
SUBSIDIARY LEGISLATION

**STATUTORY AUTHORITIES SERVICE
COMMISSION REGULATIONS**

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REGULATIONS**

made under section 6

61/1968.
[174/1973
191/1977
45 of 1979
46 of 1979
47 of 1980
260/2006].

PART I

PRELIMINARY

1. These Regulations may be cited as the Statutory Authorities Service Commission Regulations. Citation.

2. In these Regulations—

Interpretation.
[260/2006].

“acting appointment” means the temporary appointment of an officer to a higher office whether that office is vacant or not;

“appointment” means the placing of a person in the service of a Statutory Authority and includes service in the public service;

“the Chairman” means the Chairman of the Commission;

“Chief Officer” means the Departmental Head of any Division of a Statutory Authority;

“Civil Service” means the Civil Service established by the Civil Service Act; Ch. 23:01.

“the Commission” means the Statutory Authorities Service Commission established under section 4 of the Act;

“Director” means the Director of Personnel Administration;

“Executive Officer” means the most senior officer in grade of the Statutory Authorities Service Commission Department;

“Head of the Statutory Authority” means—

(a) in respect of a Statutory Authority, other than a local authority, the General Manager, or Manager, or the Chief Executive Director or Officer of a Commission, Board, Committee, Council or body as the case may be;

(b) in respect of a Local Authority that is a Municipal Corporation, the Chief Executive Officer or in the case of a Council, the Chief Executive Officer;

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“officer” means a person who is appointed to hold or to act in an office in the service of a Statutory Authority, and whose remuneration is paid on a monthly basis;

“prescribed form” means the appropriate form as may from time to time be prescribed by the Commission;

“promotion” means the appointment of an officer to an office in a grade carrying a higher remuneration whether such office is in the same statutory authority or not;

“public service” has the meaning assigned to it by section 3 of the Constitution;

“Review Board” means the authority referred to under section 7 of the Act and authorised under that section to review the findings of the Commission in disciplinary cases;

“secondment” means the transfer of an officer in a particular service to serve for a period in an office in another service or in an office in the Public Service or in an office under another Government or under a statutory board or organisation approved by the President;

“Statutory Authority” means a local authority as defined in the Act and any Commission, Board, Committee, Council or Body (whether incorporated or incorporated) established by or under an Act other than the Companies Act and declared by the President to be subject to the provisions of the Act.

Ch. 81:01.

PART II

THE STATUTORY AUTHORITIES SERVICE
COMMISSION

Oath of Office. **3.** (1) The Chairman and other members of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation in the form set out as Form 1 in the First Schedule.

First Schedule.
Form 1.

(2) Every person appointed a member of the staff of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation in the form set out as Form 2 in the First Schedule.

Form 2.

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4. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions and such meetings shall be held on such days and at such time and place as the Chairman shall determine. Meetings.

(2) Where a member fails to attend at least four meetings in any one month over a period of three months without reasonable excuse, the Commission shall make a report to the President.

5. (1) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Commission, and in the absence of the Chairman and the Deputy Chairman from any meeting, the members present shall elect one of their number to preside at that meeting. Procedure, quorum and voting.

(2) At any meeting of the Commission three members shall constitute a quorum.

(3) All questions for discussion at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting.

(4) The Chairman or other member presiding at a meeting shall have an original vote, and in the event of an equality of votes, he shall have as well a second or casting vote.

6. (1) Notwithstanding regulation 5 but subject to subregulation (2) if the Chairman directs it or considers it necessary, questions may also be decided by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing and in such case the decision shall be the view of the majority of members expressing a view. Decisions other than at meetings.

(2) If any member requires that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Commission, no decision shall be made on that matter or question except at a meeting of the Commission.

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Record of meetings and decisions.

7. (1) The Executive Officer shall ensure that Minutes of all meetings of the Commission and of all decisions arrived at under regulation 6, shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof.

Dissents.

(2) Any member of the Commission who dissents from a decision may require that his dissent and reasons for dissenting be recorded in the Minutes.

Consultation with other persons.

8. The Commission in considering any matter or question may consult with any officer or other person as the Commission may consider proper and desirable and may require any officer to attend for the purpose of assisting the Commission in its deliberations and producing any official documents relating to such matter or question.

Non-compliance.

9. Any officer who without reasonable cause or excuse fails to appear before the Commission when required to do so, or, who fails to comply with any request made by the Commission or with any requirement of these Regulations shall be guilty of misconduct.

Instrument of delegation to be published.

10. (1) Whenever the Commission delegates any of its powers to any other person or authority in accordance with section 5(2) of the Act, the Executive Officer shall cause notice of such delegation to be published in the *Gazette*.

(2) A notice published under subregulation (1) shall contain the following information:

- (a) the powers delegated;
- (b) the person or authority to whom such delegation is made;
- (c) the extent of such delegation;
- (d) the terms and conditions of such delegation and the manner in which matters dealt with under such delegated authority may reach the Commission.

(3) Any power so delegated shall be exercised in such manner as the Commission may direct.

(4) Every delegation under this regulation shall be revocable.

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PART III

APPOINTMENTS, PROMOTIONS AND TRANSFERS

11. Every application for first appointment to the Service of a Statutory Authority shall be addressed to the Executive Officer on the prescribed form.

Application for appointment.

12. (1) Candidates for permanent appointment to offices in the clerical or secretarial classes and to such other classes in the service of a Statutory Authority as the Commission may from time to time specify, shall be selected on the basis of written competitive examinations and/or interviews.

Selection for appointment on basis of competitive examination.

(2) A candidate who fails the examination for entry into the service of a Statutory Authority in the class or classes specified in subregulation (1) in any year, shall, if he wishes to be considered for a permanent appointment, reapply and resubmit himself for the examination in any following year, notwithstanding that he may have held an acting appointment in the meantime.

13. (1) As soon as it is known that a vacancy will occur the Head of the Statutory Authority shall communicate to the Executive Officer in writing and shall make his recommendations regarding the filling of the vacancy.

Filling of vacancies.

(2) The Executive Officer shall, from time to time by Circular Memorandum or by publication in the *Gazette*, give notice of vacancies which exist in the particular service and any officer may make application for appointment to any such vacancy. Such application shall be forwarded through the appropriate Head of the Statutory Authority to the Executive Officer but the failure to apply shall not prejudice the consideration of the claims of all eligible officers.

14. Whenever in the opinion of the Commission it is possible to do so and it is in the best interest of the particular service within the service, appointments shall be made from within the particular service by competition.

Appointments to be by competition within the particular service.

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Advertisement
of vacancies.

15. Where the Commission considers either that there is no suitable candidate already in the particular service available for the filling of any vacancy or that having regard to qualifications, experience and merit, it would be advantageous and in the best interest of the particular service that the services of a person not already in that service be secured, the Commission may authorise the advertisement of such vacancy.

Selection
Boards.

16. (1) The Commission may from time to time appoint one or more Selection Boards to assist in the selection of candidates for appointment to the service and the composition of any such Board and the form in which its reports are to be submitted shall be in the discretion of the Commission.

(2) On consideration of any report of a Selection Board, the Commission may, in its discretion, summon for interview any of the candidates recommended by such Board.

Examination
Board.

17. (1) All examinations to be held under these Regulations shall be set and the papers marked by such Examination Board as may be appointed for the purpose.

(2) The Executive Officer shall be responsible for the conduct of examinations set under subregulation (1).

Principle of
selection for
promotion.

18. (1) In considering the eligibility of officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with relative efficiency of such officers, and, in the event of an equality of efficiency of two or more officers, shall give consideration to the relative seniority of the officers available for promotion to the vacancy.

(2) The Commission in considering the eligibility of officers under subregulation (1) for an appointment on promotion shall attach greater weight to—

(a) seniority, where promotion is to an office that involves work of a routine nature; or

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- (b) merit and ability where promotion is to an office that involves work of progressively greater and higher responsibility and initiative than is required for an office specified in subregulation (a).

(3) In the performance of its functions under subregulations (1) and (2), the Commission shall take into account as respects each officer—

- (a) his general fitness;
- (b) the position of his name on the seniority list;
- (c) any special qualifications;
- (d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);
- (e) the evaluation of his overall performance as reflected in annual staff reports by the Head of the Statutory Authority or other senior officer under whom the officer worked during his service;
- (f) any letters of commendation or special reports in respect of any special work done by the officer;
- (g) the duties of which he has had knowledge;
- (h) the duties of the office for which he is a candidate;
- (i) any specific recommendation of the Head of the Statutory Authority for filling the particular office;
- (j) any previous employment of his in any public service, Statutory Authority or otherwise;
- (k) any special reports for which the Commission may call;
- (l) his devotion to duty.

(4) In addition to the requirements prescribed in subregulations (1), (2) and (3), the Commission shall consider any specifications that may be required from time to time for appointment to the particular office.

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Promotion to Administrative Class.

19. Promotion to the Administrative Class shall be determined by the order of merit in an examination fixed for the purpose and such examination shall be open to all officers in the service of a Statutory Authority holding an office not lower than that of Principal Officer or other comparable office.

Seniority lists to be kept up-to-date.

20. (1) The Executive Officer shall keep up-to-date seniority lists of all officers holding offices in the several grades in the Service of a Statutory Authority.

(2) The Head of a Statutory Authority shall keep in the prescribed form, up-to-date seniority lists of all officers holding offices in the several grades in his Department, for the purpose of making recommendations for promotion and acting appointments.

(3) The seniority of an officer shall be determined by the date of his appointment to the particular grade within the range in which he is serving. The seniority of officers promoted to the same grade from the same date shall be determined by their seniority in their former grade.

(4) Where officers have entered the particular service within the service by competitive examination and are appointed to the same grade in a range with effect from the same date, the relative seniority of such officers shall be determined according to their performance in such examination.

Seniority of officer to be reckoned from date of appointment or reappointment.

21. The seniority of an officer who voluntarily resigns from the service of a Statutory Authority and is subsequently reappointed to it shall be reckoned from the date of his reappointment.

Commission to determine seniority.

22. In any case not covered by regulations 20 and 21, the Commission shall determine the seniority of the officer.

Commencing pay.

23. The Commission may authorise payment to an officer of a commencing pay at an incremental point higher than the minimum in the scale attaching to the office to which he is appointed or promoted.

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24. (1) The Head of a Statutory Authority shall ensure that any recommendation made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 18.

Principles of selection for acting appointment as prelude to appointment.

(2) Where, in the exigencies of the particular service, it has not been practicable to apply the principles prescribed in regulation 18, an officer selected for an acting appointment in consequence of a recommendation made under subregulation (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

25. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not, the Head of the Statutory Authority shall notify those officers within the Department who are eligible for consideration.

Head of Statutory Authority to notify eligible officers of vacancy.

(2) The Head of the Statutory Authority shall, after notification as required by subregulation (1), allow a period of seven days to elapse before forwarding any recommendations in relation to such acting appointment, for the purpose of allowing the officers of the Statutory Authority to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of an officer in the Statutory Authority, the Head of the Statutory Authority shall forward such representations in their original form to the Executive Officer.

(4) Where a vacancy occurs in an office and an acting appointment falls to be made for a period not likely to exceed twenty-eight days as a result of sudden illness or other very special circumstances the Head of the Statutory Authority may appoint an officer to act for such period and subregulations (1), (2) and (3) shall not apply to such acting appointment.

Principles of selection for acting appointment not as prelude to appointment.

26. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the officer appointed shall—

- (a) as a general rule be the senior officer in the Department eligible for such acting appointment;
- (b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

(2) In submitting any recommendations for an acting appointment, the Commission shall examine whether the exigencies of the particular service would best be served by transferring an officer from another Authority or district next in line of seniority to act where there is an officer in the same Authority or district who is capable of performing the duties of the higher grade, and in such examination the question of additional expenditure for travelling and subsistence allowances and other expenditure payable by the Statutory Authority shall be borne in mind.

Head of Statutory Authority to submit recommendation in advance.

27. The Head of the Statutory Authority shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective, but the Commission may waive the provisions of this regulation where the necessity to submit recommendations has been occasioned by sudden illness, or very special circumstances or in any other circumstances where the Commission may consider appropriate.

Head of Statutory Authority to state reasons for passing over officers.

28. In submitting recommendations for acting appointments, Heads of Statutory Authorities shall state the reasons why officers, if any, are being passed over.

Transfers.

29. (1) Where the Commission proposes to transfer an officer, the Commission shall, except where the exigencies of the particular service do not permit, make an order of transfer in writing and shall give not less than one month's notice to an officer who is to be transferred.

(2) An officer who is aggrieved by an order under subregulation (1) may make representation to the Commission for a review of the order in accordance with subregulation (3).

(3) Where an officer desires to make representation to the Commission for a review of an order made under subregulation (1), he shall give notice in writing to the Head of the Statutory Authority within seven days of the receipt of such order and shall submit, with the notice, his representations in writing.

(4) The Head of a Statutory Authority shall, within seven days, forward any representations made to him in writing under subregulation (3), together with his comments thereon to the Commission.

(5) The Commission shall consider the representations of the officer and Head of the Statutory Authority submitted to it under subregulations (2) and (3) and shall communicate its decision in writing.

30. (1) Notwithstanding that an officer in respect of whom an order has been made under regulation 29(1) has made representation under subregulations (2) and (3) of the said regulation, the officer shall assume his duties on transfer pending the review of the order by the Commission.

Officer to assume duties pending review of transfer order.

(2) Where the order of transfer involves the exchange of officers in an office in a grade to another office in the same grade, the officer shall not assume his duties on transfer pending the review of the order by the Commission.

31. (1) The date of appointment to an office in a particular service within the service of an Authority shall normally be the date on which the officer assumes substantively the duties of the office to which he has been appointed.

Date of appointment.

(2) The date of appointment on promotion shall be such date as the Commission shall specify.

(3) If an officer is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date specified in the letter of appointment.

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Medical
examination on
appointment.
[*174/1973].

32. (1) A candidate selected for appointment shall undergo a medical examination by a Medical Officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

(2) The Head of a Statutory Authority to which the candidate has been assigned, shall make appropriate arrangements for the new appointee to be medically examined as soon as practicable after his notification of appointment.

(3) The Medical Officer who examines the new appointee shall submit his medical report on the prescribed form to the Executive Officer under confidential cover as soon as practicable after the examination.

(4) The Executive Officer shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report on a new appointee shall be strictly confidential and any officer who communicates the details of any such medical report to any other person, except for the purpose of and as provided for in this regulation, shall be guilty of misconduct and be liable to dismissal from the service.

(6) For the purposes of subregulation (1), a candidate shall be deemed to have been passed as medically fit if, without any default or neglect on his part, he retires before being medically examined.

Exemption from
medical
examination.

33. An officer selected for appointment to an office in a service within the service of the Statutory Authority, other than the particular service in which he holds an office, and who has undergone a medical examination by a medical officer in the public service and/or the service of a Statutory Authority for appointment to that particular service, may be exempted from further medical examination as a candidate on appointment to any other service in the Statutory Authority.

*This amendment is deemed to have come into operation on 1st April 1968.

PART IV

STAFF REPORTS

34. (1) A head of a Statutory Authority shall forward to the Executive Officer in each year— Staff reports.

- (a) in respect of all officers who are within the scale of pay, a staff report not later than sixty days before an increment is due to an officer; and
- (b) in respect of all officers who are at the maximum in the scale of pay or who receive a fixed pay, a staff report not later than the anniversary of the date of appointment of an officer to the office.

(2) A staff report shall relate to the period of service during the immediately preceding twelve months.

(3) In the preparation of a staff report, the Head of a Statutory Authority shall be guided by his own deliberate judgment and shall in such report—

- (a) make an unbiased assessment of the officer's performance and conduct over the past twelve months; and
- (b) give an indication of the future prospects of the officer.

(4) A staff report shall be in such form as may from time to time be prescribed by the Commission and shall be made in respect of every officer whether he holds an acting appointment, a temporary appointment or is employed for a specified period.

35. In order that an officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on, the Head of a Statutory Authority shall— Officer to be informed of adverse report.

- (a) as and when such shortcomings are noticed, cause the officer to be informed in writing thereof;
- (b) when adverse markings are included in the staff report, cause the officer to be informed in writing thereof before he submits the report to the Executive Officer.

36. (Revoked by LN 260/2006).

PART V

PROBATIONARY APPOINTMENTS

Period of probation on first appointment.

37. Except as otherwise provided, an officer on first appointment to the service of a Statutory Authority shall be required to serve on probation for a period of two years.

Period of probation on appointment.

38. (1) Where an officer is to be appointed to an office in which he has satisfactorily performed the duties, whether in an acting or temporary capacity or on secondment for periods of equal or longer duration than the period of probation prescribed by regulation 39, the officer shall not be required to serve on probation.

(2) Where an officer is appointed on promotion to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed by regulation 39, not more than one year and not less than six months acting service shall be offset against the period of probation.

(3) Where an officer is appointed on probation to an office in which he has not acted satisfactorily, the Commission shall determine the period of probation to be served.

Period of probation on promotion.

39. (1) Subject to regulation 38, an officer who is appointed on promotion to an office shall be required to serve on probation for one year in the office to which he is promoted.

(2) Subject to subregulation (3), where within two years immediately preceding his promotion an officer has served in an acting appointment in the office to which he is promoted, the period of probation shall be abated by the extent of the aggregate of service in such acting appointment unless the Commission otherwise directs.

(3) In calculating the aggregate of service in an acting appointment for the purpose of subregulation (2), only continuous service of three months or more shall count.

(4) Where an officer is transferred from one Statutory Authority to another, the Head of the Authority shall take immediate steps to ensure the release of such officer to assume duties in his new office on the date fixed by the Commission.

(5) Where an officer is promoted and transferred from one Statutory Authority to another and the exigencies of the service precludes his assumption of duties in his new office on the date fixed by the Commission, the period of probation shall be deemed to commence from such date.

40. Where an officer is promoted before he has completed the full period of probation in the lower office, the unserved portion of that period of probation shall be deemed to be waived and the officer deemed to be confirmed in that appointment.

Waiver of portion of period of probation.

41. The following principles shall be observed for the treatment of an officer during his period of probation:

Principles to be observed while officer on probation.

- (a) the officer on probation shall be given an opportunity to learn his work and be tested as to his suitability for it;
- (b) he shall be accorded all possible facilities for acquiring experience in his duties;
- (c) he shall be subject to continual and sympathetic supervision;
- (d) so far as the exigencies of the service permit, he shall be assigned to duty only where such observation is possible; and
- (e) if at any time during his period of probation he shall exhibit tendencies which render it in any way doubtful that he is likely to become fit for confirmation in his appointment, these shall at once be drawn to his attention in writing by the Head of the Statutory Authority and he shall be given such assistance as may be possible to enable him to correct his faults.

Confidential reports on officer on probation.

42. (1) In the case of an officer serving a two-year period of probation, the Head of the Statutory Authority shall submit to the Executive Officer three confidential reports as follows:

- (a) a first report after the officer has completed one year's service;
- (b) an interim report six months before the period of probation expires; and
- (c) a final report one month before the period of probation expires.

(2) In the case of an officer serving a period of probation of one year, two confidential reports shall be submitted as follows:

- (a) a first report six months before the period of probation expires;
- (b) a final report one month before the period of probation expires.

(3) The Executive Officer shall report to the Commission whenever the Head of a Statutory Authority fails to submit a confidential report on an officer on probation within the terms specified in this regulation.

(4) In submitting the final report, the Head of the Statutory Authority shall make a firm recommendation—

- (a) that the officer be confirmed in the appointment; or
- (b) that the period of probation be extended; or
- (c) that the services of the officer be terminated; or
- (d) that the officer revert to his former office.

(5) A report of the Head of a Statutory Authority under this regulation shall not be seen by the officer on probation, but any adverse comments on his work shall be in specified terms; the officer shall be notified in writing in duplicate as early as possible, so that he should have sufficient time in which to make an effort to correct his shortcomings before his period of probation expires. The officer shall retain the original notification and shall sign the duplicate and return it to the Head of the Statutory Authority for the record.

43. (1) Before any recommendation is made to the Commission for the extension of the period of probation of an officer or for the termination of his appointment, the Head of the Authority shall inform the officer of this recommendation and of the specific reasons therefor and he shall invite the officer to submit any representations he may wish to make.

Officer may make representation on recommendation of Head of Statutory Authority.

(2) Subject to these Regulations, the first appointment on probation of an officer may, at anytime during the period of probation, be terminated by the Commission.

44. (1) If, after consideration of the final report of the Head of the Authority, the Commission is satisfied that the service of an officer on probation has been satisfactory, the Commission shall confirm his appointment with effect from the date of appointment.

Commission to confirm appointment.

(2) If the Commission is not satisfied that the service of an officer on probation has been satisfactory, the Commission may extend the period of probation for a further period.

45. Where the period of probation of an officer has been extended and he is subsequently confirmed in his appointment, the Commission may direct that the officer's increment be paid—

Incremental date when period of probation extended.

- (a) with effect from the date following that on which the extended period of probation expired without change in the incremental date; or
- (b) with effect from the date following that on which the extended period of probation expired which would then become his incremental date.

46. The head of a Statutory Authority shall keep a record of every officer who has been appointed on probation to an office in his Authority.

Head of Statutory Authority to keep record.

47. The Head of a Statutory Authority shall ensure that no payment shall be made out of public funds in respect of any matter requiring the approval of the Commission until such approval has been obtained.

The Head of Statutory Authority not to allow payment out of public funds in certain circumstances.

PART VI

**RESIGNATIONS, RETIREMENTS AND
TERMINATION OF APPOINTMENTS**

Resignation.

48. (1) An officer who wishes to resign shall give to the Commission notice in writing of his intention at least one month before the date on which he wishes to relinquish his appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit.

(2) Notwithstanding any regulation respecting the non-forfeiture of leave, an officer who fails without reasonable cause to comply with subregulation (1), may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(3) An officer is not entitled to withdraw his notice of resignation before such resignation becomes effective, but the Commission may accept such withdrawal if tendered in writing at any time before the effective date of the resignation.

Abandonment.

49. An officer who is absent from duty without leave for a period of one month may be declared by the Commission to have resigned his office and thereupon the office becomes vacant and the officer ceases to be an officer.

Reasons for
termination of
appointment.

50. Unless otherwise provided, the services of an officer may be terminated by the Commission only for the reasons stated hereafter—

- (a) where the officer holds a permanent appointment—
- (i) on dismissal or removal in consequence of disciplinary proceedings;
 - (ii) on compulsory retirement;
 - (iii) on voluntary retirement;
 - (iv) on retirement for medical reasons;
 - (v) on resignation;

- (vi) on the expiry or the termination of appointment—
 - (A) for a specified period;
 - (B) on probation;
- (vii) on the abolition of office;
- (viii) on such other grounds as the Commission may determine;
- (b) where the officer holds a temporary appointment—
 - (i) on the expiry or other termination of an appointment for a specified period;
 - (ii) where the office itself is of a temporary nature and is no longer necessary;
 - (iii) on the termination of appointment in the case of an officer on probation;
 - (iv) on dismissal or removal in consequence of disciplinary proceedings;
 - (v) ill health;
- (c) where the officer is on contract his services shall be terminated in accordance with the terms of the contract.

51. Subject to section 9 of the Act, provisions thereof with respect to the superannuation benefits and of liabilities of the officers including pension schemes already established or authorised to be established shall apply until such time as other provisions have been made.

Superannuation benefits.

52. An officer—

- (a) shall be required to retire on attaining the age of sixty years; or
- (b) may retire voluntarily at the age of fifty-five years; or

Compulsory and voluntary retirement. [46 of 1979].

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(c) may at any time after he attains the age of fifty years and before attaining the age of fifty-five years, apply to the Commission for permission to retire pursuant to section 15(1) of the Pensions Act and shall in his application state the grounds on which it is based.

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Head of Statutory Authority to notify Officer of officers aged 60 years compulsory.

53. A Head of a Statutory Authority shall inform the Executive Officer of all officers in his Authority who are within one year of the compulsory retirement age.

Premature retirement.

54. (1) If it appears to the Commission that pursuant to any Act, Rule or Regulation in respect of the retiring age of an officer that he ought to be called upon to retire from the service of an Authority, the Commission shall advise the officer accordingly.

(2) Any such officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) If the Commission, after considering the representations, if any, made by the officer, is of the opinion that, having regard to all the circumstances of the case, the officer should be retired in the public interest, the Commission shall require the officer to retire on such date as the Commission shall determine, and the officer shall be retired accordingly.

Retirement in the public interest.

55. (1) Where it is represented to the Commission or the Commission considers it desirable in the public interest that any officer should be required to retire on grounds which cannot suitably be dealt with under any of these Regulations, it shall call for a full report on the officer from the Head of the Statutory Authority in which he is serving and shall take into account the officer's previous record during the last preceding ten years.

(2) If after considering such report and such record and giving the officer an opportunity of submitting a reply to the grounds on which his retirement is contemplated, and having regard to the conditions of the particular service of which the officer is a

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member, the usefulness of the officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest to do so, it shall require the officer to retire on such date as the Commission shall determine, and he shall be retired accordingly.

56. (1) Where an office, being one of a number of like offices, has been abolished but one or more than one such office remains, the Head of the Statutory Authority shall make a report thereon to the Executive Officer for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the service of the Statutory Authority in consequence of such abolition.

Termination of appointment on abolition of office or for facilitating improvement in the organisation of a Statutory Authority.

(2) Where it is necessary to retire or remove an officer from the service of the Statutory Authority for the purpose of facilitating improvement in the organisation of the Authority in order to effect greater efficiency or economy, the Head of the Authority shall make a report thereon to the Executive Officer for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the public service in consequence of such reorganisation.

(3) Where the Head of the Statutory Authority makes any recommendation under subregulation (1) or (2), the Head of the Authority shall, at the same time, notify the officer concerned in writing of his recommendations, and such officer may, within seven days of the receipt of the notification, make representations thereon.

(4) Where an officer makes representation in respect of recommendations under subregulation (1) or (2), the representations shall be forwarded in the original form to the Commission by the Head of the Authority together with such comments as the Head of the Statutory Authority thinks fit.

(5) Notwithstanding subregulation (1) or (2), and after consideration of the representations of the officer, the Commission may, instead of retiring or removing the officer from the service of such Authority transfer the officer concerned to another office not lower in status than that which he held.

Termination of appointment on grounds of inefficiency.

57. (1) The Commission may terminate the appointment of an officer on grounds of inefficiency.

(2) Where a Head of a Statutory Authority makes a recommendation in writing that the appointment of an officer should be terminated on grounds of inefficiency, the officer shall be informed in writing of such recommendation and shall be given an opportunity to make representations thereon.

(3) Where an officer makes representations under subregulation (2), the representations shall be forwarded in their original form to the Commission by the Head of the Authority with such comments as the Head of the Statutory Authority thinks fit.

58. (*Revoked by LN 260/2006*).

Medical Boards.

59. (1) A Medical Board shall be held whenever it is necessary for an officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill health, or in any case or class of case in which the Commission directs.

(2) An officer may be required by the Commission to undergo a medical examination at any time.

(3) An officer who is required to undergo a medical examination shall submit to be examined by a Medical Board at such time and place as the Head of the Statutory Authority may direct on behalf of the Medical Board.

(4) Where an officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by the Medical Board, falls sick and in consequence is unable to perform his duties the Commission may direct that the period during which he is unable to perform his duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for an officer to be examined with a view to ascertaining whether or not he should

be retired on grounds of ill health, the Head of the Statutory Authority shall make a recommendation to this effect to the Commission and where there is a medical record of the officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the officer is the reason or one of the reasons for requesting that the officer undergo a medical examination, the Head of the Statutory Authority shall submit, with his recommendation under subregulation (5), a detailed report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the officer concerned.

60. An officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he is eligible or two months' leave, whichever is the greater, as from the date on which he is notified of his unfitness for further duty. Unfit officers.

PART VII
CONDUCT

61. An officer shall conduct himself at all times in such a manner that he does not bring the service of which he is a member into disrepute. General conduct.

62. (1) An officer shall discharge the usual duties of the office to which he is appointed and any other related duties that the Head of the Statutory Authority may, at any time, call upon him to discharge. Duties of officer.

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

63. An officer who is discourteous or impolite to members of the staff or to members of the public shall be guilty of misconduct. Discourtesy.

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Absence
without leave.

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

(2) An officer shall not leave the country without the permission in writing of the Head of the Statutory Authority or in cases of emergency, of a superior officer who shall report forthwith, in writing to the Head of the Statutory Authority.

(3) An officer who contravenes this regulation is guilty of misconduct and shall be liable to summary dismissal.

Misconduct.

65. An officer who wilfully refuses to perform his duties, or who wilfully omits to perform his duties, shall be guilty of misconduct.

Activities
outside the
service.
[46 of 1979].

66. (1) Except in the case of part-time officers, an officer's whole time is at the disposal of Government. Accordingly—

(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 his Ministry or Department 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 Commission;

(c) notwithstanding that prior approval may have been given, the Commission 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 Commission is of the

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opinion that the officer's activity tends to impair his usefulness as an officer or conflicts with the interests of his Ministry or Department or is inconsistent with his position as an officer;

- (d) within a period of thirty days after his first appointment to an office in the public service, an officer shall disclose in writing to the Commission particulars of any investment or shareholding which he possesses in any company carrying on business in or outside of Trinidad and Tobago and also of any direct interest which he has in any professional, commercial, agricultural or industrial undertaking in or outside of 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 direct 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 Commission;
- (f) whenever the Commission is of the opinion that an officer's performance of his duties is likely to be influenced by the fact that he owns shares or investments in any company or he has direct interest in any professional, commercial, agricultural or industrial undertaking, the Commission may require the officer to dispose of such shares, investment or interest within such period as the Commission may specify or may transfer the officer to other duties. If the officer, on being required to dispose of such shares, investment or interest fails to do so within the specified period, he shall be guilty of misconduct;

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(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 Commission 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) shall within sixty days of the coming into operation of these Regulations apply for approval to the Commission 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 Commission with respect to his application.

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

67. An officer may not call a public meeting to consider any action of the Government or the Statutory Authority or actively participate in the proceedings of a meeting called for such purpose or procure signatures to any public petition regarding the actions of the Government or the Statutory Authority. 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 with which the staff association of a particular service is competent to deal.

Officer not to be candidate at election under Representation of the People Act.

68. (1) An officer shall not declare himself to be a candidate or be nominated as a candidate at an election to serve in the House of Representatives or a City or Borough.

(2) In this regulation the expressions "candidate", "election", "House of Representatives", and "City or Borough" have the meanings respectively assigned to them under the Representation of the People Act.

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(3) An officer who contravenes this regulation is guilty of misconduct and shall be liable to summary dismissal.

69. (1) An officer shall not make public communication to the Press or to an individual, 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) An officer who commits a breach of this regulation shall be guilty of misconduct.

(3) An officer who contravenes any of the provisions of any written law relating to official secrets shall be guilty of misconduct notwithstanding that he may be charged with an offence under any such enactment.

70. 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 allow interview on questions of public policy.

71. (1) An officer shall not, without permission of the Head of the Statutory Authority, broadcast on the radio or television or publish in any other manner any statement which may reasonably be regarded as being 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. Officer not to publish comment on national or local matter.

(2) An officer may, with the permission of the Head of the Statutory Authority, publish in writing, articles relating to other subjects of general interest or give broadcast talks on the radio or television on such matters.

(3) In any case of doubt as to the propriety of any proposed publication or broadcast, an officer shall refer the matter to the Head of the Statutory Authority. Reference to Head of Statutory Authority.

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Officer not to contribute, edit or manage newspaper.

72. 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 Statutory Authority.

Indebtedness.

73. (1) An officer who incurs indebtedness to the extent that it impairs his efficiency or that it has brought or is likely to bring the service of which he is a member into disrepute, shall be guilty of misconduct.

Return of debts.

(2) In the month of January in each year every officer who has incurred indebtedness shall be required to render to the Head of the Statutory Authority on the form set out in the Second Schedule, a full statement of his indebtedness including indebtedness to the Government. The Head of the Statutory Authority shall forward such a statement to the Executive Officer.

Second Schedule. Form.

Second Schedule. Form.

(3) In the month of January in each year, a Head of a Statutory Authority shall render to the Executive Officer on the form set out in the Second Schedule, a full statement of his indebtedness including indebtedness to Government and the Statutory Authority.

Accommodation bill.

(4) An officer shall not be a party to an accommodation bill.

(5) The Commission may require an officer to authorise deductions from his pay for the repayment of any debt to Government or to the Authority.

Bankruptcy.

74. (1) An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Commission.

(2) An officer who fails to report under subregulation (1) shall be guilty of misconduct.

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75. An officer shall not solicit the intervention or influence of members of Parliament, Ministers, members of the Commission or prominent members of the community to support or advance his individual claims in the service of a Statutory Authority. Officer not to solicit intervention.

76. Except with the permission of the Commission, an officer shall not accept any gifts or rewards from any member of the public or from any organisation for services rendered in the course of his official duties. Gifts, rewards.

77. Notwithstanding regulation 76, an officer may accept a present offered by— Exceptions.

- (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 his Department on the occasion of his marriage, or on retirement, or on transfer.

78. An officer who is offered a bribe shall immediately inform the Head of the Statutory Authority who shall report the matter to the Police and advise the Commission. Bribery.

79. An officer who desires to initiate legal proceedings on his own behalf against another officer or against a member of the public with respect to any matter which arose out of and in the course of the execution of his duty, shall apply to the Commission for permission so to proceed. Legal proceedings.

80. An application under regulation 79 shall be in writing and shall be addressed to the Executive Officer for transmission to the Commission and forwarded through the Head of the Statutory Authority to which the officer is assigned, or if the Head is the applicant, directly to the Commission. Application to initiate legal proceedings to be in writing.

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Grounds for refusal of application.

81. The Commission may refuse the application under regulation 79, if the Commission is of the opinion that the proceedings would be—

- (a) contrary to the best interest of public policy;
- (b) detrimental to discipline and the good reputation of the particular service of which the officer is a member.

Officer to report criminal charge.

82. (1) An officer who is charged by a member of the public with a criminal offence shall report the matter forthwith to the Head of the Statutory Authority for the information of the Commission.

(2) Where an officer is charged by the Police with a criminal offence the Commissioner of Police shall report the matter to the Head of the Statutory Authority concerned for the information of the Commission.

(3) An officer who fails to comply with this regulation shall be guilty of misconduct.

(4) Where an officer who is charged by the Police with a criminal offence fails without reasonable excuse to attend Court on the date fixed for hearing; the Commission may direct that such officer shall not receive any pay or allowance.

Misconduct defined.

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

- (a) amounts to failure to perform in a proper manner any duty imposed upon him as such; or
- (b) contravenes any of these Regulations; or
- (c) contravenes any written law relating to the particular service of which he is a member; or
- (d) is otherwise prejudicial to the efficient conduct of the particular service of which he is a member or tends to bring that service into disrepute,

shall be guilty of misconduct and is liable to such punishment as is prescribed in regulation 110.

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(2) Without prejudice to the generality of subregulation (1), an officer who—

- (a) is persistently unpunctual; or
- (b) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order; or
- (c) is drunk on duty; or
- (d) is inefficient or incompetent through causes which appear to be within his own control; or
- (e) is guilty of any immoral or obscene or disorderly conduct in office; or
- (f) performs his duties in a negligent manner; or
- (g) having made or subscribed an oath of affirmation for the purposes of his office does or says anything in violation of that oath or affirmation; or
- (h) engages in any gainful occupation outside the service of which he is a member without the consent of the Commission; or
- (i) uses, without the consent given personally, of the Head of the Statutory Authority, any property or facilities provided for the purposes of the service of which he is a member for some purpose not connected with his official duties; or
- (j) is convicted of any criminal charge involving dishonesty, fraud, moral turpitude or is convicted of a criminal charge and sentenced to imprisonment without the option of a fine,

is guilty of misconduct and liable to such punishment as is prescribed by regulation 110 or by any other regulation.

PART VIII
DISCIPLINE
GENERAL

84. An officer who is alleged to be guilty of misconduct or who is alleged to be guilty of indiscipline by failing to comply with any regulation, order or directive for the time being in force

Officer liable to disciplinary proceedings.

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in the Statutory Authority in which he is employed, shall be liable to disciplinary proceedings in accordance with the procedure prescribed in these Regulations.

Head of Statutory Authority to report misconduct or indiscipline.

85. (1) Where an officer is alleged to be guilty of misconduct or indiscipline, the Head of the Statutory Authority shall forthwith report the matter to the Executive Officer for the information of the Commission.

(2) Subject to subregulation (3), the Commission, after considering the report made under subregulation (1), may institute disciplinary proceedings against the officer.

(3) Where an offence against any law appears to have been committed, the Commission, before acting under subregulation (2), shall ascertain from the Director of Public Prosecutions whether he contemplates criminal proceedings against the officer concerned; and, if the Director of Public Prosecutions advises that criminal proceedings are contemplated, the Commission shall not institute disciplinary proceedings before the determination of the criminal proceedings.

(4) Where the Commission under section 5(2) of the Act has delegated to an officer or Authority its powers of exercising disciplinary control in a particular service in a Statutory Authority, subregulation (1) shall not have effect and the reference in subregulations (2) and (3) to the Commission shall be construed as a reference to that officer or Authority.

Head of Statutory Authority may inform Police of offence.

86. Nothing in these Regulations shall be deemed to restrict the Head of a Statutory Authority from reporting to the Police directly where an offence against any law appears to have been committed by an officer.

Commission to issue instructions in certain cases.

87. The Head of a Statutory Authority shall report any case not covered by these Regulations to the Executive Officer and the Commission may issue instructions as to how the case shall be dealt with and the case shall be dealt with accordingly.

Commission to exercise disciplinary control of Head of a Statutory Authority. [260/2006].

87A. (1) Where the Commission becomes aware of an allegation of indiscipline or misconduct of an officer being a Head of a Statutory Authority, the Commission shall appoint an officer to investigate the allegation.

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(2) Regulation 90(3) to 90(6) shall apply in respect of an investigation referred to in subregulation (1).

88. (1) When the Commission becomes aware of any act of Suspension by Commission. indiscipline or misconduct and the Commission is of the opinion that the public interest or the repute of the Statutory Authority requires it, the Commission may direct the officer in writing to cease to report for duty until further notice from the Commission, and an officer so directed shall cease to perform the functions of his office forthwith.

(2) An officer directed to cease to perform the duties of his office in accordance with subregulation (1) shall continue to draw full salary until notice is given to him by the Commission under regulation 89.

89. (1) Where there have been or are about to be instituted Interdiction. [260/2006]. against an officer—

- (a) disciplinary proceedings for his dismissal; or
- (b) criminal proceedings,

and where the Commission is of opinion that the public interest require that that officer should forthwith cease to perform the functions of his office, the Commission shall interdict him from such performance.

(2) The effective date of interdiction shall be—

- (a) where an officer has continued to perform the duties of his office, the date of receipt by him of the notification of his interdiction;
- (b) where in accordance with regulation 88, an officer has ceased to perform the duties of his office, such date as the Commission may direct.

(3) An officer so interdicted shall, subject to regulation 114 be permitted to receive such proportion of the pay of his office, not being less than one-half, as the Commission may determine, after taking into consideration the amounts being deducted per month from the pay of the officer.

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(4) If disciplinary proceedings against any such officer result in his exoneration, he shall be entitled to the full amount of the remuneration which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal, the officer shall be allowed such pay as the Commission may in the circumstances determine.

(5) An officer who is under interdiction from duty shall not leave the country without the permission of the Commission; and such officer who leaves the country without such permission shall be liable to summary dismissal.

Investigation of charges.
[191/1977
260/2006].

90. (1) Where a report or allegation of indiscipline or misconduct is made, from which it appears that an officer may have committed an offence, the Head of the Statutory Authority shall, in addition to making a report as required by regulation 85, concurrently warn the officer in writing, of such report or allegation and shall forthwith refer the matter to an investigating officer appointed by him.

(2) The investigating officer shall be appointed from the Authority in which the officer is employed and shall be of a grade higher than that of the officer against whom the report or allegation has been made, so however that where there is no officer of such a higher grade or where no such officer is available to act as investigating officer, the Commission may appoint any other person it considers suitable to be the investigating officer.

(3) The investigating officer shall, within three days of his appointment, give the officer a written notice specifying the time, not exceeding seven days from the date of the receipt of such notice, within which he may, in writing, give an explanation concerning the report or allegation to the investigating officer.

(4) The investigating officer shall require those persons who have direct knowledge of the alleged indiscipline or misconduct to make written statements within seven days for the information of the Commission.

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(5) The investigating officer shall with all possible despatch, but not later than thirty days from the date of his appointment, forward to the Commission, for the information of the Commission, the original statements and all relevant documents, together with his own report on the particular act.

(6) The Commission after considering the report of the investigating officer and any explanation given under subregulation (3) shall decide whether the officer should be charged with an offence and if the Commission decides that the officer should be so charged, the Commission shall, as soon as possible cause the officer to be informed in writing of the charge together with such particulars as will leave the officer under no misapprehensions as to the precise nature of the allegations on which the charge is based.

(7) Where in the explanations given under subregulation (3), the officer makes an admission of guilt, the Commission may determine the penalty to be awarded without further inquiry.

(8) Where the Commission, under section 5 of the Act has delegated to an officer or Authority its duty of deciding under subregulation (6) whether an officer shall be charged and of charging such officer with an offence, the reference in subregulations (4), (5), (6) and (7) to the Commission shall be construed as a reference to that officer or Authority.

91. Where an officer is charged with an alleged act of indiscipline or misconduct he shall, as soon as possible, be given a copy of any written explanation he may have made under regulation 90(3). Documents to be supplied to accused.

92. (1) Where an officer is charged with indiscipline or misconduct the officer shall be requested to state in writing within a specified period whether he admits or denies the charge and shall be allowed to give to the disciplinary tribunal or the Commission any explanation he may wish. Officer to admit or deny charge in writing and may include explanation.

(2) Where an officer admits the charge under subregulation (1) he shall be allowed to include in his explanation any extenuating circumstances in mitigation.

Hearing on failure to admit or deny charge. [47 of 1980].

93. Where an officer—

- (a) fails to give an explanation under regulation 90(3); or
- (b) fails to admit or deny the charge under regulation 92(1); or
- (c) gives an explanation under regulation 90(3), or under regulation 92(1), that—
 - (i) places the facts in dispute; or
 - (ii) does not exculpate him,

the hearing shall proceed as though the officer denied the charge.

Witnesses.

94. (1) The officer shall be allowed to state the name and addresses of any witness to relevant facts whom he may desire to give evidence at the hearing of the case.

(2) Any such witness who is an officer shall be ordered to attend at the hearing of the case and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

Appointment of disciplinary tribunal. [260/2006].

95. (1) Where the Commission, pursuant to regulation 90(6) charges—

- (a) an officer; or
- (b) an officer being a Head of a Statutory Authority,

respecting an alleged act of indiscipline or misconduct and the provisions of regulation 93 apply, the Commission may, subject to this regulation, appoint a disciplinary tribunal to hear evidence and find the facts.

(2) A tribunal appointed under subregulation (1) may be constituted of—

- (a) one officer; or
- (b) an uneven number of officers not being less than three.

(3) For the purposes of subregulation (2), a reference to “officer” includes a reference to a retired officer.

- (4) An officer selected under subregulation (2)—
- (a) shall be, or in the case of a retired officer shall have been, of a grade higher than that of the officer charged; or
 - (b) shall in no case be of a grade lower than Clerk IV, or in the case of a retired officer shall not have retired at a grade lower than Clerk IV.

(5) Where there is no officer meeting the requirements of subregulation (4) available to be appointed to the tribunal to which this regulation refers, the Commission may appoint a tribunal consisting of such other persons as it may consider suitable.

96. (1) It shall be the duty of every officer or other person appointed under regulation 95 to hear the evidence, find the facts and make a report to the Commission in accordance with regulations 98 and 102 as soon as possible, and such officer may not be permitted any leave, other than sick leave or maternity leave, until the report is made to the Commission.

Duty of officers appointed to disciplinary tribunal. [191/1977].

(2) Where an officer is granted sick leave for an indefinite period, the disciplinary tribunal of which he is a member may notwithstanding regulation 95(2)(b) continue to hear the case and make a report in the absence of that officer, but such a tribunal shall not be constituted of less than two members.

97. An officer who is charged with an alleged act of indiscipline or misconduct shall not be permitted to take leave other than sick leave or maternity leave until the determination of the case.

Officer on charge not to be permitted leave.

98. (1) The following procedure shall apply to the hearing by a disciplinary tribunal:

Procedure at hearing. [191/1977].

- (a) the officer shall be summoned to appear at the hearing and shall be given full opportunity to defend himself;
- (b) the case against the officer may be presented by an officer of the Statutory Authority in which the officer is employed, but such officer shall be the holder of an office in a grade higher than that of the officer charged, so however that where there is

no officer of such a higher grade or where no such officer is available to present the case against such officer, the Commission may appoint any other person it considers suitable to present the case against the officer;

- (c) before the case against the officer is presented, the officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision;
- (d) at the hearing before a disciplinary tribunal, the officer may conduct his defence either in person or may be represented by an officer of his choice who is a member of the service, or by his staff association or by an Attorney-at-law; and if the officer is represented by such member or by his staff association or by an Attorney-at-law, the officer or his representative may cross-examine the witnesses called in support of the case against him, but where the hearing is before a disciplinary tribunal constituted of one officer, the officer charged shall not be represented by an Attorney-at-law;
- (e) a true record of the proceedings at the hearing of the case shall be taken and a copy of the record shall be made if the officer desires to make application for a review.

(2) Nothing in this regulation shall be construed so as to deprive the officer at any time from making a submission that the facts disclosed in the evidence do not support the charge.

Adjournment of hearing.

99. The hearing of any case may be adjourned from time to time as may appear necessary for due hearing of the case.

Hearing in absence of accused officer.

100. (1) If the officer does not attend the hearing of the charge without good reason, the hearing may be proceeded with and concluded in his absence but if good reason is given to the

disciplinary tribunal by or on behalf of the officer why the officer is unable to attend the hearing the hearing shall be postponed or adjourned as the case may be.

(2) Where, owing to the absence of the officer, it is impossible to comply with the procedure described in regulation 90(3), regulations 88, 89, 91 and 95(1) shall be dispensed with.

101. (1) The standard of proof in any proceedings under this Part shall be that required in a Court of law in civil cases.

Standard of proof. [46 of 1979 260/2006].

(2) The rules governing the admissibility of evidence shall be observed but the rules relating to the proof of documents may be waived except where a particular document is an issue in the proceedings.

(3) No documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto.

(4) Any explanation given by an officer in accordance with regulation 90(3) shall be admissible at the relevant hearing.

102. (1) The disciplinary tribunal shall make a report to the Commission, and the report shall contain its findings of fact and an expression of its opinion as to the meaning and value of the facts found, together with the record of the proceedings required by regulation 98(1)(e).

Tribunal to report.

(2) The disciplinary tribunal shall not disclose the contents of the report made under subregulation (1) to the officer charged, or to any officer not authorised to receive such report.

Report confidential.

(3) An officer who contravenes this regulation is guilty of misconduct.

Misconduct.

103. (1) Where during the course of the hearing of a case and before the hearing is concluded by the disciplinary tribunal constituted of one officer, it appears to the disciplinary tribunal that there are grounds disclosed which could form the basis of a charge for which the penalty that could be imposed could be any one of the penalties specified in regulation 110(1)(a) to (e), the

Disciplinary tribunal may adjourn and report to Commission.

disciplinary tribunal shall adjourn the hearing for a period not exceeding fourteen days and shall forthwith report its findings of fact with a report of the proceedings up to date to the Commission.

In this subregulation, a reference to the Commission shall be construed as a reference to the person or Authority to whom the Commission has delegated its powers under section 5 of the Act.

(2) Where such officer received a report of the proceedings, he shall submit that report to the Commission, and if in the opinion of the Commission—

(a) the officer should be charged with an alleged act of indiscipline or misconduct, the Commission shall cause the officer to be so charged and the proceedings before the disciplinary tribunal shall cease; or

(b) the officer, on the findings of fact submitted, may be liable to any one of the penalties specified in regulation 110(1)(b) to (e), the Commission may direct the disciplinary tribunal to continue the hearing of the evidence, find the facts and make a report to the Commission.

(3) On consideration of the report of the disciplinary tribunal the Commission may impose any one of the penalties specified in regulation 110(1)(b) to (e).

Disciplinary tribunal to report where evidence insufficient.

104. (1) Where the disciplinary tribunal constituted of three officers in hearing the evidence finds that the evidence is insufficient to support the charge or charges, the disciplinary tribunal shall report to the Commission its findings of fact together with the record of the proceedings as required by regulation 98(1)(e) without calling on the officer for his defence.

(2) If on receipt of the report and record of the proceedings under subregulation (1), the Commission is of the opinion that the report should be amplified in any respect or that further inquiry is desirable it may refer the case back to the disciplinary tribunal for further enquiry or report accordingly.

105. Where the disciplinary tribunal constituted under regulation 95(2)(b) in hearing the evidence is of the opinion that such evidence disclosed other misconduct or indiscipline, the disciplinary tribunal shall report the matter to the Commission and if the Commission thinks fit to proceed against the officer on such misconduct or indiscipline, it shall cause the officer to be informed in writing of any further charges and the procedure prescribed in these Regulations in respect of the original charge shall apply in respect of such charge.

Disciplinary tribunal to report evidence of other misconduct or indiscipline disclosed at hearing of charges.

106. (1) The Commission on consideration of the report under regulation 102 may either exonerate the officer or impose the penalty specified in regulation 110(1)(f) or (g).

Penalties that may be awarded under delegated authority. [260/2006].

(2) The Commission shall, as soon as possible after the hearing of charge, inform the officer in writing—

- (a) of its findings and of the penalty imposed on him;
- (b) of his right to apply for an appeal to the Statutory Authorities Appeal Board; and
- (c) of the time specified in the Statutory Authorities Appeal Board Regulations for making an application under paragraph (b).

(3) Where the officer—

- (a) makes application for an appeal to the Statutory Authorities Appeal Board within the time referred to in subregulation (2)(c), the penalty shall not take effect pending the determination of the appeal by the said Appeal Board; or
- (b) does not make an application for an appeal to the Statutory Authorities Appeal Board within the time referred to in subregulation (2)(c), the penalty shall take effect at the expiry of the time specified in the Statutory Authorities Appeal Board Regulations for making the application.

(4) In this regulation a reference to the Commission shall be construed as a reference to the person or Authority to whom the Commission has delegated its powers under section 5 of the Act.

Commission to inform officer of penalty imposed and of his right to apply for review. [260/2006].

107. (1) Where on consideration of the report of the findings of fact by a disciplinary tribunal the Commission is of the opinion that—

- (a) the officer should be exonerated, the Commission shall exonerate the officer;
- (b) the officer should be dismissed, the Commission shall dismiss the officer; or
- (c) some penalty other than dismissal should be imposed on the officer, the Commission may impose any of the penalties specified in regulation 110(1)(b) to (g).

(2) The Commission shall, as soon as possible after the hearing of charge, inform the officer in writing—

- (a) of its findings and of the penalty imposed on him;
- (b) of his right to apply for an appeal to the Statutory Authorities Appeal Board; and
- (c) of the time specified in the Statutory Authorities Appeal Board Regulations for making an application under paragraph (b).

(3) Where the officer—

- (a) makes application for an appeal to the Statutory Authorities Appeal Board within the time referred to in subregulation (2)(c), the penalty shall not take effect pending the determination of the appeal by the said Appeal Board; or
- (b) does not make an application for an appeal to the Statutory Authorities Appeal Board within the time referred to in subregulation (2)(c), the penalty shall take effect at the expiry of the time specified in the Statutory Authorities Appeal Board Regulations for making the application.

(4) Where the Commission under subregulation (1) informs the officer that it proposes to impose the penalty of dismissal, the officer, notwithstanding that he gives notice of appeal within the time specified in the Statutory Authorities Appeal Board Regulations, shall not receive any pay or allowance from the date of the expiration of such time.

108. Where on a consideration of the report of the findings of fact of a disciplinary tribunal as defined in regulation 95(2)(b), the Commission is of the opinion that the officer does not deserve to be dismissed by reason of the charges alleged but that the proceedings disclose other grounds for removing him from the service of a Statutory Authority in the public interest, the Commission may make an order for the removal of such officer without recourse to the procedure prescribed by regulation 54.

Commission may remove officer in public interest.

109. The proceedings before a disciplinary tribunal shall be held in private.

Proceedings in private.

110. (1) The following are the penalties that may be imposed by the Commission by disciplinary proceedings brought against an officer in respect of misconduct, indiscipline or unsatisfactory service:

Penalties.

- (a) dismissal, that is termination of appointment;
- (b) reduction in rank, that is removal to another grade with an immediate reduction in salary;
- (c) reduction of remuneration, that is, an immediate adjustment of remuneration to a lower point on the scale of remuneration attached to the particular office;
- (d) deferment of increment, that is, a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (e) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;
- (f) reprimand;
- (g) fine.

(2) Where a fine is imposed the amount of such fine shall be deducted from the pay of the officer in such manner as may be specified at the time the penalty is imposed.

111. (1) Where criminal proceedings have been instituted in any Court against an officer, the Commission shall not take proceedings against the officer upon any grounds arising out of

No disciplinary action while criminal proceedings pending.

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the criminal charge until after the Court has determined the matter and the time allowed for an appeal from the decision of the Court has expired; but where an officer, on conviction, has appealed, the Commission may commence proceedings after the withdrawal or determination of the appeal.

(2) Nothing in this regulation shall prevent the officer being interdicted from duty under regulation 89.

Disciplinary action after acquittal of a criminal charge.

112. An officer acquitted of a criminal charge in any Court shall not be dismissed or otherwise punished in respect of any charge of which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished in respect of any other charge arising out of his conduct in the matter unless such other charge is substantially the same as that in respect of which he has been acquitted.

Officer convicted of criminal charge. [46 of 1979].

113. If an officer is found guilty in any Court of a criminal charge, the Commission may consider the relevant proceedings on such charge and if it is of opinion that the officer ought to be dismissed or subjected to some lesser punishment in respect of the offence of which he has been convicted, the Commission may thereupon dismiss or otherwise punish the officer without the institution of any disciplinary proceedings under these Regulations.

Non-payment of remuneration on conviction of a criminal charge.

114. An officer convicted of a criminal charge and sentenced to imprisonment without the option of a fine or convicted of a criminal charge involving—

- (a) dishonesty;
- (b) fraud; or
- (c) moral turpitude,

shall not receive any pay or allowance after the date of conviction pending consideration of his case by the Commission.

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***PART IX**
REVIEWS

115.)
to } *(Revoked by LN 260/2006)*
121.)

PART X
MISCELLANEOUS

122. (1) Notwithstanding anything contained in these Regulations, where an investigation was being made, or an enquiry was pending, or was being conducted in respect of a charge of alleged indiscipline or misconduct of an officer before the date on which the Act came into force, or before the date on which a Statutory Authority was declared under section 3 of the Act to be subject to the provisions of the Act, such investigation or enquiry shall be continued and shall be determined in accordance with the disciplinary proceedings in force in respect of the Statutory Authority and, subject to subregulation (2), the provisions of *Part IX of these Regulations shall apply. Saving.

(2) In its application to an officer to whom this regulation applies, *regulation 115(4) shall be construed as if the reference therein to fourteen days were a reference to twenty-eight days.

123. Part VIII of these Regulations shall not apply to any person appointed to act or appointed temporarily to an office in a Statutory Authority or engaged on contract for a specified term and on specified conditions, but where the termination of such an appointment is contemplated on grounds of misconduct or unsatisfactory work or conduct, the person holding the appointment shall be given an opportunity to show cause why his appointment shall not be terminated. Application of Regulations.

124. Where in the performance of his duties, the Chairman, the Deputy Chairman or a member of the Commission is required Commission facsimile signatures.

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to sign any document, the Chairman, the Deputy Chairman or a member of the Commission, as the case may be, may sign such document by imprinting thereon a facsimile of his signature.

Saving of
existing Union
Agreements.

125. Notwithstanding anything contained in these Regulations, where there is an existing agreement in writing between a Statutory Authority and a Trade Union relating to officers of the Statutory Authority who are members of such Union and the agreement contains provisions respecting the appointment, transfer, promotion, removal from office and the exercise of disciplinary control of such officers, those provisions shall continue to apply to such officers until the expiration of the period specified in the agreement.

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FIRST SCHEDULE

FORM 1

Regulation 3(1).

OATH OF AFFIRMATION OF OFFICE

I, do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of Chairman, member of the Statutory Authorities Service Commission in the exercise of the powers vested in the Statutory Authorities Service Commission under the Statutory Authorities Act, and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty. So help me God.

Sworn/Declared before me this day of, 20.....

Judge of High Court

FORM 2

Regulation 3(2).

**OATH OR AFFIRMATION OF OFFICER OF
THE COMMISSION**

I, do swear/solemnly declare and affirm that I will not directly or indirectly reveal to any unauthorised person or persons or otherwise than in the course of duty any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as Secretary/..... to the said Commission. So help me God.

Sworn/Declared before me this day of, 20.....

Judge of High Court

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L.R.O.

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