
3rd Session Second Parliament Trinidad and Tobago
18 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 24 of 1969

[L.S.]

AN ACT to provide retiring allowances, on a contributory basis, to persons who have served as members of the House of Representatives, or in certain parliamentary offices to provide allowances for the widows and children of such persons and to provide for matters connected with or incidental to the foregoing purposes.

[Assented to 23rd July, 1969]

BE IT ENACTED by the Queen's Most Excellent Majesty, by Enactment and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Retiring Allowances Short title (Legislative Service) Act, 1969.

2. In this Act—

“appropriate Minister” means the Minister of Finance but in respect of any matter relating to an award for the person for the time being holding the office of Minister of Finance, the appropriate Minister shall be such other Minister as the Prime Minister may designate;

“award” means any amount payable out of the Consolidated Fund to any person pursuant to this Act;

“contributions” means contributions payable pursuant to section 4;

“contributor” means any legislator who by virtue of section 3 becomes a contributor under this Act;

“elected member” means a member of the House of Representatives;

“Executive Council” and “Legislative Council” refer to the bodies which under either of those names were constituted pursuant to provisions in the Trinidad and Tobago (Constitution) Orders in Council, 1950 to 1959;

“former legislative service” means service prior to the date of the commencement of this Act but subsequent to the 26th day of October, 1956 as—

(a) a member of the House of Representatives; or

(b) a Minister or a member (other than an official member) of the Executive Council or the Legislative Council;

“full parliamentary term” means the period commencing on the date of the first sitting of Parliament after a general election and expiring at the date of the next ensuing dissolution of Parliament;

“legislator” means a person who—

- (a) is an elected member; or
- (b) not being an elected member, is the holder of a specified legislative office;

“Minister”, when not preceded by the word “appropriate”, means a legislator appointed a Minister pursuant to section 6 of the Trinidad and Tobago (Constitution) Order-in-Council, 1959, or pursuant to the constitutions annexed to the Trinidad and Tobago (Constitution) Orders in Council, 1961 and 1962;

“retiring allowance” means a retiring allowance payable pursuant to section 5;

“salary” means—

- (a) in respect of former legislative service—
 - (i) the basic salary paid to a person by virtue of his being a member of the House of Representatives during the period of such service or where during that period any such member held a specified legislative office, the basic salary paid in respect of the office so held; and
 - (ii) the basic salary paid to a person (not being a person referred to in subparagraph (i)), by virtue of his being a Minister or a member (other than an official member) of the Executive Council or the Legislative Council during the period of such service; and
- (b) as respects a legislator, the basic salary payable to him as such but in relation to a legislator holding any specified legislative office means

the basic salary payable to him in respect of the office so held; and for the purposes of this definition, "basic salary" means the emoluments provided in the Estimates of Revenue and Expenditure of Trinidad and Tobago exclusive of duty allowance, entertainment allowance or any other allowance whatever;

"specified legislative office" means any of the offices specified in the Schedule or any office prescribed as such by the Minister of Finance by notice published in the *Gazette*.

Contributors

3. (1) Subject to subsection (2), every person who, at the commencement of this Act, is a legislator, and every person who, after the commencement of this Act becomes a legislator, shall, by virtue of being a legislator, become a contributor under this Act.

(2) This section does not apply to any legislator while he holds the office of Prime Minister.

Contributions

4. (1) Contributions are payable under this Act by every person who becomes a contributor and such contributions shall—

- (a) be at the rate of 6 per cent of the basic salary payable to the contributor;
- (b) be payable in respect of the basic salary of the contributor from the commencement of this Act, or from any later date on which the person concerned becomes a contributor, until he ceases to be a legislator;
- (c) accrue daily and be deducted monthly from the salary of each contributor and be paid to the Comptroller of Accounts.

(2) All contributions made pursuant to this section shall be paid into the Consolidated Fund.

Circumstances in which retiring allowances shall be paid

5. (1) Subject to the provisions of this Act, a retiring allowance shall be paid to any person who—

- (a) has served as a legislator for periods amounting in the aggregate to not less than eight years; and

(b) has ceased to be a legislator; and

(c) either—

(i) has attained the age of fifty-five years; or

(ii) not having attained the age of fifty-five years, has produced medical evidence to the satisfaction of the appropriate Minister, that he is incapable by reason of infirmity of mind or body of discharging the duties of a legislator and that such infirmity is likely to be permanent.

(2) In determining for the purposes of this Act, the length of service of any person as a legislator, account shall be taken of former legislative service notwithstanding that contributions in respect thereof are, subject to section 12, not payable under this Act.

(3) For the purpose of this section—

(a) a person does not cease to be a legislator by reason only of the dissolution of Parliament;

(b) a person who immediately before the dissolution of Parliament was a member of the House of Representatives shall cease to be a member of that House if he is not elected as a member thereof at the general election next following the dissolution, and if he so ceases shall be deemed to have ceased to be a legislator from the date of the dissolution aforesaid;

(c) a person who holds a specified legislative office shall cease to be a legislator from the date on which he ceases to hold such office whether he is an elected member or not.

(4) No retiring allowance may be paid under this Act to any person who is in receipt of or is entitled to receive a Prime Minister's Pension under the Prime Ministers' Pensions Act, 1969.

(5) Where a person ceases to be a legislator but is not eligible for a retiring allowance under this Act because of the provisions of subparagraph (i) of paragraph (c) of subsection (1), then, notwithstanding subsection (1), the

retiring allowance for which he would have been eligible at the date when he ceased to be a legislator shall be paid to him with effect from the date on which he attains the age specified in subparagraph (i) of paragraph (c) of subsection (1), if at that date he is not otherwise disqualified for the payment of a retiring allowance under this Act.

Rate of
retiring
allowance

6. (1) The retiring allowance payable to any person shall—

- (a) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than eight years, be at an annual rate equal to one-quarter of one year's salary of that person;
- (b) in the case of a person who has served as a legislator for two consecutive full parliamentary terms extending over a period of not less than nine years or for periods amounting in the aggregate to not less than ten years, be at an annual rate equal to one-third of one year's salary of that person;
- (c) in the case of a person who has served as a legislator for three full parliamentary terms extending over a period of not less than thirteen and a half years or for periods amounting in the aggregate to not less than fifteen years, be at an annual rate equal to one-half of one year's salary of that person;
- (d) in the case of a person who has served as a legislator for four full parliamentary terms extending over a period of not less than eighteen years or for periods amounting in the aggregate to not less than twenty years, be at an annual rate equal to two-thirds of one year's salary of that person.

(2) For the purpose of subsection (1), "one year's salary" means the highest annual rate of basic salary payable at any time to any person as a legislator.

(3) The retiring allowance payable to any person under this section—

- (a) shall be paid with effect from the date on which that person becomes entitled thereto

pursuant to section 5 and, subject to the provisions of this Act, shall continue to be paid during the lifetime of that person; and

(b) shall be paid monthly in arrears in equal instalments.

7. (1) A retiring allowance payable under this Act shall, if the person in receipt thereof again becomes a legislator, cease to be payable during the period in which that person is in receipt of salary as a legislator; but where the rate of such retiring allowance exceeds the rate of such salary, nothing in this subsection shall prevent the payment of retiring allowance to the extent of such excess.

Cessation of retiring allowance if person in receipt thereof again becomes a legislator

(2) At the expiration of the period referred to in subsection (1) during which a person has further service as a legislator, the rate of retiring allowance shall be recalculated in accordance with the provisions of section 6.

(3) A retiring allowance recalculated in accordance with subsection (2) shall be paid at the recalculated rate with effect from the date of cessation of the period of service as a legislator which gave rise to the recalculation.

8. (1) Where a person—

Gratuity

- (a) ceases to be a legislator but is not eligible for a retiring allowance under this Act because of the provisions of subparagraph (i) of paragraph (c) of subsection (1) of section 5; or
- (b) ceases to be a legislator but is not eligible for a retiring allowance under the Act; or
- (c) ceases to be a legislator and is eligible for a retiring allowance under this Act,

he shall be paid a gratuity equal to one-tenth of the total salary received during his period of service as a legislator so, however, that in the case of a legislator to whom paragraph (a) or (c) refers such gratuity shall not exceed three years' salary at the highest annual rate of basic salary payable at any time to such person as a legislator.

(2) Where a person dies while he is a legislator, any gratuity for which he may be eligible under subsection (1) shall be paid to his legal personal representative.

Widow's
allowance

9. (1) Subject to the provisions of this Act, where a person who—

- (a) is in receipt of a retiring allowance; or
- (b) has served as a legislator for periods amounting in the aggregate to not less than eight years,

dies leaving a widow, there shall be paid to the widow during her lifetime and while unmarried, a widow's allowance at an annual rate equivalent to one-half of the retiring allowance, which—

- (c) in the case of a person mentioned in paragraph (a) was being paid to him; or
- (d) in the case of a person mentioned in paragraph (b) would have been payable to him with effect from the date of his death if he had not died but had satisfied the requirements of section 5 for the award of a retiring allowance and had been awarded a retiring allowance computed in accordance with section 6.

(2) A widow's allowance under this section—

- (a) shall be paid monthly in arrears in equal instalments as far as possible;
- (b) shall, subject to subsection (3), if the widow is in receipt of a retiring allowance by virtue of having been herself a contributor under the Act, cease to be payable;
- (c) shall, subject to subsection (3), if the widow is in receipt of salary as a legislator, cease to be payable during the period in which the widow is in receipt of such salary.

(3) Where the rate of widow's allowance exceeds the rate of retiring allowance or the rate of salary, as the case may be, nothing in paragraph (b) of subsection (2) shall prevent the payment of the widow's allowance to the extent of such excess.

(4) Where a person who is serving as a legislator dies before he has served the required minimum period as a legislator to permit his widow to qualify for a widow's

allowance under subsection (1), there shall be paid to the widow a gratuity equal to the amount to which the legislator would have been entitled to under section 8.

10. (1) Subject to the provisions of this Act, where a person who comes within paragraph (a) or (b) of subsection (1) of section 9 (hereinafter in this section referred to as the "deceased legislator") dies leaving one or more children, a children's allowance shall be payable in respect of such child or children while under the age of twenty-one years.

(2) Only one children's allowance is payable in respect of the service of any one person as a legislator, but—

- (a) the rate thereof may vary according to the number of children entitled thereto, so, however, that the aggregate rate of pension payable shall not exceed the rate specified in paragraph (a) of subsection (3) or paragraph (a) of subsection (4), as the case may be;
- (b) it shall be paid to such person or persons as the appropriate Minister may from time to time direct, and different parts thereof may be directed to be paid to different persons;
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him without distinction, for the benefit of all the children, for the time being entitled thereto or for the benefit of such of them as the appropriate Minister may from time to time direct;
- (d) the allowance shall be paid monthly in arrears in equal instalments as far as possible.

(3) Where the deceased legislator leaves a widow, the annual rate of the children's allowance during her lifetime shall be—

- (a) one-third of the rate of the retiring allowance where there are two or more children entitled to the children's allowance; and
- (b) one-sixth of the rate of the retiring allowance where there is only one child entitled to the children's allowance.

(4) Where the deceased legislator leaves no widow, or where he leaves a widow, then, after her death, or after any allowance payable to her ceases to be paid before her death, the annual rate of the children's allowance shall be—

- (a) one-half of the rate of the retiring allowance where there are two or more children entitled to the children's allowance;
- (b) one-quarter of the rate of the retiring allowance where there is only one child entitled to the children's allowance.

(5) Notwithstanding subsection (1), a female child who marries while under the age of twenty-one years shall cease to be entitled to a children's allowance.

(6) For the purposes of this section the expression "child" includes—

- (a) a posthumous child;
- (b) an adopted child, adopted in a manner recognised by law, and in the case of a person referred to in paragraph (a) of subsection (1) of section 9 before such person last ceased to be a legislator.

Retiring
allowance
to former
legislators
on payment
of special
contribution

11. (1) In this section—

"award" does not include an amount payable under section 8;

"former legislator" means a person who not being a legislator at the commencement of this Act has former legislative service in respect of which, were he a legislator under the Act, he would be eligible for a retiring allowance;

"special contribution" means an amount calculated at the rate of six per centum of the total salary paid to a former legislator in respect of all periods of his former legislative service.

(2) A former legislator may, notwithstanding anything to the contrary contained in this Act, by notice in writing to the Minister of Finance within twelve months after the commencement of this Act or such longer period as the Minister of Finance may in any case allow, elect to make a special contribution under this section for the purpose of qualifying for a retiring allowance under this Act.

(3) If a former legislator entitled to make an election under this section omits to make such election within the time specified in subsection (2), he shall be deemed to have elected not to make a special contribution.

(4) A former legislator shall not be eligible for a retiring allowance unless he has paid the special contribution referred to in subsection (2) in a lump sum to the Comptroller of Accounts and on payment of such special contribution, the former legislative service of the former legislator shall be deemed to be service as a legislator for the purposes of determining the award payable in respect of such former legislative service.

(5) The provisions of subsections (1) and (5) of section 5, section 6, section 7, paragraph (a) of subsection (1), subsection (2) and subsection (3) of section 9 and section 10 apply in respect of a former legislator who, by virtue of this section, is eligible for a retiring allowance but in applying the provisions of subsection (1) of section 10 that subsection shall be construed as if there were no reference therein to paragraph (b) of subsection (1) of section 9.

12. All awards payable under this Act shall be charged on and paid out of the Consolidated Fund.

Awards to be
paid out of
Consolidated
Fund

13. Any award payable under this Act shall not be assignable or transferable except for the purpose of satisfying—

Awards not to
be assignable

- (a) a debt to the Crown; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife or child being a minor, of the person to whom the award is payable, and

shall not be liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatever except a debt due to the Crown or any sum recoverable pursuant to any such order of a court as aforesaid.

Power to make regulations

14. (1) The Minister of Finance may make regulations—

- (a) prescribing in the case of an allowance payable under this Act, the days on which the payments of allowance shall be made;
- (b) prescribing, where a recipient of an allowance under this Act is incapable of managing his affairs, that the allowance may be paid to another person on his behalf;
- (c) prescribing anything which may be required by this Act to be prescribed including any forms he considers necessary for the administration of this Act;
- (d) prescribing the manner in which, and the person by whom, accounts of contributions and awards under this Act shall be kept and recorded; and
- (e) for any other purposes, whether similar to the above or not, deemed necessary to give effect to this Act.

(2) All regulations made under this section shall be subject to affirmative resolution of the Senate and the House of Representatives.

Payment of contributions for period between 1st January, 1969 and passing of this Act

15. (1) Contributions shall, in accordance with section 4, be paid by every person to whom subsection (1) of section 3 applies in respect of the period beginning on 1st January, 1969 and ending on the last day of the last month in respect of which salary was paid to such person without deduction of any contributions under paragraph (c) of subsection (1) of section 4.

(2) Contributions payable under this section may, at the option of the contributor, be payable either in a lump sum or by deductions made monthly from his salary over a period not exceeding one year.

16. This Act shall be deemed to have come into operation on the 1st January, 1969. Commencement

SCHEDULE

(Section 2)

(Specified Legislative Offices)

Minister
Member of the Executive Council
Member of the Legislative Council
President of the Senate
Parliamentary Secretary
Speaker of the House of Representatives
Deputy Speaker
Leader of the Opposition

Passed in the House of Representatives this 20th day of June, 1969.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 1st day of July, 1969.

J. E. CARTER
Clerk of the Senate