
1st Session First Parliament Trinidad and Tobago
12 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 21 of 1963

[L.S.]

AN ACT to provide for the payment of superannuation allowances to Teachers in Assisted Secondary Schools, and for matters incidental thereto.

[Assented to 19th July, 1963.]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment.
by 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 Assisted Secondary Short title.
School Teachers' Pensions Act, 1963.

Definitions and interpretation

Ch. 14. No. 1
Supp. Vol. I

Ch. 9. No. 6

Ch. 14. No. 1
Supp. Vol. I

2. (1) In this Act,

- (a) "assisted secondary school" means an assisted secondary school within the meaning of the Education Ordinance;
- (b) "other teaching service" means wholetime service in a teaching capacity in a primary, intermediate or Government Secondary school in Trinidad and Tobago.
- (c) "public service" has the same meaning as in the Constitution of Trinidad and Tobago.
- (d) "salary" means—
 - (i) in respect of service in assisted secondary schools, the remuneration in money given as aid by the Government from public funds and paid to a teacher for teaching in the school, and
 - (ii) in respect of other teaching service or public service, the remuneration or emoluments that count for pension under the law or regulations in force in respect of that service;
- (e) "teaching service" means, subject to subsection (2) and section 19,
 - (i) service in the capacity of a teacher in full-time employment in an assisted secondary school, and
 - (ii) other teaching service;
- (f) "teacher" means a teacher within the meaning of the Education Ordinance.

(2) Where during the time a person is employed in the teaching service in an assisted secondary school he has had other teaching service or public service or has, with the approval of his employer, undergone a course of training at an institution recognised by the Government, that other teaching service or public service or that course of training shall not be construed as constituting an interruption in the teaching service of that teacher, except where the other teaching service or public service or the course of training exceeds one year.

(3) Nothing in this Act shall be construed to affect the relationship between the teachers to whom this Act applies and the employers of those teachers.

3. Subject to section 17, this Act applies—Application
of Act.

- (a) to every person who is appointed as a teacher in an assisted secondary school after the 1st day of January, 1956, and
- (b) to every person who, having been appointed as a teacher in an assisted secondary school before 1st day of January, 1956, retires from the teaching service after that date.

4. (1) Every teacher in the teaching service in an assisted secondary school shall be granted on his retirement a pension as in this Act provided. Pensions authorised

(2) All such sums of money as are from time to time granted by way of pension, gratuity or other allowance pursuant to this Act shall be charged on and paid out of public funds.

5. (1) Subject to this section, every teacher in the teaching service in an assisted secondary school shall, retire at the age of sixty years. Age of compulsory retirement

(2) In special cases the Governor-General may authorise a teacher in the teaching service in an assisted secondary school to retire at any time after the teacher attains the age of fifty years.

(3) Where a teacher in the teaching service in an assisted secondary school has before the coming into operation of this Act attained the age of sixty years but continues in the teaching service without retiring, he shall be eligible for the pension and gratuity provided for in this Act as if he had retired at the age of sixty years.

6. Except as otherwise permitted by section 5, no pension, gratuity or other allowance shall be granted to any teacher in the teaching service who has not attained the age of fifty-five years or, where a teacher retires as a special case under subsection (2) of section 5, fifty years, unless it is shown by medical evidence to the satisfaction of the Governor-General that the teacher is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office, and that the infirmity is likely to be permanent. Retirement on medical grounds

7. (1) Where a teacher is transferred to the public service or other teaching service and the teacher ultimately retires at an age less than fifty-five years at which he is permitted by the law or regulation of that other service to retire with Retirement at earlier age than 55 in certain cases

a pension, he is entitled to a pension under this Act, which shall be payable from the date of retirement of such teacher, notwithstanding that he was not fifty-five years of age at the time of retirement.

(2) Where a teacher is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity, or other allowance cannot otherwise be granted to him under this Act, the Governor-General may, if he considers it justifiable having regard to all the circumstances of the case, grant such a pension, gratuity or other allowances as he thinks just and proper, but no such pension, gratuity or other allowance shall exceed the amount that the teacher would be eligible for if he were suffering from an infirmity of mind or body that is likely to be permanent.

Suspension of
pension on
re-employment

8. If a teacher to whom a pension has been granted under this Act is appointed to an office in the public service or is re-employed in teaching service the payment of his pension or any part thereof, may, if the Governor-General thinks fit, be suspended during the period of his re-employment.

Minimum age
for pensionable
service

9. No teacher in the teaching service in an assisted secondary school is entitled to a pension or any retiring allowance in respect of any service performed while under the age of twenty years.

Gratuity and
reduced pension

10. (1) Every teacher in the teaching service in an assisted secondary school shall in accordance with the provisions of this Act be granted on his retirement a reduced pension and gratuity.

(2) In the application of this section, reduced pension means three-fourths of the pension calculated in accordance with the provisions of this Act; and gratuity means twelve and one half times the annual value of the reduction so made in such pension.

Maximum
pension

11. (1) No pension to a teacher under this Act shall exceed two-thirds of the highest salary drawn by the teacher at any time in the course of his service.

(2) Subject to subsection (3), a teacher who has been granted a pension in respect of any public service shall not at any time draw from the funds of Trinidad and Tobago an amount of pension that, when added to the amount of any pension or pensions drawn in respect of that public service exceeds two-thirds of the highest salary drawn by him at any time in the course of his teaching service.

(3) Where a teacher receives in respect of some period of teaching service both a gratuity and a pension, the amount of such pension shall be deemed for the purposes of subsection (2) to be four-thirds of its actual amount.

(4) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where a teacher is granted such an additional pension under this Act, the amount thereof together with the remainder of his pension or pensions shall not exceed fifty-sixtieths of his highest salary at any time in the course of his teaching service.

12. (1) No teacher has any absolute right to compensation for past services or to pension, gratuity or other allowance under this Act, nor does anything contained in this Act limit the right of the employers of the teacher to dismiss him without compensation. No absolute right to compensation

(2) Where it is established to the satisfaction of the Governor-General that a teacher has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance payable to him under this Act may be reduced or altogether withheld.

13. (1) When a teacher dies while in teaching service in an assisted secondary school, the Governor-General may grant a gratuity of an amount not exceeding one year's salary of such teacher, or his commuted pension gratuity, if any, whichever is the greater. Gratuity to dependants of deceased teacher

(2) For the purposes of subsection (1), "commuted pension gratuity" means the gratuity, if any, mentioned in section 10 which might have been granted to the teacher if he had retired immediately before his death in circumstances rendering him eligible to receive a gratuity and reduced pension under this Act.

(3) Where a teacher to whom a gratuity and reduced pension has been granted under this Act dies after retirement from the teaching service of Trinidad and Tobago and the sums paid or payable to him at his death in respect of such gratuity and reduced pension are less than the annual salary of which he was in receipt at the date of his retirement, the Governor-General may grant a gratuity equal to the deficiency.

(4) All monies payable under this section shall be paid to the legal representative of the deceased teacher except where the amount of the gratuity, commuted pension gratuity or gratuity and reduced pension does not exceed four hundred and eighty dollars in which case the Governor-General may dispense with the production of probate or letters of administration and cause the gratuity, commuted pension gratuity or gratuity and reduced pension to be paid to the dependants of the teacher in such proportions, if there are more dependants than one, as the Governor-General may think fit.

Pension to
dependants
of teachers

14. (1) In this section, "child" includes—

- (a) a posthumous child;
- (b) a step-child wholly or mainly dependent upon the deceased teacher for support;
- (c) an illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased teacher for support; and
- (d) an adopted child if the child is adopted before the date of the injury in a manner recognised by law and is dependent upon the deceased teacher for support.

(2) Where a teacher in the teaching service in an assisted secondary school dies as a result of injuries received

(a) in the actual discharge of his duty, and without his own default, or

(b) on account of circumstances specifically attributable to the nature of his duty while in the teaching service of an assisted secondary school,

the Governor-General may, in addition to the grant, if any, made under section 13 to the legal personal representative of the deceased teacher or to his dependants, grant a pension to the dependants of the deceased teacher in accordance with subsection (3).

(3) The following pensions at the rates specified are authorised under this section:

- (a) when the deceased teacher leaves a widow, a pension may be granted to her while she is unmarried and of good character at a rate not exceeding ten-sixtieths of the salary of the teacher at the date of the injury resulting in his death or seventy-two dollars a year, whichever is the greater;
- (b) when the deceased teacher leaves a widow to whom a pension is granted under paragraph (a) and a child or children, a pension may be granted in respect of each child, until each child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (a);
- (c) when the deceased teacher leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension may be granted in respect of each child, until each child attains the age of eighteen years, of double the amount prescribed in paragraph (b);
- (d) when the deceased teacher leaves a child or children and a widow to whom a pension is granted under paragraph (a) and the widow subsequently dies, a pension may be granted in respect of each child as from the date of the death of the widow, until each child attains the age of eighteen years, of double the amount prescribed in paragraph (b);
- (e) when the deceased teacher does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension may be granted to the mother, while she is of good character and without adequate means of support, of an amount not exceeding the pension that might have been granted to the widow of the deceased teacher.

(4) Notwithstanding subsection (3),

- (a) a pension is not payable under subsection (3) at any time in respect of more than six children:

- (b) in the case of a pension granted under paragraph (e) of subsection (3),
- (i) if the mother is a widow at the time of the grant of the pension and subsequently remarries the pension shall cease from the date of remarriage, and
 - (ii) if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, the pension shall cease as from such date as the Governor-General may determine;
- (c) a pension granted in respect of a female child under subsection (3) shall cease upon the marriage of the child under the age of eighteen years.

Regulations

15. (1) The Governor-General may make regulations for the granting of pensions, gratuities and other allowances under this Act.

(2) Every regulation when made shall be laid before the Senate and the House of Representatives, and shall be published in the *Gazette*.

(3) Where the Governor-General is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose, but no such legislation shall have retrospective effect unless it has received the prior approval of the Senate and the House of Representatives signified by resolution.

(4) The regulations made under this section have the same force and effect for all purposes as if they were contained in this Act.

(5) The regulations contained in the Schedule shall be in force until amended or revoked by regulations made under subsection (1).

Application
of certain
sections of
Pensions
Ordinance,
Ch. 9. No. 6

16. Sections 19, 20, 21, 22 and 23 of the Pensions Ordinance apply to pensions granted under this Act in like manner as they apply to pensions granted under that Ordinance.

17. In any case in which doubt shall arise, the Governor-General shall have full power and authority to determine who shall be considered a teacher within the meaning of this Act, and to decide all questions which may arise in respect to the period of service to be allowed in computing the claims of teachers, and likewise all questions that may arise in respect to the pension, gratuity or other allowance to be granted to any teacher whose official emoluments may have been derived partly from salary and partly from fees or other allowances; and also all other questions of whatever nature which may arise in connection with the provisions of this Act.

Governor-General to decide questions arising under the Act.

18. (1) Subject to subsection (2), where a teacher has had teaching service in an assisted secondary school or other teaching service before the 1st January, 1956, that teaching service in an assisted secondary school or other teaching service shall in accordance with the provisions of this Act be counted as pensionable service for the purposes of computing the pension receivable by that teacher upon retirement after the commencement of this Act.

Notional pensionable service

(2) No period of teaching service while a person is under twenty years of age or over sixty years of age shall be included in the computation of the period of teaching service for the purposes of subsection (1).

19. Notwithstanding subsection (2) of section 2, the Governor-General may by special or general order prescribe, in respect of the service of a teacher in an assisted secondary school before or after the 1st day of January, 1956, the extent of that service that shall constitute qualifying service or pensionable service, as the case may be, for the purpose of granting a teacher a pension under this Act, and any such order may include as pensionable service such interrupted periods of service as the Governor-General deems equitable.

Pensionable service

20. This Act shall come into operation on such day as the Governor-General may appoint by Proclamation published in the *Gazette* and upon so coming into force shall be deemed to have been in force at all times on and after the 1st day of January, 1956.

Commencement

THE SCHEDULE

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES AND
OTHER ALLOWANCES TO TEACHERS

PART I

PRELIMINARY

1. These Regulations may be cited as the Assisted Secondary School Teachers' Pensions Regulations, 1963.

PART II

TEACHERS WITHOUT OTHER TEACHING SERVICE OR OTHER
PUBLIC SERVICE

Application
of Part II

2. Save where the Governor-General in any special case otherwise directs, this Part of these Regulations shall not apply in the case of any teacher with other teaching service that is not wholetime service in a teaching capacity in a school in Trinidad and Tobago or with other public service except for the purpose of determining whether such teacher would have been eligible for pension or gratuity, and the amount of pension or gratuity for which the teacher would have been eligible if the whole of the service of the teacher had been in an assisted secondary school.

Pensions to
whom and at
what rate to
be granted

3. Subject to the provisions of the Act and of these Regulations, every teacher who has been in teaching service for ten years or upwards may be granted on his retirement a pension at the rate of 1/600th of his salary in respect of each complete month of such service until the maximum of two thirds (400/600ths) is reached.

Gratuities

4. A teacher, otherwise qualified for a pension, who has not completed ten years' teaching service may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which if there had been no qualifying period might have been granted to him under regulation 3 of these Regulations.

PART III

GENERAL

Gratuity to
female officer
retiring on
marriage

5. Where a female teacher in teaching service in Trinidad and Tobago, having completed not less than five years teaching service retires from the service for the reason that she has married or is about to marry, and is not eligible for the grant of any pension or otherwise eligible for a gratuity under these Regulations, she may be granted on production within six months after her retirement, or such longer period as the Governor-General may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-twelfth of a month's salary for each complete month of teaching service or one year's salary, which ever shall be the less.

Service qualifying
for pension,
gratuity or
allowance

6. Subject to the provisions of the Act and of these Regulations, service qualifying for pension, gratuity or allowance, as the case may be, shall be the aggregate of the periods of teaching service in Trinidad and Tobago.

7. (1) Subject to the provisions of the Act and to paragraph (2) of this regulation, the period of service in respect of which pension, gratuity or allowance will be granted must be unbroken.

(2) Notwithstanding the provisions of paragraph (1), the period of service prior to a break of service may be allowed to count for pension, gratuity or allowance together with service subsequent to such break in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct, or voluntary resignation of the teacher.

8. (1) Notwithstanding regulation 7 a teacher—

(a) whose pension has been suspended under section 8 of the Act or under corresponding provision in any law or regulation relating to the grant of pensions in respect of public service, or other public service or teaching service,

(b) who has retired from being a teacher without pension on account of ill-health, abolition or re-organisation of office, and has subsequently been re-employed as a teacher,

may, if the Governor-General thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his teaching service immediately prior to such suspension, re-employment or employment had not occurred; such pension to be in lieu of—

(i) any pension previously granted to him from the funds of Trinidad and Tobago, and

(ii) any gratuity so granted that may be required to be refunded as a condition of the application to the teacher of this regulation.

(2) For the removal of doubt it is hereby declared that in calculating a pension granted in pursuance of this regulation, no account shall be taken for any purposes of the period during which he was not in teaching service or in public service.

9. (1) For the purpose of computing the amount of a teacher's pension, gratuity or allowance, the following periods shall be taken into account as pensionable service :—

(a) any periods during which he has been on duty;

(b) any period during which he received half salary from the funds of Trinidad and Tobago while proceeding to Trinidad and Tobago on first appointment;

(c) any periods during which he has been absent from duty on leave with full pay;

(d) any period during which he has been absent from duty on leave either on partial pay or without salary, granted on the grounds of public policy with the approval of the Governor-General and during which he has not qualified for pension or gratuity in respect of other teaching service or public service.

(2) The periods during which a teacher has been absent on leave on half pay shall, for the purpose of computing the amount of a teacher's pension, gratuity or allowance, be counted at the rate of one month for every two months of such periods, but the whole of such

Service to be unbroken

Special provisions relating to employment after break of service

Computation of pensions and gratuities. Periods of service and absence

Absence on half-pay leave

periods shall be counted for the purpose of determining whether a teacher is eligible for pension : but the period during which a teacher has been absent on vacation leave shall, under all circumstances, be counted as service on full pay.

Periods not
taken into
account

(3) Any periods during which he has been absent on leave, other than those specified above, shall be deducted from the teacher's total service in order to arrive at his period of pensionable service.

Acting service

10. Where an officer has performed acting service as a teacher, the period of such service may be taken into account as pensionable service, if—

- (a) the period of such acting service was not part of the pensionable service of the substantive holder of the office and does not fall to be reckoned as part of the teacher's own pensionable teaching service, and
- (b) this period of service is immediately preceded or followed by service in a substantive capacity as a teacher.

Computation of
pensions, etc.—
on what emolu-
ments to be
based

11. (1) For the purpose of computing the amount of a teacher's pension, gratuity, or allowance—

- (a) in the case of a teacher who has held one office for a period of three years immediately preceding the date of his retirement, the full salary payable to him at that date in respect of that office shall be taken;
- (b) in the case of a teacher who at any time during such period of three years has been transferred from one office to another, but whose salary has not been changed by reason of such transfer or transfers, the full salary payable to him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) subject to paragraph (2) in other cases one-third of the aggregate salary payable to the teacher in respect of his service during the said three years shall be taken.

(2) Notwithstanding the provisions of sub-paragraph (c) of paragraph (1) of this regulation—

- (a) if such one-third is less than the full salary which was payable to him at the date of his transfer within such period of three years the Governor-General may grant him a pension calculated on the full salary payable to him at that rate; and
- (b) if such one-third is less than the full salary which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he had been transferred at any time during such period of three years, and had received all increments which, in the opinion of the Governor-General would have been granted to him, the full salary which would have been so payable to him shall be taken; and
- (c) for the purposes of calculating salary under this paragraph the officer shall be deemed to have been on duty on full salary throughout the said three years.

12. (1) Where a teacher has been permanently injured—
 (a) in the actual discharge of his duty, and
 (b) by some injury specifically attributable to the nature
 of his duty,

Officers retiring
 on account of
 injuries

and his retirement is thereby necessitated or materially accelerated, he may be granted in respect of such injury in addition to the pension, if any, granted to him under these Regulations, an annual allowance in proportion to the extent of his injury as follows:—

When his capacity to contribute to support is—

slightly impaired	...	...	...	60/720ths.
impaired	...	...	...	120/720ths.
materially impaired	...	...	...	180/720ths.
totally destroyed	...	...	...	240/720ths.

Provided that no such allowance shall, together with the pension, exceed 600/720ths of his salary at any time in the course of his teaching service.

Passed in the House of Representatives this 21st day of June, 1963.

G. R. LATOUR

Clerk of the House of Representatives

Passed in the Senate this 2nd day of July, 1963.

J. P. OTTLEY

Clerk of the Senate