



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred
on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located
at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:
Southern Academy for the Performing Arts (SAPA)
Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com
Tel: +1 (868) 709-5477
Website: www.coe2022.com

MEDIA RELEASE

28th August 2023

FINAL REPORT-UPDATE & INVITATION TO MEDIA CONFERENCE

FOR IMMEDIATE RELEASE

The Commission wishes to advise that our ambition to have the report completed by the end of August 2023 cannot be realised. In the circumstances the Commission, by virtue of letter dated 28th August 2023 has respectfully sought an extension of time to 30th November 2023 for the submission of the final report to Her Excellency Christine Kangaloo, ORTT, the President of the Republic of Trinidad and Tobago. A copy of the letter to Her Excellency, is attached hereto.

The Commission wishes to advise that there will be a virtual media conference with the Commission's Chairman within the first week of September 2023 to address any questions that may arise from this recent development. The Secretariat will notify members of the media and the public of the date of the media conference in due course.

END

*Mr. Jerome Lynch KC: Chairman of the Commission
Mr. Gregory Wilson: Commissioner*



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28th August 2023

Her Excellency Christine Kangaloo, ORTT
President of the Republic of Trinidad and Tobago
Office of the President
Circular Road
St. Ann's
Port of Spain

Your Excellency,

Re: The Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre (“the Commission”).

I refer to the matter at caption and write further to your letter dated 19th May 2023 wherein you granted the Commission an extension of time to 30th August 2023 for the submission of the Commission's Final Report.

Regrettably this new deadline will not be met as there have been a number of new decisions dealing with the importance of the proper procedure to be adopted in Commissions of Enquiry. From the United Kingdom, **R (Hexpress Healthcare Ltd) –v- Care Quality Commission [2023] EWCA Civ 238** and from Trinidad and Tobago, **Civil Appeal P 286 of 2020 between Hart –v- The Commission of Enquiry-La Alturas Housing and Others** only handed down on the 9 June 2023.

These cases deal with a range of issues to ensure fairness to everyone and that the parties have the right to a fair opportunity to make their case, in particular where there are to be criticisms of individuals that may affect their careers and lead to recommendations as to criminal conduct or a

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potential for a breach of a duty of care. This Commission of Enquiry has sought to ensure that very outcome and everything it has done has been to ensure that no one is shut out. Not everyone we may criticise was represented at the Enquiry. To that end the Commission has given the parties extra time to provide their written responses where they have asked, and the Commission still awaits some. Additionally, the Commissioners professional commitments outside of this Commission of Enquiry have also caused some further delay, mine in particular.

It is imperative that we not only act in such a way as to ensure fairness but it is my view that we must be *seen* to do so. We are also very live to the need to ensure that the possibilities of a judicial review being mounted by any of the parties criticised by this Commission of Enquiry is addressed, lest such action cause rather more substantial delay and/or unwarranted litigation or worse still the annulment of any part of the final Report. We note that the **Las Alturas Housing Enquiry** took a commendable 20 months to conclude, but then had a significant number of its findings set aside by the Court of Appeal seven years later for want of fairness to some of the parties.

It has therefore become evident to me that your graciously extended deadline cannot be met. This is to ensure the maximum degree of fairness within a timescale that, we trust, will not be regarded as unreasonable, can be achieved. In the circumstances I respectfully request an extension of time to Thursday 30 November 2023 for the submission of the Final Report, this will represent a sixteen (16) month timescale from my appointment to the date of the final Report.

Yours sincerely,



Jerome Lynch KC
Chairman of the Commission

cc: The Honourable Mr. Stuart Young, MP,
The Honourable Minister of Energy and Energy Industries and
Minister in the Office of the Prime Minister

Mr. Jerome Lynch KC: Chairman of the Commission
Mr. Gregory Wilson: Commissioner