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1st Session Second Parliament Trinidad and Tobago  
16 Elizabeth II

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TRINIDAD AND TOBAGO  
**Act No. 19 of 1967**

[L.S.]

AN ACT to amend the Defence Act, 1962.

[Assented to 25th August, 1967]

BE IT ENACTED by the Queen's Most Excellent Majesty, <sup>Enactment</sup> 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 Defence (Amendment) <sup>Short title</sup> Act, 1967.

Defence Act  
amended

2. The defence Act is hereby amended—

(a) in section 233—

(i) by adding immediately after paragraph (f) of subsection (1) thereof, the following:—

“(ff) the pay, allowances, pensions and gratuities of officers and other ranks assigned for duty in the service of the Force from an office in the public service or in the employment of a prescribed body or authority;”;

(ii) by substituting the words “Sixth and Seventh” for the words “and Sixth” occurring in line two of subsection (3) thereof;

(b) by adding immediately after the Sixth Schedule the following:—

“SEVENTH SCHEDULE

Citation

1. These Regulations may be cited as the Defence (Pay and Superannuation) (Transferred Officers) Regulations, 1967.

Inter-pretation of “Second-ment” and “public service”

2. (1) For the purposes of these Regulations, a person shall be taken to be seconded to the Defence Force if being the holder of a substantive office in the public service he has been assigned for duty with the Defence Force.

(2) For the purposes of these Regulations “public service” includes service in the Trinidad and Tobago Police Service and the Trinidad and Tobago Fire Services.

Seconded officers transferred to the Defence Force.

3. Every person who has been seconded from the public service to the Defence Force on or before the 31st day of December, 1964, (in these Regulations referred to as a “seconded officer”) shall be deemed to be transferred to the Defence Force with effect from the 1st day of January, 1965, and shall from that date, subject to the provisions of these Regulations, cease to be the holder of an office in the public service, but, subject as aforesaid, may be transferred from the Defence Force to an office in the public service.

Pay and allowances of seconded personnel.

4. Every seconded officer shall, with effect from the date on which he was seconded, be paid the salary attached to the office from which he was seconded or the basic pay attached to the rank which he holds in the Defence Force, whichever is the greater, but in either case shall be entitled to receive such allowances as may attach to his rank in the Defence Force by virtue of any rules or regulations made under the Act for that purpose.

Superannuation benefits.

5. (1) This regulation applies—
- (a) to seconded officers;
  - (b) to persons who have after the 31st day of December, 1964, enlisted in or were recruited to the Defence Force from the public service;
  - (c) to persons who have enlisted in or were recruited to the Defence Force from service in the employment of a prescribed body or authority;
  - (d) to any person who has enlisted in or was recruited to the Defence Force from service as a teacher in an Assisted Secondary School.

In this regulation, "prescribed body or authority" means any body or authority prescribed by the Minister by regulations made under paragraph (ff) of subsection (1) of section 233 of the Act.

(2) A person to whom this regulation applies may elect—

- (a) to contribute to any superannuation scheme which may be established for the benefit of members of the Defence Force; or
- (b) to continue to be subject for the purposes of eligibility for superannuation benefits to the pensions laws applicable to—
  - (i) the branch of the public service, or
  - (ii) his service in the employment of a prescribed body or authority, or
  - (iii) his service as a teacher in an Assisted Secondary School,

from which he was seconded, enlisted or recruited, as the case may require, so, however, that in any case for the purposes of computing the total service in respect of which superannuation benefits shall accrue, account shall be taken both of the service in the Defence Force and service in the public service, or in the employment of a prescribed body or authority or as a teacher in an Assisted Secondary School, as the case may require.

Preservation of leave and leave passages

6. A seconded officer who, prior to his secondment to the Defence Force, was eligible under any regulations then in force relating to the office of which he was holder for the grant of vacation leave or leave passages for himself and specified members of his family shall, notwithstanding any provisions to the contrary contained in such regulations or in any administrative directions, be entitled to have such leave and leave passages preserved to him and may, subject to the exigencies of the Defence Force, be granted the same at any time during his services with the Defence Force.

3/2/77  
2/1/77  
13/9/74

Leave  
passage on  
termination  
of service

7. A seconded officer who has been transferred to the Defence Force in pursuance of regulation 3, and who but for such transfer would have become eligible for the grant of a leave passage under the regulations applicable to the office from which he was seconded, shall, at the termination of his service in the Defence Force, if he has at that date completed four or more years service with the Force, be eligible for the grant of leave passage of a class prescribed for the holders of offices in the public service who receive like pay and allowances.

Transfer  
from the  
Defence  
Force to  
the public  
service

8. A seconded officer who has been transferred to the Defence Force in pursuance of regulation 3 may, with the approval of the appropriate Service Commission, be transferred from the Defence Force to an office in the public service on the termination of his service with the Defence Force if—

- (a) at the date of the termination of such service the officer has not attained the age of fifty-five years;
- (b) there is available to the officer an office to which there are attached pensionable emoluments at least equivalent to the basic pay received by him as a member of the Defence Force at the date on which his service with that Force is terminated or to the average basic pay received by him during the last six months of his service as a member of the Defence Force, whichever is the greater.

Rights in  
lieu of re-  
absorption

9. A seconded officer who has been transferred to the Defence Force in pursuance of regulation 3 and who has been honourably discharged from the Defence Force and is otherwise qualified to be reabsorbed in the public service may, if no appropriate office is at the time of his discharge available to him, elect either—

- (a) to receive compensation for loss of office calculated at the rate prescribed for public officers; or
- (b) to continue, subject to the approval of the Minister, in the service of the Defence Force until he attains the age at which he would normally be required to retire from the public service.

Repayment  
of benefits

10. Where a seconded officer who has been transferred to the Defence Force in pursuance of regulation 3 has not been reabsorbed in the public service, and the officer has contributed towards the Superannuation Scheme established under the Defence Act and the Widows' and Orphans' Pensions Scheme, any benefits which may become payable

to the personal representatives of such officers shall be paid from both funds, but if the officer has been reabsorbed into the public service, his personal legal representatives shall be entitled to receive the benefits provided for by the Superannuation Schedule established under the Defence Act or those provided by the Widows' and Orphans' Pension Scheme, whichever are the greater; and there shall be refunded with interest to such personal representatives the contributions made by the officer to the Scheme from which the benefits aforesaid were not paid."

Passed in the House of Representatives this 28th day of July, 1967.

G. R. LATOUR  
*Clerk of the House*

Passed in the Senate this 8th day of August, 1967.

J. E. CARTER  
*Clerk of the Senate*