

LEGAL NOTICE No. 270

REPUBLIC OF TRINIDAD AND TOBAGO

CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO, CHAP. 1:01

REGULATIONS

MADE WITH THE CONSENT OF THE PRIME MINISTER UNDER  
SECTION 129 OF THE CONSTITUTION

POLICE SERVICE COMMISSION (APPEAL) REGULATIONS

1. These Regulations may be cited as the Police Service Citation  
Commission (Appeal) Regulations.

2. In these Regulations—

Interpretation

“appellant” means a police officer in respect of whom the  
Commissioner of Police or any person to whom the  
powers of the Commissioner of Police have been  
delegated makes a decision as a result of disciplinary  
proceedings brought against such officer or on  
promotion who files an appeal;

“the Constitution” means the Constitution set out in the  
Schedule to the Constitution of the Republic of Trinidad  
and Tobago Act; Chap. 1:01

“exhibits” includes all papers, reports, records and other  
documents, matters and things used or prepared in  
connection with disciplinary proceedings or promotion;

“police officer” means a member of the Police Service;

“Police Service” means the Police Service established by  
section 4 of the Police Service Act; Chap. 15:01

“respondent” means the Commissioner of Police;

“the Commission” means the Police Service Commission as  
established by section 122(1) of the Constitution.

3. (1) The Commission shall meet at such times as may be  
necessary for the purpose of performing its functions stipulated in  
section 123(1)(f) of the Constitution. Meetings of  
Commission

(2) Hearings shall be held on such days and at such times and  
place as the Commission may determine.

(3) The Chairman or in his absence any member of the  
Commission with the consent of the Commission shall preside at any  
meeting of the Commission.

Composition  
of the Com-  
mission for  
hearing of  
appeals

4. In hearing and determining an appeal the Commission shall be comprised of no less than three members.

Procedure for  
notice of  
appeal

5. (1) Every disciplinary appeal to the Commission shall be by way of rehearing and shall be brought by a notice in the form set out as Form 1 in the First Schedule.

(2) Every promotion appeal shall be brought by notice in the form set out as Form 1 in the First Schedule.

(3) A notice under subregulation (1) or (2) shall—

(a) set forth the grounds of appeal;

(b) state whether the appeal is against the whole or part only of the decision of the respondent and where it is against part only, specify which part;

(c) state the nature of the relief sought; and

(d) be signed by the appellant or his legal representative.

(4) Where the grounds of appeal allege misdirection or error in law, particulars of the misdirection or error shall be clearly stated.

(5) The grounds of appeal upon which the appellant intends to rely at the hearing of the appeal shall be set out concisely and under distinct heads, without any argument or narrative and shall be numbered consecutively.

(6) No ground which is vague or general in terms or which discloses no reasonable grounds of appeal shall be permitted, save the general ground that the judgement is against the weight of the evidence, and any ground of appeal or any part thereof which is not permitted under this regulation may be struck out by the Commission of its own motion or on application by the respondent.

(7) No appellant may, without leave of the Commission, urge or be heard in support of any ground of objection not mentioned in the notice of appeal, but the Commission may in its discretion and upon conditions as it considers just, allow an appellant to amend the grounds of appeal specified in the notice.

(8) Notwithstanding the provisions of this regulation, the Commission in deciding the appeal—

(a) shall not be confined to the grounds set forth by the appellant;

(b) shall not rest its decision on any ground not set forth by the appellant unless the respondent has had sufficient opportunity of contesting the matter on that ground.

(9) Parties to an appeal shall be given notice of the date fixed for the hearing of an appeal in the Form set out as Form 2 of the First Schedule not less than seven days before the date fixed for hearing of an appeal.

6. (1) A notice of appeal shall be filed with the Commission within <sup>Time for filing</sup> fourteen days of the date of the receipt by the appellant of the decision <sup>appeal</sup> of the respondent.

(2) The Commission shall keep a record of and assign a number to each notice of appeal which is filed.

(3) Notwithstanding subregulation (1), the Commission may extend the period specified in that subregulation, in particular, in relation to matters decided prior to the coming into effect of these regulations.

(4) An application under subregulation (3) shall be made in the form set out as Form 3 in the First Schedule and shall be supported by an affidavit as to the facts contained in the application.

7. A true copy of the notice of appeal shall be served upon the <sup>Service of</sup> respondent by the Commission within seven days after the original <sup>notice of appeal</sup> notice has been filed.

8. (1) Where an appeal against the decision of the Respondent in a <sup>Procedure on</sup> disciplinary matter has been filed, the respondent shall, within three <sup>notice of appeal</sup> weeks of the service of notice of appeal or within such extended time as may be granted by the Commission, file with the Commission ten copies (or such greater number as the Commission may require) of the record of the disciplinary proceedings upon which the decision of the Respondent was based.

(2) After receiving the notice of appeal in a promotion matter the respondent shall within three weeks of the service of notice of appeal or within such extended time as may be granted by the Commission forward to the Commission ten copies of all documents relevant to the decision appealed.

(3) When the provisions of subregulations (1) and (2) have been complied with, the Commission shall—

(a) give to the appellant notice of the filing of the record in the form set out as Form 4 in the First Schedule together with a copy of that record; and

- (b) keep for the use of the Commission six copies (or such greater number as may be required) of the record and of any notice or other document received by it after the record has been filed.
- Procedure on withdrawal of appeal
9. An appellant who desires to withdraw his appeal shall—
- (a) file with the Commission a notice in the form set out as Form 5 in the First Schedule; and
- (b) serve on the respondent a copy of the notice of withdrawal.
- Entitlement to representation by Attorney-at-law
10. (1) A police officer is entitled on an appeal to be represented—
- (a) by an Attorney-at-law or an officer of the Police Service selected by him; or
- (b) by a member of his staff association.
- (2) On an appeal the respondent may appear in person or may be represented by a legal or other representative.
- Production of exhibits  
Commission may require
11. On an appeal the Commission may at any time require the production of any exhibit which in its opinion is relevant to the proceedings before it.
- Power of Commission to dismiss appeals
12. (1) Where after filing a notice of appeal, an appellant—
- (a) fails to comply further with any other requirement of these Regulations; or
- (b) fails to appear on the date of the hearing, the Commission may dismiss the appeal.
- (2) An appellant whose appeal has been dismissed under subregulation (1) may apply for the restoration of his appeal in the form set out as Form 6 in the First Schedule, supporting such application by an affidavit as to the facts contained therein.
- (3) Where an application is made pursuant to subregulation (2), the Commission may, if it is satisfied that the justice of the case so demands, order that the appeal should be restored on such terms as it thinks fit.
- (4) No application may be made under this regulation after the expiration of twenty-one days from the date of the dismissal of the appeal.
- Non-appearance of respondent at hearing
13. (1) Where the respondent fails to appear on the date of the hearing of an appeal, the Commission may proceed to hear the matter *ex parte*.

(2) The respondent may, where an appeal is heard *ex parte*, apply by notice in the form set out as Form 7 in the First Schedule to set aside the decision.

(3) The Commission may, where an application is made pursuant to subregulation (2), and if it is satisfied that the justice of the case so demands, order a rehearing of the appeal.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date when the appeal was heard *ex parte*.

14. (1) Where in any proceedings before the Commission a vacancy <sup>Powers of Commission</sup> occurs in the membership in relation to such proceedings by reason of the inability from any cause of any member to continue to function, the remaining members shall continue to hear and determine those proceedings notwithstanding such vacancy and no act, proceedings or determination of the Commission shall be called in question or invalidated by reason of such.

15. The Commission may require evidence or argument to be <sup>Presentation of evidence</sup> presented in writing and may decide the matters upon which it will hear oral evidence or argument.

16. In the hearing and determination of any matter before it, the Commission may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the Evidence Act, but the Commission may inform itself on any matter in such manner as it thinks just and may take into account opinion, evidence and such facts as it considers relevant and material, but in any such case the parties to the proceedings shall be given the opportunity, if they so desire, of adducing evidence in regard thereto. <sup>Commission not bound by rules of evidence</sup>

17. The Commission may generally give such directions and do <sup>Functions of Commission</sup> such things as are necessary or expedient for the expeditious and just hearing and determination of the appeal before it.

18. (1) Upon the conclusion of the hearing of an appeal in a disciplinary matter the Commission may dismiss, affirm or modify the <sup>Powers of Commission on appeal</sup> decision appealed against.

(2) Upon the conclusion of the hearing of an appeal in a promotion matter, the Commission may dismiss the appeal or set aside the decision taken and refer the matter back to the respondent for further consideration.

19. Every person whether or not a party to an appeal before the Commission shall upon payment of the prescribed fee be entitled to a <sup>Copies of appeal documents Second Schedule</sup> copy of any judgement order or other document in accordance with the Second Schedule.

[Regulations 1 and 2]

FIRST SCHEDULE

FORM 1

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPEAL

Appeal No. .... of 20.....

BETWEEN

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the Appellant being dissatisfied with the decision or part thereof of the ..... Commissioner of Police given on the ..... day of ....., 20..... and more particularly stated in paragraph 2 hereby appeals against such decision or part thereof to the Police Service Commission on the grounds set forth in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

2. ....  
.....

*(Insert here the decision or the part thereof against which the notice of appeal is filed)*

3. State grounds of appeal and particulars of the misdirection or error in law on which the decision was based:

- (a) .....
- (b) .....
- (c) .....
- (d) .....

4. ....  
.....

*(Insert here the relief sought from the Police Service Commission)*

Dated this ..... day of ....., 20.....

..... *Appellant or his Legal Representative*

[Regulation 5(9)]

FORM 2

BEFORE THE POLICE SERVICE COMMISSION
NOTICE OF HEARING OF APPEAL

Appeal No. .... of 20.....

BETWEEN

..... Appellant

And

..... Respondent

TAKE NOTICE that the above-mentioned Appeal will come on for hearing before the Police Service Commission at ..... on ..... day of ....., 20..... a.m./p.m. and continuing thereafter as the Commission may direct .....

..... (Address)

Dated this ..... day of ....., 20.....

..... Police Service Commission

To: .....
.....
.....
.....

FORM 3

BEFORE THE POLICE SERVICE COMMISSION

**APPLICATION FOR EXTENSION OF TIME TO FILE APPEAL**

In the Matter of .....  
*(Name of Applicant)*

And

The Respondent (Commissioner of Police)

In the Matter of an Application for an Extension of Time to File an Appeal

I, ..... of .....  
occupation ..... hereby apply for an extension of  
time to file an appeal against the decision of the .....  
Commissioner of Police given on the ..... day of ....., 20..... I was unable  
to file the appeal within the period specified by the Police Service Commission Appeal  
Regulations because .....  
.....  
*(State reason why appeal was not filed within the specified period)*

Dated this ..... day of ....., 20.....

.....  
*Applicant*



[Regulation 8(3)(a)]

FORM 4

BEFORE THE POLICE SERVICE COMMISSION  
NOTICE THAT RECORD HAS BEEN FILED

Appeal No. .... of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

*Respondent*

TAKE NOTICE that the Respondent has filed the record of the Proceedings (a copy of which is enclosed) pursuant to Regulation 8 of the Police Service Commission (Appeal) Regulations.

Dated this ..... day of ....., 20.....

.....  
*Police Service Commission*

To the Appellant

.....  
.....  
.....

[Regulation 9(a)]

FORM 5

BEFORE THE POLICE SERVICE COMMISSION

**NOTICE OF WITHDRAWAL OF APPEAL**

Appeal No. .... of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

*Respondent*

TAKE NOTICE that the Appellant hereby withdraws his appeal against the Respondent in the above-named appeal.

Dated this ..... day of ....., 20.....

.....  
*Appellant*

[Regulations 12(2)]

FORM 6

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPLICATION FOR RESTORATION OF APPEAL

Appeal No. .... of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

*Respondent*

TAKE NOTICE that I .....the Appellant in the above-named Appeal which was dismissed on the..... day of ....., 20..... hereby apply for the restoration of the said appeal on the grounds that—

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

*(State grounds on which application is based)*

Dated this ..... day of ....., 20.....

.....  
*Applicant/Appellant*

FORM 7

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPLICATION FOR SETTING ASIDE DECISION  
IN APPEAL TAKEN *EX PARTE*

Appeal No. .... of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

*Respondent*

TAKE NOTICE that the Commissioner of Police the Respondent in the above-named appeal which was decided *ex parte* on the ..... day of ....., 20..... hereby applies for a setting aside of that decision on the grounds that—

- (a) .....
- (b) .....
- (c) .....
- (d) .....
- (e) .....  
(State grounds on which application is based)

Dated this ..... day of ....., 20.....

.....  
*Applicant/Respondent*

**SECOND SCHEDULE**

<i>Documents</i>	<i>Fees</i>
	\$ c.
1. For a copy of judgement after trial ... ..	25.00
2. For a copy of a judgement by default of appearance or defence ...	25.00
3. For a copy of reasons for judgement of a Court per each page or part thereof ... ..	5.00
but not to exceed ... ..	75.00
4. For a photographic copy of all or any part of any document whether or not issued as an office copy—for each photographic sheet ...	5.00
5. For a typewritten copy of any document per folio of 100 words or part thereof ... ..	5.00
6. For each folio of 100 words or part thereof of any additional carbon copy, be spoken ... ..	5.00

Dated this        day of        , 2009

C. R. THOMAS  
*Chairman of the  
Police Service Commission*

S. JAIRAM  
*Member of the  
Police Service Commission*

J. CHEESMAN  
*Member of the  
Police Service Commission*

C. DOTTIN  
*Member of the  
Police Service Commission*

J. SINGH  
*Member of the  
Police Service Commission*

Consented.

P. MANNING  
*Prime Minister*

Dated this 7th day of October, 2009.