

TRINIDAD AND TOBAGO.

No. 19—1930.

I ASSENT,

[L.S.]

A. C. HOLLIS,

*Governor.*

11th November, 1930.

AN ORDINANCE to establish a Provident Fund for certain employees in the Government Service.

[On Proclamation.]

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

Short title.

1. This Ordinance may be cited as the Provident Fund Ordinance, 1930.

2. In this Ordinance—

Interpretation.

“ Bonus ” means a sum of money added by Government to a deposit with the interest accruing thereon.

“ Compulsory deposit ” means a deposit which an employee is under this Ordinance obliged to make to the Provident Fund.

“ Depositor ” means an employee by whom or on whose behalf a deposit is made under this Ordinance.

“Employee” means a person serving the Government and not holding a pensionable office in the Public Service of the Colony and includes any person who by regulations made under this Ordinance is permitted to become a depositor.

“Fund” means the Provident Fund.

“Interest” includes compound interest on a deposit.

“Pensionable office” means an office for which separate provision is made in the Annual Estimates and which has been declared by the Governor in Executive Council, with the sanction of the Secretary of State, by notification published in the *Royal Gazette*, to be pensionable.

“Non-pensionable office” means an office which has not been declared to be pensionable but for which provision is made in the Annual Estimates under “Personal Emoluments” either by a separate vote for such office alone or by a vote including two or more of such offices.

“Wages” means monthly or fortnightly wages or salaries drawn by employees and includes house and personal allowances but does not include overtime, subsistence, travelling, mileage or other fluctuating or extra allowance.

3. For the purpose of computing the service of a depositor <sup>Service.</sup>
- (1) No calendar year in which the depositor has worked less than 250 days (hereinafter referred to as a non-effective year) shall be reckoned in his service ;
  - (2) Three consecutive non-effective years shall be a bar to the inclusion of any previous year ;
  - (3) An aggregate of seven non-effective years shall be a bar to the inclusion of any year prior to the last of the years making up such aggregate ;
  - (4) Service while under the age of twenty years shall not be included.

Provided that service prior to their becoming depositors shall in the case of employees referred to in section 10 hereof be deemed to be service for the purposes of this Ordinance, save and except that in the computation of gratuities payable under section 15 hereof service prior to their becoming depositors shall not be included.

Establishment  
of Fund.

4. On the coming into operation of this Ordinance there shall be established a fund to be known as the Provident Fund.

Charge on  
General  
Revenue.

5. There shall be charged on and paid out of the general revenue of the Colony all such sums as may from time to time be granted to depositors by way of bonus or gratuity in accordance with this Ordinance and with any regulations made thereunder.

Gratuities and  
bonuses not of  
right.

6. No employee shall have an absolute right to compensation for past services or to any gratuity or other allowance under this Ordinance, or under regulations made thereunder; nor shall anything herein or in such regulations contained limit the right of the Governor to dismiss any employee without compensation.

Certificates  
required as to  
conduct, &c.  
Age of  
retirement.

7. Except in the cases of death, abolition or re-organisation of office no gratuity shall be paid to any employee who has not attained the age of fifty-five years, unless on medical evidence to the satisfaction of the Governor in Executive Council that he is incapable by reason of some infirmity of mind or body, of discharging the duties of his employment and that such infirmity is likely to be permanent; nor in any case without a certificate from the head of his department that he has discharged the duties of his employment with such diligence and fidelity as to justify the grant to him of a gratuity.

Compulsory  
retirement.

8. It shall be lawful for the Governor to require any depositor to retire from the service of the Colony at any time after he attains the age of sixty years.

Employees to  
become  
depositors.

9. Subject to the provisions of section 10 hereof every employee on the coming into operation of this Ordinance or thereafter entering the service of the Government shall become a depositor.

Employees  
who may  
elect not to  
become  
depositors.

10. Employees who are in the service of the Colony at the commencement of this Ordinance shall be allowed to become depositors on the following conditions:—

(1) Employees, who at any time previous to the commencement of this Ordinance were paid from "Personal Emoluments" and whose non-pensionable rights have been preserved or who at the commencement of this Ordinance are the holders of non-pensionable offices, shall

on their final retirement from the service be paid in addition to any benefits to which they may be entitled from the Fund:

- (a) in the case of employees with not less than ten years' service prior to their joining the fund an annual allowance at the rate of fifteen-eightieths of the annual salary with an addition of one-eightieth in respect of each complete year of such service in excess of ten ;
- (b) in the case of employees who have not prior to their joining the fund completed in the aggregate the qualifying period of ten years, an annual allowance at the rate of one-eightieth of the annual salary in respect of each complete year of service together with an addition at the same rate which shall bear the like proportion to five years as the number of years of service bears to ten years.

(2) Employees, whose cases are not governed by the foregoing sub-section and who at the commencement of this Ordinance are eligible to a gratuity under the regulations made under the Pensions Ordinance, Cap. 83, shall on their final retirement be paid a gratuity calculated on the number of years' service prior to their becoming depositors to the fund together with any benefits to which they may be entitled as depositors.

Provided that the annual allowance or gratuity shall be calculated according to the Pensions Regulations in force at the time of their becoming depositors and shall be paid only if the conditions laid down in section 7 hereof are fulfilled.

The option to become depositors shall be exercised in writing not later than six months after the commencement of this Ordinance, after which date no employee shall be permitted to join the Fund.

11. Every employee who becomes a depositor shall, subject to sections 10 and 12 hereof, forfeit all his rights (if any) under the Pensions Ordinance or any regulations made thereunder.

Depositors to  
forfeit rights  
under  
Pensions  
Ordinances.

12.—(1) A depositor on transfer to a pensionable office in the service of the Government shall have the option of allowing the total amount due to him at the date of such transfer in respect of compulsory deposits, bonuses and interest thereon

Transfer to a  
pensionable  
office.

to accumulate and to be paid to him on his final retirement from the service together with any pension or gratuity in respect of service in such pensionable office and counting as pensionable only the service from the date of such transfer to a pensionable office, or of surrendering the bonuses and interest thereon and counting all service towards pension in accordance with the Pensions Ordinance, Cap. 83, and thereupon his compulsory deposits and interest thereon shall be refunded to him.

Transfer from  
a Pensionable  
Office.

(2) An employee on transfer from a pensionable office in the service of the Government to an office, the holder of which is under the regulations made hereunder required to become a depositor, shall be allowed to become a depositor and on his final retirement from the service shall be paid in addition to any benefits to which he may be entitled from the Fund a pension and/or gratuity calculated on the number of years' service prior to his becoming a depositor to the Fund and in accordance with the Pensions Ordinance, Cap. 83, and any regulations made thereunder.

(3) Such option shall be exercised in writing within one month from the date of transfer to a pensionable office.

Contributions  
to the Fund.  
Rate of.

**13.**—(1) A compulsory deposit at the rate of four per centum of his wages shall be made by each depositor and an abatement at that rate shall be made by the Treasurer from each payment of wages of every depositor ;

(2) The amounts of such abatements shall be carried to a special account ;

Depositor  
seconded for  
service.

(3) A depositor seconded for service in another department shall continue to pay his compulsory deposits, based on the full wages of his permanent employment, into the fund and shall participate in the benefits thereof.

(4) Compulsory deposits into the Fund, made by deductions from wages, shall be considered as paid into the Fund on the last day of the month for which the wages, from which the deductions are made, are due.

Bonus  
addition.

**14.** At the close of each month the Treasurer shall transfer from General Revenue to the account of each depositor a bonus equal in amount to the compulsory deposit made by him during that month. The full bonus shall be paid on retirement or death, if the conditions prescribed in section 7 hereof are fulfilled, and in other cases so much of

the bonus shall be paid as the regulations made hereunder shall provide.

**15.**—(1) Gratuities at the rate of one twenty-fifth part of <sup>Gratuities.</sup> the annual wages for each calendar year of service up to a maximum of one year's wages may be paid on such conditions as may be imposed by the regulations made under this Ordinance.

(2) In addition to the gratuities referred to in sub-section (1) hereof special gratuities may be paid to depositors, who in the execution of their duties receive injuries necessitating their retirement from the service, or to the nominee or the legal personal representative of any depositor who may die as a result of such injuries.

Provided that no gratuity shall be paid to any depositor or his nominee or his legal personal representative if a claim for compensation is made and allowed under the provisions of the Workmen's Compensation Ordinance, 1926.

(3) Gratuities shall be calculated on the actual wages of the depositor at the time of retirement or death.

**16.**—(1) Interest at a rate to be fixed by the Governor in <sup>Interest.</sup> Executive Council of not less than three per centum per annum shall be payable upon the amount of deposits and bonuses at any time standing to the credit of a depositor. Such interest shall commence upon any deposit on the first day of the month next after the deposit is made and shall terminate on any sum withdrawn on the last day of the month preceding such withdrawal.

(2) On the 31st day of December in each year the interest due up to and including that day shall be added to the capital.

(3) When a depositor's account is closed interest to the end of the preceding month shall be credited to the account.

(4) Interest on the balance standing to the credit of a depositor whose account has been closed shall cease to accrue from the date of a notice given to him in writing stating the amount to his credit which shall be served on him or in the event of his death on his nominee or his legal personal representative.

**17.** So long as the interest earned in any one year on the invested portion of the Fund is not sufficient to pay <sup>Salaries and expenses.</sup> depositors' interest at the prescribed rate on their deposits

for that year, the Government shall bear the whole cost of administration of the Fund for that year. But if the interest earned in any one year on the invested portion of the Fund is more than sufficient to pay depositors' interest for that year, then a sum shall be withdrawn from the interest account and shall be applied in reduction of the cost of administration of the Fund up to the limit of such cost for that year. For the purpose of this section each year shall be taken separately, no allowance being made for any cost of administration for previous years not covered by the proportion of interest applied in reduction thereof.

**Appointments.** 18.—(1) Any depositor may, by appointment in writing to the Treasurer in the prescribed form, direct that the whole or any part of the deposits, bonus or gratuity due to him at the time of his death shall be paid to the beneficiary or beneficiaries named in such appointment.

(2) An appointment under this section shall be inoperative so far as it is inconsistent with a subsequent appointment and shall be revoked by the death of the appointee in the lifetime of the depositor or by the marriage of the depositor. It may also be revoked by the depositor by his making a new appointment in the prescribed form.

(3) The Treasurer shall enter in proper books the prescribed particulars in reference to such appointments which shall be carefully preserved by him.

**Compulsory deposits.** 19. Compulsory deposits and interest thereon shall not be liable to forfeiture, and, subject to section 20 hereof, shall be returnable in full to a depositor on his retirement from the service, whether through dismissal or otherwise.

**Accounts not assignable or attachable.** 20. No deposit or the interest or bonus thereon or any gratuity payable under this Ordinance or any regulations made thereunder shall be assignable or transferable, or liable to be attached, sequestered or levied upon, for or in respect of any claim whatsoever, but it shall be lawful for the Governor to direct that any amount due to Government by a depositor in respect of any liability or defalcation be deducted from any amount due and payable to him.

**Forfeiture of amounts—Transfer to General Revenue.** 21. Any bonus or interest withheld under this Ordinance or the regulations made thereunder shall be transferred to General Revenue.

22. All accounts relating to the Fund are to be kept separately by the Treasurer, but all transactions of the Fund shall be reflected in the Colony's Accounts. Accounts of the Fund.

23. The accounts of all transactions of the Fund shall be audited in every year by the Auditor. Audit.

24. The Treasurer shall invest in such securities as may be approved by the Governor all moneys standing to the credit of the Fund except such amounts as he may consider necessary for the payment of amounts becoming due in any year and for the purpose of making advances to depositors. Investments.

25. The Governor in Executive Council may, with the sanction of the Secretary of State, make regulations : Regulations.

- (1) For the management and control of the Fund ;
- (2) Prescribing the accounts, books and forms to be kept ;
- (3) As to the class of employees to be admitted as depositors, excluding apprentices and persons whose employment is of a casual nature or who are serving for a short period under special agreement ;
- (4) As to the conditions under which gratuities and bonuses shall be payable to employees leaving the service and the amounts of special gratuities to be awarded in cases of injury or death ;
- (5) As to the making of advances from the Fund to depositors ; and
- (6) Generally for carrying any of the purposes or provisions of this Ordinance into effect.

Every such regulation shall be laid before the Legislative Council and shall be published in the *Royal Gazette*.

26. This Ordinance shall commence on such day as may be fixed by the Governor by proclamation. Commencement.

Passed in Council this thirty-first day of October, in the year of Our Lord one thousand nine hundred and thirty.

J. W. DAY,  
*Acting Clerk of the Council.*