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First Session First Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 22 of 1977**

[L.S.]

AN ACT to make provisions for the establishment, classification, remuneration and entitlement of officers of a Judicial and Legal Service; and for other matters concerning the relationship between the Government and the Judicial and Legal Service.

*[Assented to 24th May, 1977]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

1. This Act may be cited as the Judicial and Legal Short title Service Act, 1977.

## PART I

## PRELIMINARY

## Interpretation

## 2. In this Act—

“allowance” means compensation payable—

(a) in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature;

(b) for the duties that an officer is required to perform in addition to the duties of his grade where those duties relate to an office in the same grade or a higher grade;

“Chief Legal Officer” means the Director of Public Prosecutions, the Solicitor General or the Chief Parliamentary Counsel;

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

“Commission” means the Judicial and Legal Service Commission established under section 110 of the Constitution;

“judicial office” means a public office set out in the Second Schedule;

“judicial officer” means the holder of a judicial office or a person who is appointed to act in such an office;

“Judicial and Legal Service” or “the Service” means the Judicial and Legal Service established under section 3;

“legal office” means a public office set out in the First Schedule;

“legal officer” means the holder of a legal office or a person who is appointed to act in such an office;

“office” means an office in the Judicial and Legal Service;

“officer” means a judicial officer or a legal officer;

“public office” and “public service” have the meaning assigned by section 3 of the Constitution;

“remuneration” means pay and allowances;

“Remuneration Order” means an order made under paragraph (a) or (b) of subsection (1) of section 6.

## PART II

ESTABLISHMENT AND STRUCTURE OF THE JUDICIAL AND  
LEGAL SERVICE AND PRACTICE BY LEGAL OFFICERS

3. (1) There is hereby established a Judicial and Legal Service. Establishment  
of Judicial  
and Legal  
Service

(2) The public offices in the public service set out in the First and Second Schedules shall be deemed to constitute the Judicial and Legal Service.

(3) Section 111 of the Constitution applies to the judicial offices and the legal offices.

(4) Section 141 of the Constitution applies to the holders of the judicial offices and legal offices.

(5) An officer who immediately before the commencement of this Act held or was acting in a public office set out in the First or Second Schedule shall, as from the commencement of this Act, continue to hold or act in the like office in the Judicial and Legal Service and with the same remuneration and conditions of service as obtained immediately prior to the commencement of this Act, until other provisions are made under this Act.

4. (1) Subject to section 3 and to the Constitution, the President may by Order published in the *Gazette* prescribe the classification or title of an office set out in the First or Second Schedule. Classification  
and title of  
offices

(2) The classification and title of an office referred to in subsection (1) shall be observed in all records and communications of the Commission, the Auditor General, the Treasury and in all departmental estimates and Parliamentary returns and appropriations.

5. (1) The holder of an office set out in Part I or II of the Third Schedule shall, so long as he continues to hold such office, have and enjoy all the rights and privileges of a barrister or solicitor, respectively, without being required to pay any fee or stamp duty. Legal officers  
entitled to  
practice.  
Third Schedule

(2) A notice published in the *Gazette* to the effect that a person has been appointed to or holds any of the offices set out in the Third Schedule, or has relinquished or no longer holds any of the said offices, shall be sufficient proof of the facts therein stated.

## PART III

## TERMS AND CONDITIONS OF SERVICE

Remuneration  
Orders

6. (1) Subject to section 3 and to the Constitution, the President may by Order prescribe—

- (a) the pay in respect of an office;
- (b) allowances and benefits that attach to an office and that any such allowance or benefit is exempt from income tax or any other tax;
- (c) the other terms and conditions of service of an officer.

(2) The salaries and allowances payable to officers are a charge on the Consolidated Fund.

## Increments

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

Tenure of  
office.

8. An officer shall hold office subject to the provisions of the Constitution, of this Act and the regulations and of any other enactment and, unless some other period of employment is specified, for an indeterminate period.

Officers and  
political  
activities

9. (1) An officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a County Council.

Act No. 44  
of 1974

(2) An officer may not be a scrutineer under the Representation of the People Act, 1967 or an election agent or an assistant to an election agent of a Parliamentary, Municipal or County Council candidate.

Taking of  
oaths

10. (1) Every officer who is appointed to, or to act in, an office after the commencement of this Act shall take and subscribe the oath or affirmation of allegiance and of office set out in Part I of the Fourth Schedule.

Fifth  
ScheduleFourth  
Schedule

(2) A legal officer and the secretary to the holder of an office specified in the Fifth Schedule shall take and subscribe the oath or affirmation of office and secrecy set out in Part II of the Fourth Schedule.

(3) The President may by Order published in the *Gazette* add to, vary or amend the offices specified in the Fifth Schedule.

11. (1) The modes by which the appointment of an officer may terminate are as follows:—

Modes of  
termination  
of appointment

- (a) on dismissal or removal in consequence of disciplinary proceedings;
- (b) on compulsory retirement;
- (c) on voluntary retirement;
- (d) on retirement for medical reasons;
- (e) on resignation;
- (f) on the expiry of an appointment for a specified period;
- (g) on the abolition of office;
- (h) in the case of an officer on probation, on the termination of appointment;
- (i) in the public interest;
- (j) in the case of a female officer on grounds of marriage.

(2) An officer who intends to resign his office shall give such period of notice as may be prescribed.

## PART IV

### ADMINISTRATION

12. (1) The Ministry of Legal Affairs shall comprise the Departments of Civil Law, Criminal Law, Legislative Drafting and Accounting which shall be headed respectively by the Solicitor General, the Director of Public Prosecutions, the Chief Parliamentary Counsel and a public officer to be designated Permanent Secretary in the Ministry.

Ministry of  
Legal Affairs

(2) The Civil Law Department shall include the Departments of the Chief State Solicitor and of the Registrar General.

(3) For the purposes of section 85 of the Constitution a Chief Legal Officer is a Permanent Secretary.

(4) The Permanent Secretary in the Ministry shall be the Accounting Officer of the Ministry for the purpose of the Exchequer and Audit Ordinance, 1959, and shall

exercise such supervision in respect of such other matters as may be directed by the Minister under section 85 of the Constitution.

(5) In this section "Minister" means the member of the Cabinet responsible for the administration of legal affairs.

Other  
Ministries  
and departments

13. Subject to sections 76(2) and 90 of the Constitution, the Permanent Secretary of the Ministry or department concerned may exercise control and supervise the legal officers set out in Part V of the First Schedule that are assigned to that Ministry or department.

The Law  
Commission

14. Subject to the Constitution and to any enactment, the Chairman of the Law Commission may exercise control and supervision over the legal and other public officers assigned to the Law Commission.

Judicial  
officers

15. (1) Subject to the Constitution and to any enactment, control and supervision may be exercised over:

- (a) the Chief Magistrate and the Registrar and Marshal, by the Chief Justice;
- (b) other judicial officers mentioned—
  - (i) in Part I, by the Chief Magistrate under the direction of the Chief Justice;
  - (ii) in Part II, by the Registrar and Marshal under the direction of the Chief Justice;
  - (iii) in Part III, by the Chief Justice;
  - (iv) in Part IV, by the Chairman of the Appeal Board.

Second  
Schedule

(2) In this section "Part" means a Part of the Second Schedule.

## PART V

### GENERAL

Regulations  
for the  
Judicial and  
Legal Service

16. Subject to section 3 and to the Constitution, the President may make regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular for the following:—

- (a) prescribing the probationary period on first appointment of an officer and for the reduction of such period in appropriate cases;

- (b) prescribing conditions for the termination of the first appointment of an officer on probation;
- (c) prescribing the procedure for the recovery of any penalties from an officer;
- (d) regulating the hours of attendance of officers and keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (e) adding an office to, or deleting an office from, the First, Second or Third Schedules;
- (f) regulating the duties and the conduct of officers;
- (g) regulating the granting of leave to officers;
- (h) prescribing any administrative functions of a Chief Legal Officer and of the Permanent Secretary;
- (i) prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes.

17. Except as otherwise provided in this Act, the Civil Service Act, 1965, and any Orders or Regulations made thereunder shall not apply to the Judicial and Legal Service or to an officer.

Application of  
Act No. 29  
of 1965

18. The enactments specified in the first column of the Sixth Schedule are amended in the manner specified in the second column of that Schedule.

Amendments of  
enactments  
Sixth  
Schedule

## FIRST SCHEDULE

(Sections 3 and 4)

### LEGAL OFFICES

#### PART I

#### CIVIL LAW DEPARTMENT

Solicitor General  
Deputy Solicitor General  
Assistant Solicitor General  
Senior State Counsel  
State Counsel IV  
State Counsel III  
State Counsel II

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**FIRST SCHEDULE—CONTINUED**

State Counsel I  
Chief State Solicitor  
Deputy Chief State Solicitor  
Assistant Chief State Solicitor  
Senior State Solicitor  
State Solicitor II  
State Solicitor I  
Registrar General  
Deputy Registrar General  
Assistant Registrar General

**PART II****CRIMINAL LAW DEPARTMENT**

Director of Public Prosecutions  
Deputy Director of Public Prosecutions  
Assistant Director of Public Prosecutions  
Senior State Counsel  
State Counsel IV  
State Counsel III  
State Counsel II  
State Counsel I

**PART III****LEGISLATIVE DRAFTING DEPARTMENT**

Chief Parliamentary Counsel  
Deputy Chief Parliamentary Counsel  
Assistant Chief Parliamentary Counsel  
Senior Parliamentary Counsel  
Parliamentary Counsel II  
Parliamentary Counsel I

**PART IV****THE LAW COMMISSION**

Secretary, Law Commission  
Senior Legal Research Officer  
Legal Research Officer II  
Legal Research Officer I



**FIRST SCHEDULE—CONTINUED**

Assistant Legal Research Officer  
Senior Parliamentary Counsel  
Parliamentary Counsel II  
Parliamentary Counsel I

**PART V****OTHER MINISTRIES AND DEPARTMENTS**

Treasury Solicitor  
Senior State Counsel  
State Counsel IV  
State Counsel III  
State Counsel II  
State Counsel I

**SECOND SCHEDULE**

(Sections 3, 4 and 16)

**JUDICIAL OFFICES****PART I**

Chief Magistrate  
Senior Magistrate  
Magistrate

**PART II**

Registrar and Marshal  
Deputy Registrar and Marshal  
Assistant Registrar and Deputy Marshal

**PART III**

Administrative Secretary to the Chief Justice

**PART IV**

Registrar, Appeal Board

## THIRD SCHEDULE

(Section 5)

## PART I

## BARRISTERS

Solicitor General  
Director of Public Prosecutions  
Deputy Solicitor General  
Deputy Director of Public Prosecutions  
Assistant Solicitor General  
Assistant Director of Public Prosecutions  
Senior State Counsel  
State Counsel IV  
State Counsel III  
State Counsel II  
State Counsel I

## PART II

## SOLICITORS

Chief State Solicitor  
Deputy Chief State Solicitor  
Assistant Chief State Solicitor  
Senior State Solicitor  
State Solicitor II  
State Solicitor I

## FOURTH SCHEDULE

(Section 10)

## PART I

## OATH (OR AFFIRMATION) OF ALLEGIANCE AND OF OFFICE

I,  
do swear by (solemnly affirm) that I will  
bear true faith and allegiance to Trinidad and Tobago and will uphold  
the Constitution and the law, and that I will conscientiously, impartially  
and to the best of my knowledge, judgment and ability discharge the  
functions of my office and do right to all manner of people after the laws  
and usages of Trinidad and Tobago without fear or favour, affection or  
illwill.

FOURTH SCHEDULE—*Continued*

## PART II

## OATH (OR AFFIRMATION) OF OFFICE AND SECRECY

I, (A.B.) solemnly and sincerely swear (affirm) that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in (or in connection with) the Judicial and Legal Service and that I will not, without due authority in that behalf, in any manner whatsoever publish or communicate any facts or information being facts or expressions of opinion based on such facts that come to my knowledge by reason of such employment.

## FIFTH SCHEDULE

(Section 10)

Director of Public Prosecutions  
 Solicitor General  
 Chief Parliamentary Counsel  
 Deputy Director of Public Prosecutions  
 Deputy Solicitor General  
 Deputy Chief Parliamentary Counsel  
 Chief State Solicitor  
 Registrar General  
 Secretary, Law Commission  
 Treasury Solicitor.

## SIXTH SCHEDULE

(Section 18)

## ENACTMENTS AMENDED

FIRST COLUMN  
*Enactment*

SECOND COLUMN  
*Extent of Amendment*

Law Officers Ordinance,  
 Ch. 7. No. 3  
 The whole Ordinance

Repeal

Solicitors Ordinance,  
 Ch. 7. No. 4

Section 3(2)(a)

... Substitute the words "Judicial and Legal Service Act, 1977" for the words "Law Officers Ordinance".

## SIXTH SCHEDULE—CONTINUED

FIRST COLUMN <i>Enactment</i>	SECOND COLUMN <i>Extent of Amendment</i>
Section 3(2)(b)	... Substitute the words "section 5 of Judicial and the Legal Service Act, 1977" for the words "section 6 of the Law Officers Ordinance".
Section 3(2)(c)	... Substitute the words "Legal Officers" for the words "Law Officers".
Administration of Estates Ordinance, Ch. 8. No. 1, section 4	<p>Repeal and substitute therefor the following:</p> <p>"Incorporation of and appointment to office of Administrator General and discharge of his functions</p> <p>4. (1) There shall be established the office of Administrator General.</p> <p>(2) The Administrator General shall be a corporation sole under that name, with perpetual succession and an official seal, and may sue, and be sued, under that name.</p> <p>(3) The President may appoint such person as he may see fit to be Administrator General.</p> <p>(4) A public officer may be appointed to perform the duties of the office of the Administrator General in conjunction with the duties of any other office.</p> <p>(5) Any other public officer may be appointed to assist the Administrator General in his office or as his agent or delegate in conjunction with the duties of any other office.</p> <p>(6) Where the Administrator General is the head of a Department in the public service, his powers shall be deemed to extend to the clerks and officers in his Department without any special appointment of such clerks or officers to assist him in the discharge of his duties and powers under this Ordinance.</p>

## SIXTH SCHEDULE—CONTINUED

FIRST COLUMN  
*Enactment*SECOND COLUMN  
*Extent of Amendment*

(7) The person who immediately before the commencement of the Judicial and Legal Service Act, 1977 is performing the functions of the office of Administrator General shall be deemed to have been lawfully appointed to and shall continue to hold or act in, that office as if he had been appointed under the section".

## Public Trustee Ordinance,

Ch. 8. No. 4, section 3 Add the following new subsections thereto:—

"(3) The President may appoint such person as he may see fit to the office of Public Trustee.

(4) A public officer may be appointed to exercise the duties and office of the Public Trustee in conjunction with any other office.

(5) Any other public officer may be appointed to assist the Public Trustee in his office or as his agent or delegate in conjunction with the duties of any other office.

(6) Where the Public Trustee is the head of a Department in the public service, his powers shall be deemed to extend to the clerks and officers in his Department without any special appointment of such clerks or officers to assist him in the discharge of his duties and powers under this Ordinance.

(7) The person who immediately before the commencement of the Judicial and Legal Service Act, 1977, is performing the functions of the office of Public Trustee shall be deemed to have been lawfully appointed to, and shall continue to hold or act in, that office as if he had been appointed under this section".

SIXTH SCHEDULE—*Continued*

FIRST COLUMN <i>Enactment</i>	SECOND COLUMN <i>Extent of Amendment</i>
Summary Courts Ordinance, Ch. 3. No. 4,	
Section 3 ...	... Repeal and substitute therefor the following: <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> “Magistrate  <i>ex officio</i>  Justice  of the  Peace </div> <div> 3. Every Magistrate shall be <i>ex officio</i> a Justice of the Peace for Trinidad and Tobago”. </div> </div>
Section 8 ...	... Repeal
Supreme Court of Judicature Act, 1962 (Act No. 12 of 1962),	
Section 82(3) ...	... Substitute the words “Judicial and Legal Service Act, 1977” for the words “Law Officers Ordinance”.
Section 81(4) ...	... Substitute the words “section 5 of the Judicial and Legal Service Act, 1977” for the words “section 6 of the Law Officers Ordinance”.
Section 81(6) ...	... Substitute the words “Legal Officers” for the words “Law Officers”.
State Liability and Proceedings Act, 1966 (No. 17 of 1966),	
Section 20(1) ...	... A. Substitute the words “Solicitor General” for the words “Legal Secretary to the Attorney General” wherever the latter words occur.  B. Substitute the words “Department of the Solicitor General” for the words “Ministry of the Attorney General”.
Pensions Ordinance Ch. 9. No. 6,	
Section 26 ...	... Insert the following as section 26: <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> “Added  years for  judicial  and legal  officers </div> <div> 26. (1) Subject to subsection (2), in computing the pension or gratuity of an officer who, on his retirement from the public service or on his death, holds an office to </div> </div>

SIXTH SCHEDULE—*Continued*FIRST COLUMN  
*Enactment*SECOND COLUMN  
*Extent of Amendment*

which section 111 of the Constitution applies, five years shall be added to his period of service.

(2) No addition shall be made which, together with the number of years of added service, amounts to more than thirty-five years.

(3) An officer who received the benefits under this section shall not be entitled to benefits under section 27.

(4) This section shall be deemed to have come into operation on 1st day of January, 1977".

The Interpretation Act,  
1962 (Act No. 2 of  
1962), section 59 ...

Substitute the words "the Education Act, 1966 or the Judicial and Legal Service Act, 1977" for the words "or the Education Act, 1966".

The Constitution (Prescribed Matters) Act,  
1977. The whole Act ...

Repeal.

Passed in the House of Representatives this 29th day of April, 1977.

J. E. CARTER  
*Clerk of the House*

Passed in the Senate this 10th day of May, 1977.

R. L. GRIFFITH  
*Clerk of the Senate*