



TRINIDAD AND TOBAGO
Act No. 10 of 1968

[L.S.]

AN ACT to amend the Fire Service Act, 1965.

[Assented to 23rd April, 1968]

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 Fire Service (Amend- ^{Short title}
ment) Act, 1968.

Act No. 31 of
1965 amended

2. The Fire Service Act, 1965, is amended by—

(a) inserting after section 16 thereof the following—

“RETIREMENT, PENSIONS, GRATUITIES

16A. (1) A fire officer in the Second Division shall be required to retire from the Fire Service on his attaining the age of fifty-five years but may, with the approval of the Public Service Commission, be permitted to retire on attaining the age of fifty years.

(2) A fire officer in the First Division shall be required to retire from the Fire Service on attaining the age of sixty years but may, with the approval of the Public Service Commission, be permitted to retire on his attaining the age of fifty-five years; provided that a fire officer in this Division who has had a continuous period of not less than thirty years service, may with the permission of the Governor-General be permitted to retire on attaining the age of fifty years.

16B. The pensions, gratuities and other allowances to be granted in respect of the services of fire officers in the First Schedule shall be determined in accordance with the provisions of the Pensions Ordinance and the Regulations made thereunder.

16C. The pensions, gratuities and other allowances to be granted in respect of the services of fire officers in the Second Division shall be determined in accordance with the provisions set out in the Sixth Schedule.”;

(b) substituting for the Second Schedule thereto the following—

“SECOND SCHEDULE

Officers in the Second Division of the Fire Service

Fire Station Officer

Fire Sub-Station Officer

Fire Sub-Officer

Fireman

Fireman Apprentice”.

(c) inserting after the Fifth Schedule thereto the following—

Second Schedule
replaced

"SIXTH SCHEDULE

*Pensions and Gratuities payable to Fire Officers
in the Second Division*

Definition
of fire
officer for
purpose of
Schedule

1. In this Schedule "fire officer" means a fire officer in the Second Division.

Contribution
to super-
annuation
allowances

2. (1) As a contribution towards the special superannuation allowances to fire officers herein provided, there shall be deducted from the pay of every fire officer a sum at such yearly rate as the Governor-General from time to time directs, not being greater rate than one and a quarter per centum and all sums so deducted shall be paid into the Treasury on or before the eighth day of every month.

(2) In the event of any fire officer leaving the Fire Service without being eligible for a pension or gratuity under the provisions of this Act, whether by reason of dismissal or otherwise, he shall be entitled to the return in full of all deductions made from his pay under subsection (1) but the Governor-General may direct that any amount due to the Crown in respect of any liability or defalcation be deducted from any amount so returnable.

Pension to
fire officer
in case of
disability

3. (1) Subject to subsection (2) a fire officer who is disabled by infirmity of mind or body may be retired, and if such fire officer has completed ten years of satisfactory service, may thereupon be granted a monthly pension not exceeding one-four hundred and eightieth of a month's pay for each completed month service.

(2) A pension shall not be granted under subsection (2) unless it is stated in a certificate of a medical board that the fire officer to whom the certificate refers is incapable from infirmity of mind or body of performing the duties of his office and that such infirmity is likely to be permanent.

If unable
to re-enlist
after ten
years
service

(3) If a fire officer to whom this part applies or who has served in the Fire Service for ten years or more does not at the end of any period of re-enlistment obtain permission under the Regulations to re-enlist as provided he shall be dismissed

or shall have his services dispensed with in accordance with the Regulations, and such fire officer if not otherwise eligible for pension, may be granted a monthly pension not exceeding one-nine hundred and sixtieth of a month's pay for each completed month of service.

On attaining
the age
of fifty

(4) Subject as herein continued, every fire officer not disabled as aforesaid who has attained the age of fifty years, and has served in the Fire Service—

(a) for not less than twenty years; or

(b) for not less than ten years and has retired from the Fire Service with the approval of the Minister of Finance,

may be granted a monthly pension not exceeding one four hundred and eightieth of a month's pay for each completed month of service.

Fire officers
transferred
to other
public
service

(5) Where a period of service as a fire officer is or has been immediately followed by service in a pensionable office in other public service as defined for the purposes of the Pensions Ordinance, such fire officer shall, notwithstanding anything contained in subsection (4), be entitled to a monthly pension under this Act not exceeding one four hundred and eightieth of a month's pay for each completed month of service if he has served in the Fire Service for not less than ten years; and if he ultimately retires from such other public service at an age less than fifty years at which he is permitted by the Law or Regulations of that service to retire with a pension, the pension which may be granted to him under this Act shall be payable from the date of such retirement, notwithstanding that he shall not be fifty years of age.

(6) A fire officer may if he has exercised his option as provided in subsection (7) but not otherwise, be paid, in lieu of any pension for which he is eligible, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

(7) (a) The option referred to in subsection (6) shall be exercisable, and if it has been exercised may be revoked—

- (i) not later than one month after the retirement of the fire officer in case of a pension awarded under subsection (1) or (2), and
- (ii) not later than the day immediately preceding the date of the retirement of the fire officer in the case of a pension awarded under subsection (3) or of his retirement from other public service in the case of a pension awarded under subsection (5);

but the Governor-General may, if it appears to him equitable in all the circumstances so to do, allow any such fire officer to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under this Act.

(b) The date of the exercise of the option by a fire officer shall be deemed to be the date of the receipt of his written notification addressed to the Chief Fire Officer.

(c) Subject to the provisions of paragraph (a), if a fire officer has exercised the option his decision shall be irrevocable so far as concerns any pension to be granted to him under this section.

(d) If a fire officer who has not exercised the option dies after he has finally retired but before a pension has been awarded under this Act, the Governor-General may grant a gratuity and a reduced pension as provided for in paragraph (a) of this subsection as if the fire officer before his death had exercised the option.

(8) Nothing herein contained shall be construed to entitle any fire officer absolutely to any pension, or to prevent his being dismissed without pension, subject to subsections (9) and (10), if any such fire officer to whom a pension has been granted under this Act is sentenced to a term of

imprisonment by any competent court in Trinidad and Tobago or elsewhere for any crime or offence, or quits Trinidad and Tobago after having reason to know that a charge of having committed any indictable or summary offence has been laid against him, and before such charge has been heard and determined, the Governor-General may direct that such pension shall forthwith cease.

(9) A fire officer whose pension has ceased in pursuance of subsection (8) and who at any time receives a pardon in respect of the offence for which he had been convicted, shall be entitled to have such pension restored to him with effect from the date on which such pension was ceased.

(10) The Governor-General may, where a pension ceases for the reasons set out in subsection (8) cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself in such proportions and manner as the Governor-General thinks proper, and such moneys shall be paid or applied accordingly.

Payments
out of
pensions

4. (1) Where an order of maintenance is made against any fire officer to whom a pension has been granted under this Act, the Governor-General may, on its being proved to him that there is no reasonable probability of such order being satisfied, from time to time cause to be deducted from the moneys payable to such person such sum or sums as the Governor-General may deem expedient and may cause the same to be applied to satisfy wholly or in part the said order.

(2) Where any person to whom a pension has been granted hereunder has left Trinidad and Tobago and has deserted and left his wife or child in Trinidad and Tobago, without sufficient means of support is, by reason of such person's absence from Trinidad and Tobago, unable and would but

for such absence be able, to obtain an order of maintenance, may from time to time cause to be deducted from the moneys payable to such person by way of pension such sum or sums as the Governor-General may deem expedient and apply the same for the maintenance and support of such wife or child.

Service for
less than
ten years

5. (1) When a fire officer has been retired in accordance with the provisions of subsection (1) of section 3 and the provisions of subsection (2) of the said section have been satisfied, but such fire officer has not served in the Fire Service for ten years, such fire officer may be granted by way of gratuity a sum not exceeding one-twelfth of a month's pay for each completed month of service.

(2) Any fire officer who has served in the Fire Service for more than five years and less than ten years and who—

(a) does not at the end of any period of enlistment or re-enlistment re-enlist;
or

(b) is dismissed or has his services dispensed with,

may be granted by way of gratuity such sums not exceeding one-twenty-fourth of a month's pay for each completed month of service.

Power of
Governor-
General to
suspend
pension in
case of
subsequent
enlistment

6. If any fire officer to whom a pension has been granted under this Part is subsequently enlisted in the Fire Service, the payment of his pension may, if the Governor-General so directs, be suspended during the period of his subsequent enlistment.

Computation
of pension
where break
in service
occurs

7. (1) The period of service in respect of which pension or gratuity may be granted shall be unbroken but subject to the conditions contained in subsection (2), the period of service prior to a break of service may be counted together with service subsequent to such break in cases where the service was interrupted by reason of ill health or other cause not arising from misconduct or voluntary withdrawal from the Fire Service.

- (2) The conditions referred to in subsection (1)—
- (a) any pension which at the time of the subsequent enlistment is being paid shall cease to be paid; and
 - (b) if the Governor-General so requires any gratuity paid in respect of the earlier period of service, or such part thereof as the Governor-General may determine, shall be refunded.

Permanent
injury

8. (1) Subject to subsection (2), when the Governor-General is satisfied that a fire officer has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or accelerated, such fire officer may be granted in respect of such injury, in addition to any pension or gratuity granted to him an allowance in proportion to his injury of such monthly amount as the Governor-General may direct, not exceeding the following—

When his capacity to contribute to his support is—

- slightly impaired—40/480ths of a month's pay;
- impaired—80/480ths of a month's pay;
- materially impaired—120/480ths of a month's pay;
- totally destroyed—160/480ths of a month's pay.

(2) A fire officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in paragraphs (a) and (c) of subsection (1), and in any such case, if the provisions of paragraph (b) of this section are also satisfied the rates of allowances shall be 60/480ths, 120/480ths and 240/480ths of a month's pay respectively instead of

the rates of allowances hereinbefore in this section prescribed.

(3) (a) The allowance referred to in subsection (1) together with any pension granted hereunder shall not exceed 400/480ths of a month's pay as at the date of injury and for the purposes of this proviso any exercise of the option conferred by subsection (5) of section 3 shall be ignored in calculating any such pension.

(b) The allowance referred to in subsection (1) shall be less than the above-mentioned maximum by such amount as the Governor-General shall think reasonable in the following cases, namely—

- (i) where the injured fire officer has continued to serve for not less than one year after the injury in respect of which he retires;
- (ii) where the injured fire officer is forty-five years or upwards at the date of the injury; or
- (iii) where the injury is not the sole cause of the retirement.

(4) Before granting an allowance under subsection (1), the Governor-General shall be furnished with the report of a medical board (so far as may be possible) on the matters relevant to his decision, and shall be guided by such report.

(5) When the injured fire officer has not qualified for any pension under this Act but is entitled to a gratuity under section 5, he may be granted, in lieu of such gratuity, a further allowance of such monthly sum (not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served) as the Governor-General may direct.

Pensions to dependants of fire officers killed on duty and gratuity to widow, &c., of fire officer who dies in the Service

9. (1) If a fire officer dies as a result of injuries received—

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Fire Service, it shall be lawful for the Governor-General subject to subsection (2), to grant, in addition to the grant if any, made under subsection (3)—

- (i) if the deceased fire officer leaves a widow, a pension to her, while unmarried and of good character, according to such scale as may from time to time be fixed by the Governor-General;
- (ii) if the deceased fire officer leaves a widow to whom a pension is granted under subparagraph (i) and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension payable under the said paragraph;
- (iii) if the deceased fire officer leaves a child or children, but does not leave a widow or no pension is granted to the widow a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one quarter of the pension payable under subparagraph (i);
- (iv) if the deceased fire officer leaves a child or children and a widow to whom a pension is granted under subparagraph (i), and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow until such child attains the age of eighteen years, of an amount not exceeding one quarter of the pension payable under subparagraph (i);
- (v) if the deceased fire officer 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

to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

(2) A pension shall not be payable under subsection (1) at any time in respect of more than six children, and where there are more than six children in respect of whom, but for this subsection, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age.

(3) In the case of a pension granted under paragraph (v) of subsection (1), if the mother is a widow at the time of the grant of such pension and subsequently remarries, such pension shall cease as from the date of the remarriage; and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

(4) A pension granted to a female child under subsection (1) shall cease upon the marriage of such child under the age of eighteen years.

(5) For the purposes of subsection (1), the word "child" shall include—

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependant upon the deceased fire officer for support; and

(c) an adopted child, adopted in the manner recognised by law, before the date of the injury, and wholly or mainly dependant upon the deceased fire officer for support.

(6) A fire officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1).

(7) (a) If a fire officer dies while in the Fire Service, it shall be lawful for the Governor-General to grant to his widow or to his children or to any of his dependants a gratuity of an amount not exceeding one year's salary of such fire officer, or his commuted pension gratuity, if any, whichever is the greater.

(b) Where a fire officer, to whom either an unreduced pension or a gratuity and reduced pension has been granted, dies after retirement from the Fire Service, and the sums paid or payable to him at his death on account of such unreduced pension, or gratuity and reduced pension, as the case may be, are less than the amount of the annual salary enjoyed by him at the date of his retirement, it shall be lawful for the Governor-General to grant to his widow or to his children or to any of his dependants a gratuity equal to the deficiency.

(c) In this subsection—

“commuted pension gratuity” means the gratuity, if any, calculated in the manner prescribed in subsection (5) of section 3, which might have been granted to the fire officer if he had retired immediately before his death in circumstances rendering him eligible to receive a gratuity and reduced pension instead of an unreduced pension;

“dependants” has the meaning as in the Workmen's Compensation Ordinance”.

Ch. 22. No. 14

Commencement

3. This Act shall be deemed to have come into operation on the 27th August, 1966.

Passed in the House of Representatives this 8th day of
March, 1968.

G. R. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 26th day of March, 1968.

J. E. CARTER
Clerk of the Senate