

LEGAL NOTICE NO. 105

REPUBLIC OF TRINIDAD AND TOBAGO

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

ORDER

MADE BY THE PUBLIC SERVICE COMMISSION WITH THE APPROVAL OF
THE PRIME MINISTER PURSUANT TO SECTION 127 OF THE CONSTITUTION

THE PUBLIC SERVICE COMMISSION (DELEGATION OF
POWERS) (AMENDMENT) ORDER, 2006

1. This Order may be cited as the Public Service Commission Citation
(Delegation of Powers) (Amendment) Order, 2006.

2. In this Order, “a reference to” “the Regulations” means, the Interpretation
Public Service Commission Regulations. G.N.132 of
1966

3. Subject to the provisions set out in the Schedule, the Public Delegation
Service Commission (hereinafter called “the Commission”), with the
approval of the Prime Minister, hereby delegates to the authorities in
the First and Second Schedules the powers specified therein in relation Schedule
to the said authorities, respectively.

4. The Public Service Commission (Delegation of Powers) Order is L.N.60. of
amended by revoking the First and Second Schedules and substituting 1999 First
the following: and Second
Schedules
Chap. 1:01
232/1990
27/1991
103/1994

“FIRST SCHEDULE

PART I

CHAIRMAN AND DEPUTY CHAIRMAN, PUBLIC SERVICE COMMISSION

1. The Chairman and the Deputy Chairman of the Commission are hereby delegated Powers
the power to appoint persons on recruitment from outside the particular Service in the delegated
public service on a temporary basis in any public office other than the public offices, the
appointment to which is subject to consultation with the Prime Minister.

Acting
appointments

2. The power delegated under paragraph 1, is in respect of the public offices specified Chap. 23:01
in the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 Chap. 35:50
the Third Schedule to the Fire Service Act, the First Schedule to the Prison Service Act. Chap. 13:02
Chap. 39:01
158/1966

PART II

PERMANENT SECRETARIES AND HEADS OF DEPARTMENTS

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| Powers delegated | 1. The powers delegated to Permanent Secretaries and Heads of Department are as follows: |
| Acting appointments | (a) to appoint a public officer to act in the public office in the Civil Service up to and including Salary Range 68 for periods up to six months in exercise of which power, the Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations; |
| Transfers | (b) to transfer a public officer from an office in a grade in the Ministry or Department to which such an officer is assigned to a similar office in that grade in the same Ministry with no alteration in remuneration up to and including Salary Range 68 and this power shall be exercised subject to the provisions of regulation 29 of the Regulations which requires notice to be given to such officer and to the right of such officer and to make representations to the Commission; |
| Further temporary appointment | (c) to appoint persons temporarily to offices in the public service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period; |
| Confirmation | (d) to confirm the appointment of a public officer to a public office after consideration of all performance appraisal reports and medical reports on the officer, where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory. |
| Application
Chap. 23:01 | 2. The powers delegated in this Part are in respect of public officers in the Ministry under his supervision who hold the public offices specified in Salary Ranges Nos. 1 to 68 of the Classification of Offices set out in the First Schedule to the Civil Service Act, except that the power to confirm appointments to public offices applies to all offices within the Ministry or Department. |
| Application | 3. The powers delegated in this Part do not apply to offices, the appointment or promotion to which is subject to consultation with the Prime Minister. |
| Report to Commission | 4. A Permanent Secretary or Head of Department shall submit to the Commission once in every quarter a report of the exercise of the powers delegated to him. |

PART III

DEPUTY PERMANENT SECRETARIES

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| Powers delegated | 1. The powers delegated to Deputy Permanent Secretaries are as follows: |
| Acting appointments | (a) to appoint a public officer to act in a public office in the Civil Service in Salary Ranges up to and including Salary Range 45 for periods up to six months, in the exercise of which power the Deputy Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations; |
| Further temporary appointment | (b) to appoint persons temporarily to offices in Salary Ranges up to and including Salary Range 45 in the Public Service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period; |
| Confirmation | (c) to confirm the appointment of a public officer to a public office in Salary Ranges up to and including Salary Range 45 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory. |

2. The powers hereby delegated are in respect of public officers in the Ministry under Application the supervision of the Deputy Permanent Secretary who hold the public offices specified in Salary Ranges up to and including Salary Range 45 of the Classification of Offices set out in the First Schedule to the Civil Service Act.

3. The powers hereby delegated do not apply to offices the appointment or promotion Application to which is subject to consultation with the Prime Minister.

4. A Deputy Permanent Secretary shall submit to the Commission once in every Report to quarter through the Permanent Secretary a report on the exercise of the power delegated Commission to him.

PART IV

DIRECTORS, HUMAN RESOURCES

1. The powers delegated to Directors, Human Resources are as follows: Powers delegated
- (a) to appoint a public officer to act in a public office in the Civil Service up to and including Salary Range 34 for periods up to six months, in the exercise of Acting which power delegated the Directors, Human Resources shall apply the appointment principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;
 - (b) to appoint persons temporarily to offices up to and including Salary Range 34 Further in the Public Service for periods not exceeding six months at a time where temporary such persons have already been appointed temporarily by the Public Service appointment Commission for a fixed period;
 - (c) to confirm the appointment of a public officer to a public office up to and Confirmation including Salary Range 34 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.

2. The powers delegated in this Part are in respect of public officers in the Ministry Application under the supervision of the Director, Human Resources, who hold the public offices specified in Salary Ranges Nos. 1 to 34 of the Classification of Offices set out in the First Schedule to the Civil Service Act.

3. The powers hereby delegated do not apply to offices the appointment or promotion Application to which is subject to consultation with the Prime Minister.

4. A Director, Human Resource shall submit to the Commission once in every quarter Report to through the Permanent Secretary a report on the exercise of its powers delegated to him. Commission

PART V

PERMANENT SECRETARY, MINISTRY OF HEALTH

1. The Permanent Secretary, Ministry of Health is delegated the powers to appoint Powers persons temporarily to the offices of Clinical Instructor and Nursing Instructor. delegated

2. The Permanent Secretary, Ministry of Health, shall submit to the Commission Report to once in every quarter, a report of the exercise of the powers delegated to him under this Commission Part.

PART VI

THE DIRECTOR OF STATISTICS, CENTRAL STATISTICAL OFFICE,
MINISTRY OF PLANNING AND DEVELOPMENT

- Powers delegated
1. (1) The powers delegated to the Director of Statistics, Central Statistical Office, Ministry of Planning and Development are as follows:
- (a) to appoint persons to the temporary posts of—
 - (i) Field Interviewer;
 - (ii) Clerical Assistant;
 - (iii) Statistical Assistant;
- in the Central Statistical Office.
- (b) to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under paragraph (a).
- (2) All appointments made under this Part shall be on a temporary basis.
- Report to Commission
- (3) The Director of Statistics shall submit to the Commission once in every quarter, a report of the exercise of any of the powers delegated under this Part.

PART VII

THE COMMISSIONER OF PRISONS

- Powers delegated
1. The powers delegated to the Commissioner of Prisons are as follows:
- (a) the power to appoint persons and prison officers on promotion to offices in the Prison Service below the rank of Prison Supervisor and to confirm the appointment of Prison Officers to such offices in accordance with the regulations, but the power hereby delegated shall not include the power to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations;
 - (b) in the case of a person recruited for training to serve as a prison officer below the rank of Prison Supervisor, the power to terminate the appointment at any time on the ground of unsuitability arising from any cause;
 - (c) the power to appoint prison officers to act in offices in the Prison Service below the office of Prison Supervisor and in the exercise of this power the Commissioner shall apply the principles of selection prescribed in regulation 172 of the Regulations;
 - (d) the power to transfer prison officers from one Prison to another;
 - (e) the power to direct a prison officer to cease to report for duty in accordance with regulation 88 of the Regulations and the Commissioner shall report the exercise of this power forthwith to the Commission;
 - (f) the functions of the Commission under regulation 48 of the Regulations in respect of a prison officer in an office in the Prison Service below the office of Prison Supervisor.
- Appointment
- Acting appointment
- Transfers
- Suspension
- Resignation
2. In the exercise of the powers delegated under paragraph 1 of this Part to the Commissioner of Prisons to appoint persons and prison officers to offices specified therein, the reference to the Director in regulation 166 shall be construed as reference to the Commissioner.
- Report to Commission
3. The Commissioner shall submit to the Commission, once in every quarter, a report of the exercise of any of the powers delegated to the Commissioner and to any other prison officer.

PART VIII

THE CHIEF FIRE OFFICER

1. The powers delegated to the Chief Fire Officer are as follows: Powers delegated
- (a) the power to appoint persons and fire officers on promotion to offices in the Second Division of the Fire Service below the office of Fire Station Officer and to confirm the appointment of Fire Officers to such offices in accordance with the Regulations, but the power hereby delegated shall not include power to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations; Appointment
 - (b) in the case of a person recruited for training to serve as a fire officer below the office of Fire Station Officer, the power to terminate the appointment at any time on the ground of unsuitability arising from the cause;
 - (c) the power to appoint fire officers to act in offices in the Second Division of the Acting Fire Service below the office of Fire Station Officer and in the exercise of this power the Chief Fire Officer shall apply the principles of selection prescribed in regulations 154, 157 and 158, and the provisions of regulations 154 and 155 of the Regulations;
 - (d) the power to transfer Fire Officers from one Division or District or Branch in the Fire Service to another such Division or District or Branch; Transfers
 - (e) the power to direct a fire officer to cease to report for duty in accordance with Regulation 88 of the Regulations and the Chief Fire Officer shall report the exercise of this power forthwith to the Commission;
 - (f) The functions of the Commission under regulation 164 of the Regulations in respect of a fire officer in an office in the Second Division of the Fire Service below the office of Fire Station Officer. Resignation
2. The Chief Fire Officer shall submit to the Commission, once in every quarter, a Report to report of the exercise of any of the powers delegated to the Chief Fire Officer and to any Commission other fire officer.

PART IX

CHIEF ADMINISTRATOR, TOBAGO HOUSE OF ASSEMBLY, TOBAGO

1. The powers delegated to the Chief Administrator, Tobago House of Assembly, are as follows: Appointments Tobago
- (a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in the Tobago House of Assembly, subject to section 26(1) and the Sixth Schedule of the Tobago House of Assembly Act, No. 40 of 1996 which powers are in respect of the public offices specified in the classification of offices set out in the First Schedule to the Civil Service Act, 1965 and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes;
 - (b) to appoint a public officer to act in a public office in the Civil Service, Tobago House of Assembly, for periods up to six months whether such acting appointment is in a vacant office or not except that where an acting appointment is made in a vacant office the officer must be informed that such acting appointment would not give him any prior claim to eventual permanent appointment thereto and in respect of such power the Chief Administrator shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations; Acting Appointment

- Transfers
- (c) to transfer a public officer from an office in a grade in the Tobago House of Assembly, to which such an officer is assigned to a similar office in that grade within the Tobago House of Assembly, with no alteration in his remuneration which power shall be exercised by the Chief Administrator subject to the provisions of regulation 29.
 - (d) to direct a public officer assigned to an office in the Tobago House of Assembly, to cease to report for duty in accordance with regulation 88 of the Regulations and the Chief Administrator, Tobago House of Assembly, shall report the exercise of this power forthwith to the Commission;
 - (e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in Column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.
2. In the exercise of the powers delegated under paragraph 1(e), the Chief Administrator shall—
- (a) exercise the powers of the Commission under regulation 90(6) and (7);
 - (b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline, but in no case of a grade lower than that of the Clerk IV to be a disciplinary tribunal and that officer shall hear the facts and make a report thereon to the Chief Administrator in accordance with the provisions respecting the function and duties of a Disciplinary Tribunal as prescribed in the regulations;
 - (c) any fine which the Chief Administrator imposes under paragraph (e) shall not exceed an amount calculated on four days pay per month to a maximum of three months.
- Report
3. The Chief Administrator shall submit to the Commission once in every quarter, a report on the exercise of powers delegated to him in this Part.
- Application
4. The powers and functions delegated in this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965, except that the powers delegated do not apply to offices the appointment or promotion to which is subject to consultation with the Prime Minister.

PART X

THE SENIOR PUBLIC OFFICER, HIGH COMMISSIONS, MISSIONS AND EMBASSIES OF TRINIDAD AND TOBAGO

- Powers delegated
1. The powers delegated to the Senior Public Officer, High Commissions, Missions, and Embassies of Trinidad and Tobago are as follows:
- (a) the power to appoint, on a temporary basis only persons resident in the jurisdiction where the particular High Commission, Mission or Embassy is situated to the non-representational staff of the said High Commission, Mission or Embassy that is to say to any office of the grade of Clerk IV and under;
 - (b) the power to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under subparagraph (a).

PART XI

THE PERMANENT SECRETARY, CENTRAL ADMINISTRATIVE SERVICES, TOBAGO

1. The powers delegated to the Permanent Secretary, Central Administrative Services, Tobago, are as follows: Powers delegated

- (a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in a Ministry or Department or in a Division of a Ministry or Department located in Tobago (exclusive of offices in the Prison and Fire Services) which power is in respect of the public offices specified in the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes; Chap: 23:01
- (b) to appoint a public officer to act in a public office in the Civil Service and located in the Department of Central Administrative Services, Tobago, for periods up to six months whether such acting appointment is in a vacant post or not except that where an acting appointment is made in a vacant post, the officer must be informed that such acting appointment would not give him any prior claim to eventual permanent appointment thereto, in respect of which power the Permanent Secretary shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations;
- (c) to transfer a public officer from an office in a grade in the Department of Central Administrative Services, Tobago to which such an officer is assigned to a similar office in that grade in the same Department of Central Administrative Services, Tobago, with no alteration in his remuneration, which power shall be exercised by the Permanent Secretary subject to the provisions of regulation 29 of the Regulations, which require notice to be given to such officer and which preserves the right of such officer to make representations to the Commission;
- (d) to direct a public officer assigned to an office in the Department of Central Administrative Services, Tobago, to cease to report for duty in accordance with Regulation 88 of the Regulations, and the Permanent Secretary, Central Administrative Services, Tobago shall report the exercise of this power forthwith to the Commission.
- (e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.

(2) In exercise of the power delegated under paragraph 1(e) the Permanent Secretary shall—

- (a) exercise the powers of the Commission under regulation 90(6) and (7).
- (b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline but in no case of a grade lower than that of a Clerk IV to be a disciplinary tribunal, and that officer shall hear the evidence, find the facts and make a report thereon to the Permanent Secretary in accordance with the provisions respecting the functions and duties of a Disciplinary Tribunal as prescribed in the Regulations;

(3) Any fine which the Permanent Secretary imposes under paragraph 1(e) shall not exceed an amount calculated on four days pay per month to a maximum of three months.

3. The Permanent Secretary shall submit to the Commission, once in every quarter, a report of the exercise of any powers delegated to him.

Chap: 23:01 4. The powers and functions hereby delegated under this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 except where such offices require the holders to perform as Heads or Deputy Heads of Ministries/Departments/Divisions and in respect of which offices consultation with the Prime Minister is required by the Commission.

“SECOND SCHEDULE

DISCIPLINARY POWERS DELEGATED

For the purposes of regulation 85 of the Regulations, an act of misconduct or indiscipline which the Permanent Secretary or Head of Department has jurisdiction to hear and determine under that regulation is an act of misconduct or indiscipline described in Column 1 of the following Table being a breach of a regulation:

- (a) in respect of officers in the Civil Service, in Chapter XI of the Civil Service Regulations;
- (b) in respect of officers in the Fire Service, in Chapter VII of the Fire Service (Terms and Conditions of Employment) Regulations, 1998;
- (c) in respect of officers in the Prison Service, in Chapter II of the Prison Service (Code of Conduct) Regulations, 1990,

as specified in Columns 2, 3 and 4 of that Table in respect of the Civil Service, the Fire Service, and the Prison Service, respectively.

SECOND SCHEDULE—CONTINUED

<p>COLUMN 1</p> <p><i>Description of Misconduct</i></p>	<p>COLUMN 2</p> <p>CIVIL SERVICE</p> <p><i>Reference to Regulation of Civil Service Regulations</i></p>	<p>COLUMN 3</p> <p>FIRE SERVICE</p> <p><i>Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998</i></p>	<p>COLUMN 4</p> <p>PRISON SERVICE</p> <p><i>Reference to Regulation of Fire Prison Service (Code of Conduct) Regulations, 1990</i></p>
<p>Failure to attend to matters promptly within scope of office</p>	<p>Regulation 135(1)</p>	<p>Regulation 101(1)</p>	<p>Regulation 4(1)</p>
<p>Lack of courtesy to a member of the public or member of the:</p> <p>(a) Civil Service;</p> <p>(b) Fire Service;</p> <p>(c) Prison Service</p>	<p>Regulation 135(2)</p>	<p>Regulation 101(5)</p>	<p>Regulation 4(2)</p>
<p>Wilful failure to perform duties</p>	<p>Regulation 135(3)</p>		
<p>Absence without leave or reasonable excuse</p>	<p>Regulation 136(1)</p>	<p>Regulation 103(1)</p>	
<p>Failure to report absence from country</p>	<p>Regulation 136(2)</p>	<p>Regulation 103(2) and (3)</p>	
<p>Failure to disclose activities outside Service</p>	<p>Regulation 137(2)</p>	<p>Regulation 104(1)(b)(2)</p>	<p>Regulation 6(1)(d)</p>
<p>Breach of rules relating to broadcast</p>	<p>Regulation 140</p>	<p>Regulation 110</p>	<p>Regulation 12</p>
<p>Act of indebtedness to the extent it impairs efficiency, etc.</p>	<p>Regulation 141</p>	<p>Regulation 111</p>	<p>Regulation 13(1)</p>

SECOND SCHEDULE—CONTINUED

COLUMN 1 <i>Description of Misconduct</i>	COLUMN 2 CIVIL SERVICE <i>Reference to Regulation of Civil Service Regulations</i>	COLUMN 3 FIRE SERVICE <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998</i>	COLUMN 4 PRISON SERVICE <i>Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990</i>
Failure to notify of bankruptcy proceedings	Regulation 142	Regulation 112	Regulation 14
Failure to perform duty in a proper manner	Regulation 149(1)(a)	Regulation 119(1)(a)	Regulation 20(1)(a)
Contravention of the: (a) Civil Service Regulations and other written law; (b) Fire Service (Terms and Conditions of Employment) Regulations, 1998 and other written law; (c) Prison Service (Code of C o n d u c t) Regulations, 1990.	Regulation 149(1)(b) Regulation 149(1)(c)	Regulation 119(1)(b) Regulation 119(1)(c)	Regulation 20(1)(b)
Act that is prejudicial to, or discredits reputation of the Service	Regulation 149(1)(d)	Regulation 119(1)(d)	Regulation 20(1)(c) Regulation 20(1)(d)
Disobedience to orders	Regulation 149(2)(b)	Regulation 119(2)(c)	Regulation 20(2)(c)
Neglect of duty	Regulations 149(2)(d) and (f)	Regulation 119(2)(d)	Regulation 20(2)(d)
Unlawful or unnecessary exercise of duty	Regulation 149(2)(g)	Regulation 119(2)(h)	Regulation 20(2)(l)

SECOND SCHEDULE—CONTINUED

COLUMN 1 <i>Description of Misconduct</i>	COLUMN 2 CIVIL SERVICE <i>Reference to Regulation of Civil Service Regulations</i>	COLUMN 3 FIRE SERVICE <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment, Regulations, 1998</i>	COLUMN 4 PRISON SERVICE <i>Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990</i>
Malingering	Regulation 149(2)(a)	Regulation 119(2)(i)	Regulation 20(2)(m)
Absence without leave or being late for duty	Regulation 149(2)(a)	Regulation 119(2)(j)	Regulation 20(2)(n)
Persistently unpunctual			
Damage of clothing supplied		Regulation 119(2)(l)	Regulation 20(2)(p)
Unfit for duty through drunkenness	Regulation 149(2)(c)	Regulation 119(2)(m)	Regulation 20(2)(q)
Drinking on duty or soliciting drink		Regulation 119(2)(n)	Regulation 20(2)(r)
Entering licensed premises		Regulation 119(2)(o)	Regulation 20(2)(s)."

Dated this 19th day of April, 2006.

C. THOMAS
*Chairman of the
Public Service Commission*

A. TIM POW
*Deputy Chairman of the
Public Service Commission*

S. SEEMUNGAL
*Member of the
Public Service Commission*

N. ROLINGSON
*Member of the
Public Service Commission*

P. BENSON
*Member of the
Public Service Commission*

S. MAHARAJ
*Member of the
Public Service Commission*

Approved.

P. MANNING
Prime Minister

Dated this 30th day of April, 2006.