Schedule.

(b) the Second Division, comprising certain offices specified in Part B of the Second Schedule and such other offices as the President may, from time to time, by Order prescribe in accordance with section 30(2).

(2) A public officer who holds such a public office that by subsection (1) is deemed to be an office in the Prison Service shall be referred to as a prison officer.

(3) A public officer who immediately before the commencement of this Act held or was acting in a public office in the public service connected with the performance of any duties under the Prisons Act shall, as from the commencement of this Act, continue to hold or act in the like office in the Prison Service by whatever title called.

Ch. 13:01.

(4) In any written law in force immediately before the commencement of this Act, references to a public officer by whatever title called, performing duties under the Prisons Act, shall, as from the commencement of this Act, be read and construed as references to a member of the Prison Service.

(5) The Minister may approve, in writing, such administrative or operational units, including prisons and institutions comprising offices of the First and Second Divisions, as are necessary to provide an efficient Prison Service.

Classification
of Offices.
First Schedule.

4. (1) The President may, from time to time, by Order add to, vary or amend the Classification of Offices set out in the First Schedule.

(2) The Classification of Offices set out in the First Schedule shall be the basis hereafter for any Classification Order made under this section.

(3) The classification titles of the offices set out in the First Schedule shall be observed in all records and communications of the Public Service Commission, the Auditor General, the Treasury and in all departmental estimates and Parliamentary returns and appropriations.

Orders.
[17 of 2000].

5. (1) The President may by Order specify the pay in respect of any office and the allowances that may be granted in respect of that office in addition to the pay.

(2) Any Order made in respect of the matters specified in subsection (1) shall be referred to as a Remuneration Order.

* (3) Notwithstanding subsection (1), an Order made under subsection (1) of the Act that was in force immediately prior to the commencement of the Prison Service (Amendment) Act shall continue to be in force. 17 of 2000.

6. Except where the contrary is otherwise provided in a Remuneration Order, increase of pay that may be granted in respect of an office in a grade in accordance with the Remuneration Order shall be annual; but no increase of pay shall be made in respect of an office in a grade in which the prison officer performing the duties of such office has not completed a period of twelve months continuous duty in such office. Increments.

TERMS AND CONDITIONS OF EMPLOYMENT

7. A prison officer shall hold office subject to this Act and any other written law and any Regulations thereunder and unless some other period of employment is specified, for an indeterminate period. Tenure of office.

8. A person who is appointed to an office in the Prison Service for a specified period shall cease to be a prison officer at the expiration of that period. Term appointments.

9. A prison officer who intends to resign his office shall give such period of notice as may be prescribed by Regulations. Resignation.

10. A prison officer shall not be debarred from voting at any election if, under the laws governing the said election, he has the right to vote. Prison officer and voting.

11. A prison officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a Council. Prison officers and political activities.

*The date of commencement of the Prison Service (Amendment) Act, 2000 is 25th July 2000.

Public statements by prison officers on certain matters.

Ch. 2:01.

- 12.** (1) Subject to this section, a prison officer may not—
- (a) in any public place or in any document or any other medium of communication whether within Trinidad and Tobago or not, publish any information or expressions of opinion on matters of national or international political controversy;
 - (b) be a scrutineer under the Representation of the People Act or an election agent or an assistant to an election agent of a Parliamentary, Municipal or Council or Tobago House of Assembly.
- (2) Subsection (1)(a) shall not apply—
- (a) where a prison officer is acting in the execution of his official duties;
 - (b) subject to this section—
 - (i) where the information or opinion is published in the course of a lecture or address, the subject matter of which is approved by the Minister responsible for the Prison Service is assigned, made or given at an educational institution in the bona fide pursuit of the professional activities of the prison officer; or
 - (ii) where the information or opinion is expressed in an article or other literary contribution, the subject matter of which is approved by the Minister responsible for the Prison Service is assigned, to a journal or other periodical or document prepared in pursuit of the profession as aforesaid.

(3) In this section “publish” means to communicate the information or opinion to any other person, whether by word or in writing, and includes the broadcasting of words and pictures by wireless telegraphy; and in relation to any writing means exhibiting in public or causing to be read or seen or showing or delivering or causing to be shown or delivered in order that the writing may be read or seen by any person.

13. (1) Every prison officer who is appointed to an office after the commencement of this Act shall take and subscribe the oath or affirmation of allegiance set out in the Third Schedule. Prison officers to take oath. [17 of 2000]. Third Schedule.

(2) A prison officer who is—

(a) the holder of an office specified in Part A of the Second Schedule; and Second Schedule.

(b) the secretary to the holder of an office specified in Part A of the Second Schedule, Second Schedule.

shall take and subscribe the oath or affirmation of office and secrecy set out in the Third Schedule. Third Schedule.

TERMINATION

14. The modes by which the appointment of a prison officer may terminate are as follows: Modes of termination of appointment. [17 of 2000].

(a) on dismissal or removal in consequence of disciplinary proceedings;

(b) on compulsory retirement;

(c) on voluntary retirement;

(d) on retirement for medical reasons;

(e) on resignation;

(f) on the expiry or other termination of an appointment for a specified period;

(g) on the abolition of office;

(h) in the case of a prison officer on probation on the termination of appointment;

(i) on being retired in the public interest;

(j) on abandonment of office.

14A. (1) A prison officer holding an office in the Second Division shall retire from the Prison Service on attaining the age of fifty-five years but may with the approval of the Public Service Commission be permitted to retire on or after attaining the age of fifty years. Age of retirement of prison officers. [17 of 2000].

(2) A prison officer holding an office in the First Division shall retire from the Prison Service on attaining the age of sixty years, but may—

(a) retire voluntarily at any time on or after attaining the age of fifty-five years; or

(b) subject to the approval of the Public Service Commission, retire at any time, on or after attaining the age of fifty years.

(3) Where, at the date of assent of this Act, a prison officer holding an office in the Second Division attains or has attained the age of fifty-five years, such officer shall retire from the Prison Service with immediate effect.

Saving of years of service.
[17 of 2000].

14B. (1) Where a prison officer holding an office in the Second Division retires in accordance with section 14A(3), any period of pensionable service which may have accrued to him after the age of fifty-five years and up to the date of retirement shall be taken into consideration for the purpose of calculating his superannuation benefits, but such benefits shall not exceed the maximum benefits payable under the Rules specified in the Fifth Schedule and the officer shall be required to pay contributions in respect of any such period.

Fifth Schedule.

(2) Where a prison officer referred to in section 14C(2) exercises the option to receive superannuation benefits under the Rules specified in the Fifth Schedule, any period of pensionable service which may have accrued to that officer after the age of fifty-five years and up to the date of retirement shall be taken into consideration for the purpose of calculating his superannuation benefits, but such benefits shall not exceed the maximum benefits payable under the Rules specified in the Fifth Schedule and the officer shall be required to pay arrears of contribution in respect of any such period.

Fifth Schedule.

Pension to be granted to prison officers.
[17 of 2000].

14C. (1) A prison officer who retires after the commencement of the Prison Service (Amendment) Act, may be granted a pension, gratuity or other allowance in accordance with the Rules specified in the Fifth Schedule.

Fifth Schedule.

(2) A prison officer who retired or resigned from the Prison Service on or after 1st July 1989 but before the date of assent of the Prison Service (Amendment) Act and is eligible for, or is in receipt of a pension, gratuity or other allowance under the Pensions Act, may exercise an option to receive or to continue to receive a pension, gratuity or other allowance in accordance with that Act, or to receive a pension, gratuity or other allowance in accordance with the Rules specified in the Fifth Schedule.

Ch. 23:52.

Fifth Schedule.

(3) Where a prison officer exercises an option under subsection (2), that option shall not be revoked.

(4) Pensions, gratuities and other allowances granted under this Act, shall be a charge on the Consolidated Fund.

(5) The President may by Order amend the Fifth Schedule. Fifth Schedule.

***14D.** Sections 5 and 9 of the Law Reform (Pensions) Act shall, from 1st July 1989, apply to superannuation benefits granted under the Prison Service Act as they apply to superannuation benefits granted under the Law Reform (Pensions) Act. Application of certain sections of the Law Reform (Pensions) Act. Ch. 23:59.

PART III

THE PERSONNEL DEPARTMENT IN RELATION TO THE PRISON SERVICE

15. (1) In addition to the powers and duties conferred on the Personnel Department by any other written law, the Department shall, in relation to the Prison Service, have the following duties: Powers and duties of the Department in relation to the Prison Service. [45 of 1979].

- (a) (i) to maintain the classification of the Prison Service; and
- (ii) to keep under review the remuneration payable to prison officers;
- (b) to administer the general regulations respecting the prison service;
- (c) to provide for and establish procedures for consultation and negotiation between the Personnel Department and an appropriate recognised association or associations in respect of—
 - (i) the classification of offices;
 - (ii) any grievances;
 - (iii) remuneration; and
 - (iv) the terms and conditions of employment.

(2) The Minister of Finance may from time to time make recommendations with regard to remuneration to be paid to prison officers.

*See Prison Service (Amendment) Act, No. 17 of 2000.

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Consideration of recommendation on pay rates.

Ch. 88:01.

Consultation with organisations.

Duty allowance. [2 of 2012].

Department in negotiations subject to direction of Minister of Finance. Ch. 23:01.

Consultation with association of prison officers.

Where no agreement reached on proposals of association.

(3) The Minister of Finance shall, before making recommendations on remuneration under subsection (2)—

- (a) consider the requirements of the Prison Service;
- (b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the Prison Service and the relationship of the duties of the various grades within the Prison Service; and
- (c) be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act.

(4) Prior to formulating any recommendations under subsection (2), the Minister of Finance may require the Personnel Department to consult with representatives of the appropriate recognised associations of prison officers with respect to the matters specified in subsection (1).

***15A.** Notwithstanding any other provision in this Act and any other written law, the President, by Order, may grant a duty allowance to officers in the First Division and Second Division in the Prison Service.

16. Notwithstanding section 13(1) of the Civil Service Act, in the exercise of its duties and functions under sections 15, 17, 18, 19 and 20(1), the Personnel Department shall be subject to the direction of the Minister of Finance.

17. The Personnel Department shall from time to time consult with representatives of the appropriate recognised association of prison officers with respect to the matters specified in section 16, at the request of such representatives or whenever in the opinion of the Minister of Finance such consultation is necessary or desirable.

18. Where the Personnel Department consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 15 at the request of such representatives, and the Personnel Department and the appropriate recognised association are, within twenty-one days of the commencement of such consultation and negotiation or within such

*See Note on page 2.

further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance and on such report being made a dispute shall be deemed to exist as to such matter.

19. Where the Personnel Department before making proposals with respect to matters specified in section 15 does not consult with representatives of the appropriate recognised association for consideration and agreement, save that where the Personnel Department and the appropriate recognised association are, within twenty-one days of the submission of the proposals as mentioned above, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance and on such report being made, a dispute shall be deemed to exist as to such matter.

Department to submit proposals to association for approval.

20. (1) Where the Personnel Department and the appropriate recognised association reach agreement on any of the matters specified in section 15 after consultation and negotiation in accordance with section 18 or 19, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the Minister of Finance and by a person designated by the appropriate recognised association on behalf of the association.

Agreement reached with Department.

(2) Any agreement recorded and signed in accordance with subsection (1) shall be binding upon the Government and the prison officers to whom the agreement relates.

21. (1) Where a dispute is deemed to exist under section 18 or 19, the Minister shall refer the dispute for settlement to the Special Tribunal established under section 21 of the Civil Service Act, within twenty-one days from the date on which the dispute was reported to him.

Disputes to be referred to Special Tribunal. Ch. 23:01.

(2) Where the Minister fails to refer the dispute to the Special Tribunal within the time specified in subsection (1), the appropriate recognised association that is a party to the dispute shall do so within twenty-one days from the date of the expiration of the time specified in the said subsection.

(3) For the purposes of this Act, the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association of prison officers.

PART IV

FUNCTIONS OF THE SPECIAL TRIBUNAL IN RELATION TO PRISON SERVICE

Special
Tribunal
established.
[45 of 1979].

22. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 21 and shall make an award on the dispute.

(2) An award made by the Special Tribunal shall be final.

(3) In addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the appropriate recognised association and the Chief Personnel Officer, the Special Tribunal in its judgment shall be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act.

Ch. 88:01.

Awards to be
binding on
parties for fixed
period.

23. (1) An award made by the Special Tribunal under section 22 shall be binding on the parties to the dispute and on all prison officers to whom the award relates and shall continue to be binding for a period to be specified in the award, not less than five years from the date upon which the award takes effect.

(2) The Special Tribunal may with the agreement of the parties to an award review such award at any time after the expiry of the third year.

PART V

ASSOCIATION OF PRISON OFFICERS

Definitions.

24. In this Part and in section 2, “class” means the division into which an office is assigned by Regulations made by the President under section 30, and includes any category or categories of offices assigned to a division.

25. *(Repealed by Act No. 17 of 2000).*

26. (1) Prison officers may form associations, and such associations shall, subject to this Act and the Regulations, be recognised by the Minister as appropriate associations for consultation and negotiation in respect of any of the matters specified in section 15 and any other matters concerning prison officers.

Representation of prison officers. [17 of 2000].

(2) *(Deleted by Act No. 17 of 2000).*

(3) An association formed pursuant to subsection (1) may not be recognised as a trade union.

27. The President may make Regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the Minister of associations formed pursuant to section 26(1).

Regulations governing recognition.

28. (1) Every association formed pursuant to section 26(1) shall make Rules providing for the good government of the association and for carrying out the objects of the association, and with respect to such Rules the following provisions shall have effect:

Association to make Rules.

- (a) the Rules shall contain provisions in respect of the several matters mentioned in the Fourth Schedule;
- (b) a copy of the Rules and every amendment thereto shall be delivered by the association to every prison officer who is a member of that association on demand on payment of the prescribed sum.

Fourth Schedule.

(2) The Rules of an association shall be filed with the Registrar General, and any amendment thereof shall have effect from the date on which they are filed unless some later date is specified from which they shall have effect.

29. (1) On any complaint in writing signed by not less than fifty financial members of an appropriate recognised association respecting the Rules or business of the association, the Registrar General shall inquire into the complaint and may either dismiss it or if after giving the complainants and the association an opportunity of being heard, he finds the complaint to be justified may either—

Complaints by members of association.

- (a) so declare, but make no order under this subsection; or
- (b) make an order specifying the steps which the association must take to remove the cause for complaint.

(2) It shall be the duty of the Registrar General to furnish a statement, either written or oral, of the reasons for any decision which he gives under this section.

(3) Any order made by the Registrar General shall be binding on the association and failure to comply with such order shall render the association liable to withdrawal of recognition by the Minister of Finance.

(4) The Registrar General may order the association to pay the complainant out of the funds of the association or a complainant to pay to the association a specified sum in respect of the costs incurred by the complainant or the association, as the case may be, and such sum shall be recoverable summarily as a civil debt.

Regulations
for Prison
Service.
[17 of 2000].

30. (1) The President may make Regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for the following:

- (a) for prescribing the terms and conditions of employment in the Prison Service;
- (b) for prescribing allowances, not being allowances that may be established by Order under section 5;
- (c) for prescribing the probationary period on first appointment or subsequent appointment and for the waiver or reduction of such probationary period;
- (d) for prescribing conditions for the termination of first appointments on probation;
- (e) for prescribing the procedure for the recovery of any penalties from a prison officer;
- (f) for regulating the hours of attendance of prison officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (g) for regulating the duties and the conduct of prison officers;

- (h) for regulating the granting of leave to prison officers;
- (i) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (j) for prescribing and providing for the use of powers under this Act and the Regulations;
- (k) for regulating generally the terms and conditions of temporary employment.

(2) The President may from time to time by Order add to, vary or amend the offices specified in the Second Schedule. Procedure for amendment to Second Schedule.

FIRST SCHEDULE

CLASSIFICATION OF OFFICES IN THE PRISON SERVICE

Sections 3 and 4.
 *[206/1976
 206/1977
 65/1980
 20/1983
 86/1987
 87/1987
 17 of 2000
 120/2005].

<i>Old Title of Post</i>	<i>New Title of Post</i>	<i>Effective Date</i>
GRADE 1		
Prisons Officer I [for five (5) years]	Prisons Officer I	1.10.03
Prisons Officer I [after five (5) years]	Prisons Officer I	1.10.03
Prisons Service Driver	Prisons Service Driver	1.10.03
GRADE 2		
Prisons Welfare Officer I	Prisons Welfare Officer I	1.10.03
Prisons Officer II	Prisons Officer II	1.10.03
RANGE 36		
Prisons Cadet Officer	Prisons Cadet Officer	1.1.74

*Previous amendments, now completely superseded, were made to this Schedule by GNs: 125/1966, 267/1971, 219/1973 and 177/1976.

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**CLASSIFICATION OF OFFICES IN
THE PRISON SERVICE—Continued**

<i>Old Title of Post</i>	<i>New Title of Post</i>	<i>Effective Date</i>
	GRADE 3	
Prisons Supervisor	Prisons Supervisor	1.10.03
Prisons Welfare Officer II	Prisons Welfare Officer II	1.10.03
	GRADE 4	
Assistant Superintendent of Prisons	Assistant Superintendent of Prisons	1.10.03
	GRADE 5	
Superintendent of Prisons	Superintendent of Prisons	1.10.03
Chief Prisons Welfare Officer	Chief Prisons Welfare Officer	1.10.03
	GRADE 6	
Senior Superintendent of Prisons	Senior Superintendent of Prisons	1.10.03
	GRADE 7	
Assistant Commissioner of Prisons	Assistant Commissioner of Prisons	1.10.03
	RANGE 64	
Deputy Commissioner of Prisons	Deputy Commissioner of Prisons	1.1.74
UNDER THE SALARIES REVIEW COMMISSION		
Commissioner of Prisons	Commissioner of Prisons	6.9.91

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

SECOND SCHEDULE

Section 3.

PART A

**OFFICES IN THE FIRST DIVISION OF THE
PRISON SERVICE**

Commissioner of Prisons.

Deputy Commissioner of Prisons.

Assistant Commissioner of Prisons.

Senior Superintendent of Prisons.

Superintendent of Prisons.

Assistant Superintendent of Prisons.

Chief Prisons Welfare Officer.

Prisons Cadet Officer.

PART B

**OFFICES IN THE SECOND DIVISION OF THE
PRISON SERVICE**

Prisons Supervisor.

Prisons Welfare Officer II.

Prisons Welfare Officer I.

Prisons Officer II.

Prisons Officer I.

Prisons Service Driver.

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Prison Service

Section 13.
[136/1976].

THIRD SCHEDULE

OATH OF ALLEGIANCE

I,

do swear by that I will bear true faith and allegiance to Trinidad and Tobago according to law.

AFFIRMATION OF ALLEGIANCE

I,

do solemnly declare that I will bear true faith and allegiance to Trinidad and Tobago according to law.

OATH/AFFIRMATION* OF OFFICE AND SECRECY

I,

solemnly and sincerely swear/affirm* that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Prison Service and that I will not, without due authority in that behalf, in any manner whatsoever publish or communicate any facts or information being facts or expressions of opinion based on such facts that come to my knowledge by reason of such employment. †So help me God!

*Delete whichever is inapplicable.

†Delete in case of affirmation.

FOURTH SCHEDULE

Section 28.

**MATTERS TO BE PROVIDED FOR BY THE RULES OF AN
ASSOCIATION REGISTERED UNDER THIS ACT**

1. The name of the Association and the place of meeting for its business.
2. The whole of the objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association.
3. The manner of making, altering, amending and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the Association by every person having an interest in its funds.
7. The manner of dissolution.
8. The protection of voting rights of members of the Association and the general conduct of elections.
9. The powers, duties and functions of the Executive Committee of the Association.
10. Disputes between members of the Association and the Executive Committee thereof.
11. A prohibition against admission to membership with respect to a prison officer who is a member of an appropriate recognised association.

Section 14C.
[17 of 2000
17 of 2007
*30 of 2007
*23 of 2008
*1 of 2009
*13 of 2010
288/2014].

Interpretation.
[17 of 2000].

Ch. 23:52.

Ch. 35:50.

Ch. 15:01.

Ch. 15:03.

Rules not to be construed as granting entitlement.
[17 of 2000].

Contribution to superannuation allowances.
[17 of 2000].

Ch. 23:59.

17 of 2000.

FIFTH SCHEDULE

THE PRISON SERVICE (PENSION AND GRATUITY) RULES

1. For the purposes of these Rules—

- (a) “effective date” means 1st July 1989;
- (b) “officer” means a prison officer;
- (c) “other public service” has the meaning assigned to it in the Pensions Act;
- (d) “public service” has the meaning assigned to it in the Pensions Act and includes service in the Fire Service established under the Fire Service Act, in the Police Service established by the Police Service Act and service as a member of the Special Reserve Police established by the Special Reserve Police Act;
- (e) “Service” means the Prison Service established under section 3 of the Act.

2. Nothing in these Rules shall be construed as granting to any officer an absolute entitlement to any pension or to prevent his being dismissed without a pension.

3. (1) As a contribution towards the superannuation allowances payable to an officer in accordance with these Rules, there shall be deducted from the pay of every officer, a sum at a rate of one and a quarter per cent per annum of such pay, and all sums so deducted shall be paid to the Comptroller of Accounts on or before the eighth day of the month immediately following the month in which the deduction is made.

(2) In addition to the contribution payable under subrule (1), any outstanding arrears of contribution shall be deducted from the pay of an officer in respect of all of his full-time service in a permanent and pensionable office in the Service, in the public service or in respect of any service which may be pensionable under the Law Reform (Pensions) Act including any period of full-time service in a non-pensionable office in the Service that is immediately followed by service in a pensionable office in the Service, as follows:

- †(a) in the case of an officer who is in the Service on the date of assent of the Prison Service (Amendment) Act and who has ten years service or more before reaching the age of compulsory retirement, arrears of contribution shall be cleared by a lump sum payment or deducted by equal monthly instalments over the ten-year period immediately following the date of assent of the Act;

*See Note on page 2.

†Date of assent — 25th July 2000.

- (b) in the case of an officer who is in the Service on the date of assent of the Prison Service (Amendment) Act and who has ten years service or more before reaching the age of compulsory retirement, but who retires before the expiration of the ten-year period, outstanding arrears of contribution shall be deducted by a lump sum payment from the gratuity payable to the officer; 17 of 2000.
- (c) in the case of an officer who resigns after the date of assent of the Prison Service (Amendment) Act but before the expiration of ten years thereafter and who is eligible to have his service preserved in accordance with the provisions of the Law Reform (Pensions) Act outstanding arrears of contribution shall be deducted by a lump sum payment from the deferred superannuation benefits payable to the officer at the age of fifty-five years or from the death benefit payable under these Rules, in the event that the officer dies before attaining the age of fifty-five years; Ch. 23:59.
- (d) in the case of an officer who dies after the date of assent of the Prison Service (Amendment) Act but before the expiration of ten years thereafter, outstanding arrears of contribution shall be deducted by a lump sum payment from the death benefit payable to the officer under these Rules;
- (e) in the case of an officer who retired within the period between the effective date and the date of assent of the Prison Service (Amendment) Act and who has exercised the option at section 14C(2) of the Act to receive a pension, gratuity or other allowance in accordance with these Rules, arrears of contribution shall be deducted by a lump sum payment from the gratuity payable to the officer, where practicable, or from his pension in equal monthly instalments, over a period to be determined by the Comptroller of Accounts;
- (f) in the case of an officer who—
- (i) resigned from the Service on or after 1st December 1991 and prior to the date of assent of the Prison Service (Amendment) Act;
 - (ii) resigned before attaining the age of fifty years; and
 - (iii) is eligible to have his service preserved in accordance with the provisions of the Law Reform (Pensions) Act, and who has exercised the option under section 14C(2) of the Prison Service (Amendment) Act to

receive superannuation benefits in accordance with these Rules,

arrears of contribution shall be deducted from the deferred superannuation benefits payable to the officer at the age of fifty-five years or from the death benefit payable under these Rules, in the event that the officer dies before attaining the age of fifty-five years.

7 of 1995. (3) Notwithstanding the provisions of subrules (1) and (2), arrears of contribution may also be deducted, in whole or in part, from any arrears of emoluments owed to the officer by the State as defined in the Public Sector (Arrears of Emoluments) Act.

17 of 2000. Ch. 23:59. (4) In the event that an officer leaves the Service after the date of assent of the Prison Service (Amendment) Act without being eligible for a pension, gratuity or other allowance under these Rules and without being eligible to have his service preserved in accordance with the provisions of the Law Reform (Pensions) Act, he shall be entitled to the return, in full, of all deductions made from his pay under subrule (1) or (2), where applicable, but the President may direct that any amount due to the State in respect of any liability or defalcation be deducted from the amount due to be returned to the officer.

(5) The arrears of contribution payable under subrule (2) shall be determined on the basis of the actual pay received by the officer for each year in respect of which the arrears are payable.

(6) Where an officer who retired within the period between the effective date and the date of assent of the Prison Service (Amendment) Act, exercises the option at section 14C(2) of the Act to receive or to continue to receive a pension, gratuity or other allowance under the Pensions Act, no arrears of contribution shall be payable.

Computation of period of service. [17 of 2000, 30 of 2007, 23 of 2008]. Ch. 23:59. *4. (1) For the purpose of computing the amount of pension, gratuity or other allowance payable to an officer, the following periods shall be taken into account as pensionable service:

- (a) any period of full-time service in a permanent and pensionable office, in the Service, in the public service or in any service which may be pensionable under the Law Reform (Pensions) Act;
- (b) any period of full-time service in a non-pensionable office in the Service that is immediately followed by service in a pensionable office in the Service;
- (c) subject to subrule (3), any periods during which the officer was absent from duty on leave, either on partial pay or without pay, granted on the grounds of public policy and during which he has not qualified for a pension, gratuity or other allowance in respect of other public service; and

*See Note on page 2.

(d) where an officer—

- (i) prior to the date of his compulsory retirement; or
- (ii) prior to the date on which he proceeds on annual leave before the date of his compulsory retirement,

has acted in the higher office for a continuous period of at least three years, that officer shall be eligible to have his pension, gratuity or other allowance calculated as if he were substantively appointed to that higher office.

(1A) Where an officer satisfies the requirements in rule 4(1)(d), he shall be required to pay in addition to the contribution payable under rule 3(1), arrears of contribution calculated on the basis of the salary which he would have received in that higher office had he been substantively appointed.

(1B) The arrears of contribution payable by an officer under subrule (1A) shall be—

- (a) determined on the basis of the salary which the officer would have received in that higher office for each year in respect of which he acted continuously; and
- (b) deducted as a lump sum from the gratuity payable to the officer where practicable or from the officer's pension in equal monthly installments over a period to be determined by the Comptroller of Accounts.

(2) In this rule "full-time service" means service remunerated at a monthly-paid rate in the Service and includes any period of absence from duty on full pay.

(3) The periods during which an officer was absent on leave on partial pay shall, for the purpose of computing the amount of pension, gratuity or other allowance payable to the officer, be counted—

- (a) at the rate of one month for every two months of such periods where the officer has been on leave with half pay; and
- (b) in appropriate proportions where the officer has been on leave with three-quarter pay,

but the whole of such periods shall be counted for the purpose of determining whether the officer is eligible for a pension.

(4) Any periods during which an officer was absent from duty other than those specified in subrule (1), shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

(5) Where, however, an officer's service was interrupted other than for reasons of suspension, dismissal or removal in consequence of disciplinary proceedings, such service may be linked to subsequent service in accordance with the provisions of the Law Reform (Pensions) Act, subject to the conditions contained in subrule (6). Ch. 23:59.

(6) The conditions referred to in subrule (5) are as follows:

- (a) any pension paid to the officer in respect of service before the interruption, shall cease to be paid; and
- (b) if the President so requires, any gratuity received in respect of the earlier period of service or such part as the President may determine, shall be deducted from the gratuity which the officer is to be paid on the basis of the final computation.

Ch. 45:57.

(7) Where an officer is granted maternity leave in accordance with the Maternity Protection Act, the whole period of maternity leave shall be counted for the purpose of computing the amount of pension, gratuity or other allowance payable to the officer.

Payment of a
Qualifying
Examination
Allowance.
[23 of 2008].

4A. (1) Where an officer in the Second Division has passed a qualifying examination for promotion in the Prison Service and is not promoted within three years of passing the qualifying examination, such officer shall be paid a Qualifying Examination Allowance from the third anniversary of the date of the qualifying examination.

(2) A Qualifying Examination Allowance under subrule (1) shall be equal to the value of the first increment payable in the officer's salary grade.

(3) An officer shall not be paid more than one Qualifying Examination Allowance at any time.

(4) Payment of a Qualifying Examination Allowance to an officer in the Second Division shall cease from the date the officer is promoted.

(5) Where an officer in the Second Division is in receipt of a Qualifying Examination Allowance on the date of his retirement and has been receiving the Qualifying Examination Allowance for a continuous period of not less than three years, the Qualifying Examination Allowance shall become part of his salary for the purpose of computing his pension, gratuity or other allowance.

(6) This rule is deemed to have come into effect from 1st October 2006.

(7) Notwithstanding subrule (6), where an officer in the Second Division has passed a qualifying examination for promotion in the Second Division—

- (a) three years or more prior to 1st October 2006, and had not been promoted, that officer shall also qualify for the payment of a Qualifying Examination Allowance with effect from 1st October 2006; or
- (b) for any period less than three years prior to 1st October 2006, that period shall be counted as part of the three-year period required to qualify for the payment of a Qualifying Examination Allowance.

5. (1) Subject to subrule (2), an officer who is disabled by infirmity of mind or body, may be retired for medical reasons, and if such officer has completed ten years of satisfactory service, he may thereupon be granted a monthly pension not exceeding $\frac{1}{480}$ ths of a month's pay for each completed month of service or three thousand, five hundred dollars, whichever is the greater.

Pension in case of disability. [17 of 2000 17 of 2007 30 of 2007 1 of 2009 13 of 2010 288/2014].

(2) A pension shall not be granted under subrule (1), unless the officer submits a medical report issued by a Medical Board in which it is stated that the officer to whom the report refers, is incapable, because of infirmity of mind or body, of performing the duties of his office and that such infirmity is likely to be permanent.

(3) Where an officer has been retired in accordance with subrule (1), and subrule (2) has been satisfied, but he has not worked in the Service for ten years, he may be granted, by way of gratuity, a sum not exceeding one-twelfth of a month's pay for each completed month of service.

6. An officer who is not disabled within the meaning of rule 5, and who has—
- (a) attained the age of fifty years;
 - (b) served in the Service for not less than ten years; and
 - (c) retired from the Service,

Pension on attaining the age of fifty. [17 of 2000 17 of 2007 30 of 2007 1 of 2009 13 of 2010 288/2014].

may be granted a monthly pension not exceeding $\frac{1}{480}$ ths of a month's pay for each completed month of service or three thousand, five hundred dollars, whichever is the greater.

- 6A. An officer who is not disabled within the meaning of rule 5 and who has—
- (a) attained the age of fifty years;
 - (b) served in the Service for more than five years and less than ten years; and
 - (c) retired from the Service,

Service for less than ten years. [17 of 2000].

may be granted a gratuity not exceeding $\frac{1}{24}$ ths of a month's pay for each completed month of service.

7. (1) The amount of any pension payable to an officer under these Rules shall not exceed eighty-five per cent of his final pay for the year in which he retires.

Pension payable to an officer and exercise of option. [17 of 2000].

(2) An officer may exercise an option in writing addressed to the Commissioner of Prisons to receive, in lieu of any pension for which he is eligible, a pension at the rate of three-fourths of his eligibility together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

- (3) The option referred to in subrule (2), may be revoked—
- (a) not later than one month after the retirement of the officer, in the case of a pension awarded under rule 5(1) or (2); or

- (b) not later than the day immediately preceding the date of the retirement of the officer, in the case of a pension awarded under rule 6 or, of his retirement from other public service, in the case of a pension awarded under rule 8,

but the President may, if it appears to him equitable in all the circumstances to do so, allow any such officer to exercise the option or to revoke an option previously exercised, at any time between the dates specified in paragraphs (a) and (b) of this subrule and the actual date of award of the pension.

(4) The date of the exercise of the option by an officer shall be deemed to be the date of the receipt of the written notice addressed to the Commissioner of Prisons in accordance with subrule (2).

(5) Where an officer who has not exercised the option, dies after he has finally retired but before a pension has been awarded in accordance with these Rules, the President may grant a gratuity and a reduced pension as provided for in rule 7(2), as if the officer had exercised the option before his death.

Officer transferred to other public service. [17 of 2000].

8. (1) Where an officer has worked in the Service for a period that is immediately followed by service in a pensionable office in other public service, such officer shall, notwithstanding rule 6, be entitled to a monthly pension not exceeding $\frac{1}{480}$ ths of a month's pay for each completed month of service, if he—

- (a) has worked in the Service for not less than ten years; and
(b) ultimately retires from such other public service at an age that is less than fifty years, but at which he is permitted by the Act, Regulations or Rules governing that service to retire with a pension.

(2) The pension which may be granted to an officer under these Rules shall be payable from the date of such retirement, notwithstanding that he shall not be fifty years old.

Maintenance payment out of pensions. [17 of 2000].

9. (1) Where an Order for maintenance is made against an officer to whom a pension has been granted in accordance with these Rules, the President may, upon proof to him that there is no reasonable probability of such Order being satisfied, cause to be deducted from the moneys payable to such person, such sum or sums as the President may consider expedient and may cause the same to be applied to satisfy the said Order, in whole or in part.

(2) Where an officer to whom a pension has been granted in accordance with these Rules has left Trinidad and Tobago and has deserted, leaving his wife or child in Trinidad and Tobago without sufficient means of support and, by reason of such person's absence from Trinidad and Tobago, the wife or child is unable to obtain an Order for maintenance, the President may cause to be deducted from the moneys payable to such officer by way of pension, such sum or sums as the President may consider expedient and apply the same for the maintenance and support of the wife or child.

10. (1) Subject to subrule (3), where the President is satisfied that an officer has been permanently injured—

- (a) in the actual discharge of his duty;
- (b) without his own default; and
- (c) by some injury specifically attributable to the nature of his duty,

Computation of pension for permanent injury. [17 of 2000].

and his retirement is thereby necessitated or accelerated, such officer may be granted, in respect of such injury, in addition to any pension or gratuity granted to him, an allowance in proportion to his injury, of such monthly amount as the President may direct.

(2) The monthly amount referred to in subrule (1), shall be in proportion to the impairment of the officer's capacity to contribute to his support as follows:

- (a) slightly impaired— $\frac{40}{480}$ ths of a month's pay;
- (b) impaired— $\frac{80}{480}$ ths of a month's pay;
- (c) materially impaired— $\frac{120}{480}$ ths of a month's pay;
- (d) totally impaired— $\frac{160}{480}$ ths of a month's pay.

(3) An officer who is permanently injured while travelling by air, in pursuance of official instructions, shall be deemed to have been injured in the circumstances specified in subrule (1)(a) and (c) and in any such case, if the provisions of subrule (1)(b) are also satisfied, the rates of allowances specified in subrule (2), shall be substituted respectively by the following rates namely, $\frac{60}{480}$ ths, $\frac{120}{480}$ ths, $\frac{180}{480}$ ths and $\frac{240}{480}$ ths of a month's pay.

(4) The allowance referred to in subrule (1)—

- (a) shall not, together with any pension granted hereunder, exceed $\frac{400}{480}$ ths of a month's pay as at the date of injury and, for the purposes of this subrule, any exercise of the option conferred by rule 7(2), shall be ignored in calculating the pension;
- (b) shall be less than the maximum amount payable under subrule (2), by an amount that the President thinks reasonable in the following cases:
 - (i) where the injured officer has continued in the Service for not less than one year after the injury in respect of which he retires;
 - (ii) where the injured officer is forty-five years or more at the date of the injury; or
 - (iii) where the injury is not the sole cause of the retirement.

(5) Before granting an allowance under subrule (1) the President shall be furnished with the report of a Medical Board so far as may be possible on the matters relevant to his decision, and shall be guided by such report.

(6) Where the injured officer does not qualify for any pension under these Rules but is entitled to a gratuity under rule 5(3), he may be granted, in lieu of such gratuity, a further allowance of such monthly sum, not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served, as the President may direct.

Benefits to widows and dependants of officers who die in the Service or after retiring from the Service. [17 of 2000].

11. (1) Where an officer dies as a result of injuries received—

- (a) in the actual discharge of his duty;
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

the President may, subject to subrule (2), award in addition to any allowances paid under rule 10, the following benefits:

- (i) where the deceased officer leaves a widow, a pension shall be paid to her while unmarried, according to such scale as may from time to time be fixed by the President;
- (ii) where the deceased officer leaves a widow to whom a pension is granted under subparagraph (i) and a child or children, a pension in an amount not exceeding one-eighth of the pension payable under that subparagraph shall be paid in respect of each child, until such child attains the age of eighteen years;
- (iii) where the deceased officer leaves a child or children, but does not leave a widow, or where no pension is granted to the widow, a pension shall be paid in respect of each child, in an amount not exceeding one-quarter of the pension payable under subparagraph (i), until such child attains the age of eighteen years;
- (iv) where the deceased officer leaves a child or children and a widow to whom a pension is granted under subparagraph (i), and the widow subsequently dies, a pension shall be paid in respect of each child, in an amount not exceeding one-quarter of the pension payable under subparagraph (i) as from the date of the death of the widow until such child attains the age of eighteen years;
- (v) where the deceased officer does not leave a widow, or where no pension is granted to the widow and his mother was wholly or mainly dependent on him for her support, a pension shall be paid to the mother, while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

(2) A pension shall not be payable under subrule (1) in respect of more than six children and where there are more than six children in respect of whom, but for this subrule, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of an age that qualifies them for receipt of the pension.

(3) In the case of a pension granted under subrule (1)(v), where the mother is a widow at the time of the grant of such pension and subsequently remarries, such pension shall cease as from the date of the remarriage, and if it appears to the President at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the President may determine.

(4) A pension granted to a female child under subrule (1), shall cease upon the marriage of such child under the age of eighteen years.

(5) Where an officer dies while in the Service, the President may grant to his widow or to his children or to any of his dependants a gratuity of an amount not exceeding one year's salary of such officer, or his commuted pension, gratuity, if any, whichever is the greater.

(6) Where an officer to whom either an unreduced pension or gratuity and reduced pension has been granted, dies after retirement from the Service, and the sums paid or payable to him at his death on account of such unreduced pension or gratuity and reduced pension, as the case may be, are less than the amount of the annual salary enjoyed by him at the date of his retirement, the President may grant to his widow or to his children or to any of his dependants a gratuity equal to the deficiency.

(7) For the purposes of this Rule—

“child” includes—

- (a) a posthumous child;
- (b) a step-child or child born out of wedlock before the date of the injury and wholly or mainly dependent upon the deceased officer for support; or
- (c) a child adopted in accordance with the Adoption of Children Act before the date of the injury, and wholly or mainly dependent upon the deceased officer for support; Ch. 46:03.

“commuted pension gratuity” means the gratuity, if any, calculated in the manner prescribed in rule 7(2), which might have been granted to the officer if he had retired immediately before his death, in the circumstances rendering him eligible to receive a gratuity and reduced pension instead of an unreduced pension;

“dependants” has the same meaning as in the Workmen's Compensation Act. Ch. 88:05.

12. (1) Subject to subrules (2) and (3), where a person to whom a pension has been granted in accordance with these Rules— Cessation of pension.
[17 of 2000].

- (a) is sentenced to a term of imprisonment by any competent Court in Trinidad and Tobago or elsewhere for any offence; or

- (b) leaves Trinidad and Tobago after having reason to know that a charge for an indictable or summary offence has been laid against him, and before such charge has been heard and determined,

the President, subject to section 134 of the Constitution, may direct that such pension shall cease to be paid to him forthwith.

(2) A person whose pension was stopped in pursuance of subrule (1)(a), and who at any time receives a pardon in respect of the offence for which he had been convicted, shall be entitled to have such pension restored to him with effect from the date on which such pension was stopped.

(3) The President may, where a pension ceases for the reasons set out in subrule (1), cause all or any part of the moneys to which the pensioner would have been entitled by way of pension, to be paid to, or applied for the benefit of the wife or children of the pensioner, or, after the expiration of his sentence, for the benefit of the pensioner himself, in such proportions and manner as the President thinks proper.

SUBSIDIARY LEGISLATION

PRISON SERVICE (CODE OF CONDUCT) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

CHAPTER I

PRELIMINARY

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2. Interpretation.

CHAPTER II

CONDUCT

3. General conduct.
4. Duties of prison officer.
5. Absence without leave.
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[Subsidiary]

79/1990. **PRISON SERVICE (CODE OF CONDUCT) REGULATIONS**

made under section 30

CHAPTER I

PRELIMINARY

Citation. **1.** These Regulations may be cited as the Prison Service (Code of Conduct) Regulations.

Interpretation. **2.** In these Regulations—

“Act” means the Prison Service Act;

“Commission” means the Public Service Commission as constituted by section 120 of the Constitution of the Republic of Trinidad and Tobago;

“Commissioner” or “Commissioner of Prisons” means the person performing the duties of, or occupying, the office of Commissioner of Prisons established under the Act;

“officer” or “prison officer” means a person who is appointed to perform the duties of an officer in the Prison Service;

“Prison Rules” means the Prison Rules made under the West Indian Prisons Act, 1838 of the United Kingdom;

“Service” or “Prison Service” means the Prison Service established under section 3 of the Act.

CHAPTER II

CONDUCT

General conduct. **3.** An officer shall conduct himself at all times in such a manner that he does not bring discredit on the reputation of the Prison Service or of the public service.

Duties of prison officer. **4.** (1) An officer shall carry out all lawful orders of an officer senior in rank and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office.

(2) In the discharge of his duties, an officer shall be courteous and polite both to members of the Service and to members of the public.

(3) An officer shall not rebuke another officer junior in rank in the presence or hearing of—

- (a) another officer junior in rank;
- (b) an inmate of any prison; or
- (c) a member of the public.

5. (1) An officer shall not be absent from duty without leave or reasonable excuse. Absence without leave.

(2) An officer shall not leave the country without permission in writing of the Commissioner or, in cases of emergency, of a person holding an office specified in the Second Schedule to the Act who shall report forthwith in writing, to the Commissioner. Second Schedule.

6. (1) An officer's whole time shall be at the disposal of the Government. Accordingly— Activities outside the Service.

- (a) an officer may not at any time engage in any activity which would in any way tend to impair his usefulness as an officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interests of the Prison Service or be inconsistent with his position as an officer;
- (b) an officer shall not engage in any trade or any professional, commercial, agricultural or industrial undertaking or undertake private work for remuneration without the prior approval of the Commissioner;
- (c) notwithstanding that prior approval may have been given, the Commissioner may at any time after notice to the officer and after holding an inquiry prohibit an officer from—
 - (i) engaging in any trade, professional, commercial, agricultural or industrial undertaking;

- (ii) regularly undertaking private work for remuneration, if the Commissioner is of the opinion that the officer's activity tends to impair his usefulness as an officer or conflicts with the interests of the Service or is inconsistent with his position as an officer;
- (d) within a period of thirty days after his first appointment to the Prison Service, an officer shall disclose in writing to the Commissioner particulars of any investment or shareholding which he possesses in any company carrying on business inside or outside of Trinidad and Tobago and also of any interest which he has in any professional, commercial, agricultural or industrial undertaking in or outside Trinidad and Tobago;
- (e) an officer who invests in or acquires shares in any company carrying on business in or outside of Trinidad and Tobago or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago, shall within a period of thirty days thereafter inform the Commissioner;
- (f) whenever the Commissioner is of the opinion that an officer's performance of his duties may be influenced by the fact that he owns shares or investments in any company, or he has interest in any professional, commercial, agricultural or industrial undertaking, the Commissioner may require the officer to dispose of such shares, investment, or interest within such period as the Commissioner may specify or to be transferred to other duties; and if the officer, on being required by the Commissioner to dispose of his shares, investments or interest, fails to do so within the specified period, he is guilty of an offence;

(g) an officer while he is on accumulated annual leave shall not accept any paid employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake regular private work for remuneration. The Commissioner may, however, grant to an officer who is on leave prior to resignation or retirement permission to engage in the activities mentioned above. Such permission shall not be conditional on the curtailment of any period of leave to which the officer is entitled.

(2) An officer who is engaged in any of the activities that are described in subregulation (1)(a) and (b) shall within sixty days of the coming into operation of these Regulations apply for approval to the Commissioner to continue to engage in such activities.

(3) An officer who makes an application under subregulation (2) may continue to engage in such activities until he is notified of the decision of the Commissioner with respect to his application.

7. (1) An officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such purpose or procure signatures to any public position regarding the actions of the Government.

Officer not to call public meeting or participate in certain public meetings.

(2) Nothing in these Regulations shall affect an officer's right to participate actively in any meeting called or sign any petition prepared by his staff association on matters affecting the Service.

8. (1) An officer shall not make public or communicate to the press or to individuals, or make private copies of, documents, papers or information of which he may have become possessed in his official capacity, unless his duties require him to do so.

Officer not to publish information.

(2) Any officer who contravenes any of the provisions in any written law relating to official secrets is guilty of an offence notwithstanding that he may be charged with an offence under any such written law.

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Prison Service

[Subsidiary]

Prison Service (Code of Conduct) Regulations

Officer not to allow interview on questions of public policy.

9. An officer, whether on duty or on leave of absence shall not allow himself to be interviewed on questions of public policy or on matters affecting the defence or military resources of Trinidad and Tobago or of any other country unless his official duties require him to do so.

Officer not to publish comment on national or local matter.

10. (1) An officer shall not, without permission of the Commissioner, broadcast on the radio or television or publish in any manner any statement which is in the nature of a personal comment on any national or local political or administrative matter unless his official duties require him to do so.

(2) An officer may, with the permission of the Commissioner, publish in his own name articles relating to other subjects of general interest, or give broadcast talks on the radio or television on such subjects.

(3) Where the Commissioner is in any doubt as to the propriety of any proposed publication or broadcast under the Regulation, he shall refer the matter to the Permanent Secretary.

Officer not to contribute to, edit or manage newspaper.

11. Except in the case of the official organs of staff associations or professional associations, an officer shall not, without express permission in writing of the Commission, act as editor of any newspaper or take part directly or indirectly in the management of a newspaper, or contribute anonymously thereto any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government or that of any other Government.

Rules relating to broadcast talks.

12. Broadcast talks by officers shall be governed by the following rules:

- (a) no question of payment either to the officer employed in the preparation or delivery of a lecture or talk, or to the Service that he represents, shall arise in connection with lectures or talks that are necessary or desirable in order to enable the Service to carry out its recognised duties to the community;

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- (b) lectures or talks which are not necessary for departmental purposes may be given by prison officers who are experts in a particular subject, whether or not they have specialised in this subject in their official capacity. In all such cases, if the subject matter is related to the work or the policy of the Services, or if the broadcaster is to be announced by his departmental title, the prior authority of the Commissioner is required with the object of ensuring—
- (i) that there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of an officer; and
 - (ii) that the standing of the speaker is sufficient to justify the delivery by him of a lecture under his departmental title;
- (c) subject to these conditions, and to the observance of any professional rule that may be in force as to the acceptance of remuneration for such services, it shall be open to an officer to make his own terms with the broadcasting authority, but in these cases the work involved in the preparation and delivery of the lecture or talk shall be done outside official hours.

13. (1) An officer who incurs indebtedness, to the extent ^{Indebtedness.} that it impairs his efficiency or has brought or is likely to bring the Service into disrepute, is guilty of an offence.

(2) The Commissioner may require an officer to authorise deductions from his pay for the repayment of any debt to the Government.

14. An officer against whom bankruptcy proceedings have been ^{Bankruptcy.} taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Commissioner.

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Prison Service

[Subsidiary]

Prison Service (Code of Conduct) Regulations

Officer not to solicit.

15. An officer shall not solicit the intervention or influence of Members of Parliament, Ministers, or prominent members of the community to support or advance his individual claims in the Service.

Gifts, rewards.

16. Except with the permission of the Commissioner, an officer shall not accept—

- (a) any gift or reward from any member of the public or from any organisation for services rendered in the course of his official duties; or
- (b) any present which is likely to influence him in the performance of his duties.

Exceptions.

17. Notwithstanding regulation 16 or 18, an officer may accept a present offered by—

- (a) a representative of a foreign government on the occasion of an official visit to that country;
- (b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation;
- (c) other officers in the Service on the occasion of marriage, retirement, transfer, or celebratory occasion to which the Commissioner signifies approval.

Officer not to accept present from subordinate officer.

18. (1) An officer shall not receive from any subordinate officer any present, gift or reward except with the permission of the Commissioner.

(2) Where the officer who is to be the recipient of any present, gift or reward referred to in subregulation (1) is the Commissioner, he shall not receive the same except with the permission of the Permanent Secretary.

Legal proceedings.

19. (1) An officer who desires to initiate legal proceedings on his own behalf against another officer or against a member of the public, in connection with any matter which arose out of and in the course of his duty, shall inform the Commissioner.

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(2) Where an officer is charged with a criminal offence in any Court of law the matter shall be reported forthwith—

- (a) if the charge is laid by a private person, by the officer to the Commissioner who shall notify the Permanent Secretary for the information of the Commission;
- (b) if the charge is laid by the police, by the Commissioner to the Permanent Secretary for the information of the Commission.

20. (1) An officer who without reasonable excuse does an act which— Offences.

- (a) amounts to failure to perform in a proper manner any duty imposed upon him as an officer;
- (b) contravenes any of these Regulations;
- (c) contravenes any written law relating to the Service; or
- (d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring discredit on the reputation of the Service or of the Public Service,

commits an act of misconduct and is liable to such punishment as is prescribed by regulation 110(1) of the Public Service Commission Regulations.

(2) Without prejudice to the generality of subregulation (1) an officer commits an act of misconduct and is liable to such punishment as is prescribed by regulation 110(1) of the Public Service Commission Regulations if he is guilty of any of the following:

- (a) *Discreditable conduct*, that is to say, if he—
 - (i) while on or off duty acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the Service;
 - (ii) while on or off duty, borrows money from a subordinate officer, or lends money to a superior officer;

- (iii) smokes or drinks intoxicating liquor either within the prison (except under such restrictions as may from time to time be prescribed by the Commissioner) or while on duty in a Court or in charge of prisoners outside the prison;
 - (iv) while on duty uses obscene, abusive or insulting language to another prison officer, or any other member of the staff of the Service;
 - (v) while on duty assaults a prison officer, or any other member of the staff of the Service; or
 - (vi) while on duty or liable to be called upon for duty, is unfit for duty through drinking intoxicating liquor;
- (b) *Insubordinate conduct*, that is to say, if he is insubordinate, by word or act towards any prison officer, whose orders it is for the time being his duty to obey;
- (c) *Disobedience to orders*, that is to say, if he without good and sufficient cause fails to carry out any lawful order whether in writing or not, promptly in compliance with the order;
- (d) *Neglect of duty*, that is to say, if he—
- (i) neglects or without good and sufficient cause fails promptly and diligently to do any thing which it is his duty as a prison officer to do;
 - (ii) by carelessness or neglect contributes to the escape or attempted escape of a prisoner; or
 - (iii) by carelessness or neglect in the course of his duty, contributes to the occurrence of any loss, damage, or injury to any person or property;

- (e) *False statement*, that is to say, if he knowingly makes any false, misleading or inaccurate statement either orally or in any official document or book, or alters any such statement, or, with intent to deceive, destroys or mutilates any such document or book or alters or erases any entry therein whether in connection with his duties as a prison officer or as an officer or member of any club or fund connected with the prison or the staff of the service;
- (f) *Failure to account*, that is to say, if he fails to account for, or to make a prompt or true return of any money or property for which he is responsible whether in connection with his duties as a prison officer or with any club or fund connected with the prison or the staff of the Service;
- (g) *Breach of confidence*, that is to say, if he without proper authority—
 - (i) divulges any matters which it is his duty to keep secret;
 - (ii) communicates directly or indirectly to the Press or to any unauthorised person any matter which may have become known to him in the course of his public duties; or
 - (iii) publishes any matter or makes any public pronouncement relating to the prisons or prisoners or the administration of the Service;
- (h) *Improper relations with prisoners or ex-prisoners*, that is to say if he—
 - (i) communicates with a prisoner for an improper purpose;
 - (ii) uses obscene, insulting or abusive language to a prisoner;
 - (iii) allows any undue familiarity between a prisoner and himself or any servant of the prisoner;

- (iv) knowingly and without proper authority communicates with any ex-prisoner;
 - (v) knowingly and without proper authority discusses his duties or any matters of discipline or prison arrangement within the hearing of a prisoner;
 - (vi) knowingly and without proper authority takes into his employ an ex-prisoner; or
 - (vii) knowingly and without proper authority allows any person to communicate with a prisoner who is not authorised to do so;
- (i) *Trafficking*, that is to say, if he knowingly and without proper authority—
- (i) carries out any pecuniary or business transaction with, or on behalf of any prisoner or ex-prisoner or with a friend or relative of any prisoner or ex-prisoner;
 - (ii) brings into the prison or carries out of the prison or attempts to bring in or carry out, or allows to be brought in or carried out, to or for any prisoner, any article whatever; or
 - (iii) accepts any present or consideration from any prisoner or ex-prisoner or from a friend or relative of any prisoner or ex-prisoner;
- (j) *Corrupt practice*, that is to say, if knowingly, he—
- (i) solicits or receives an unauthorised fee, gratuity or other consideration in connection with his duties as a prison officer; or
 - (ii) improperly uses his position as a prison officer for his private advantage;
- (k) *Unlawful or unnecessary exercise of authority*, that is to say, if he—
- (i) deliberately acts in a manner calculated to provoke a prisoner; or
 - (ii) in dealing with a prisoner uses force unnecessarily or, where the application of force to a prisoner is necessary, uses undue force;

- (l) *Malingering*, that is to say, if an officer feigns or exaggerates any sickness or injury with a view to evading duty;
- (m) *Absence, without leave, or being late for duty*, that is to say, if an officer without reasonable excuse is absent without leave from duty or is late for parade, Court or any other duty;
- (n) *Uncleanliness*, that is to say, if an officer, while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or accoutrements;
- (o) *Damage to clothing or other articles supplied*, that is to say, if an officer—
 - (i) wilfully or by carelessness causes any loss or damage to any article of clothing, accoutrement, or to any book, document or other property of the Service served out to him or used by him entrusted to his care; or
 - (ii) fails to report any loss or damage to such property however caused;
- (p) *Drunkenness, or illicit drug taking*, that is to say, if an officer, while on or required for duty, is unfit for duty through the taking of drink or illicit drugs;
- (q) *Drinking on duty or soliciting drink*, that is to say if, an officer—
 - (i) without the consent of his senior officer, drinks or receives from any other person any intoxicating liquor while he is on duty; or
 - (ii) demands, or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor while he is on duty;

- (r) *Entering licensed premises*, that is to say, if without permission or reasonable excuse an officer enters—
- (i) while on duty any premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty ; or
 - (ii) any such premises in uniform while off duty;
- (s) *Conviction for a criminal offence*, that is to say, if an officer has been found guilty by a Court of law of a criminal offence;
- (t) *Being an accessory to a disciplinary offence*, that is to say, if an officer connives at or is knowingly an accessory to any offence against discipline;
- (u) *Using any property or facilities of the Service without the consent* given personally of the Commission for some purpose not connected with his official duties.
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