



TRINIDAD AND TOBAGO.

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[L.S.]

I ASSENT,

HUBERT YOUNG,
Governor.

28th December, 1940.

AN ORDINANCE to provide for the computation of
War Service for pension purposes.

[31st December, 1940.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago,
with the advice and consent of the Legislative Council
thereof.

1. This Ordinance may be cited as the Pensions (War Short title and
construction. Service) Ordinance, 1940, and shall be construed as one
with the Pensions Ordinance, 1934, (hereinafter referred No. 16-1934.
to as the Principal Ordinance) and the Pensions No. 21-1938.
(Amendment) Ordinance, 1938.

War Service
to count for
pension
purposes.

2. Where an officer shall have served with His Majesty's Forces in time of war, with the approval of the Governor of the territory in the service of which he was last employed before so serving or of the Secretary of State, the following provisions shall have effect :—

- (1) During the period of such service in His Majesty's Forces including any period after the termination of the war (in this section referred to as "military service"), he shall be deemed, for the purposes of the Principal Ordinance, to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to military service.
- (2) During any period between his leaving the public service for the purpose of serving in His Majesty's Forces and the date of his commencing military service, he shall, for the purposes of the Principal Ordinance, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to military service ; and during any period between the termination of his military service and the date of his re-entering the public service he shall, for the said purposes, be deemed to be on leave as aforesaid from the service, and to have held the substantive office, in which he is re-employed :

Provided that—

- (a) This section shall not apply when either period mentioned in paragraph (2) of this section exceeds three months, or such longer period as the Governor, with the approval of the Secretary of State, may in any special case determine ; or if the officer fails, after serving with His Majesty's Forces, to re-enter the

public service otherwise than in circumstances in which he would be permitted, under the law applicable to the public service in which he is last employed prior to military service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military service ;

- (b) If during any period mentioned in paragraph (1) of this section the officer shall have qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (1) of this section shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary" ;
- (c) If during his military service the officer shall be injured or killed, he shall not, for the purposes of section 18 of the Principal Ordinance, as re-enacted by section 7 of the Pensions (Amendment) Ordinance, 1938, and of regulation 12 of the Pensions Regulations, 1938, be deemed to have been injured or killed in the discharge of his duty ;
- (d) The provisions of this section which require that the officer shall be deemed to have held a specified office and to have been on leave from a specified service shall not apply in respect of any period during which he shall actually have held any other substantive office and have been on leave from any public service ;
- (e) Save where in any particular case the Governor otherwise directs, this section shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.

Saving of
rights under
regulation 8 (3)
of Pensions
Regulations
1938.

3. Nothing in this Ordinance shall affect the application or operation of regulation 8 (3) of the Pensions Regulations, 1938, in respect of service with His Majesty's Forces during the War which began on the 4th August, 1914.

Passed in Council this thirteenth day of December, in the year of Our Lord one thousand nine hundred and forty.

W. J. BOOS,
Clerk of the Council.