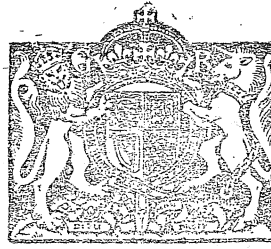


See Royal Gazette 2.3.44
p. 219. for Schedule B
Pensionable Ports.
See Suppl. R. G. for Genl. Notice
No 30 — 7.2.46 adding to list



TRINIDAD AND TOBAGO.

Published as a Supplement to the Royal Gazette,
issued on the 18th day of November, 1943.

No. 33—1943.

Amended by Ord 8/1944
" " " 17/1950
" " " 28/1950

I ASSENT,

[L.S.]

B. E. H. CLIFFORD,
Governor,
17th November, 1943.

AN ORDINANCE to amend the Pensions Ordinance,
Ch. 9. No. 6.

[18th November, 1943.]

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 Short title and
construction.
(Amendment) Ordinance, 1943, and shall be read as one
with the Pensions Ordinance, hereinafter referred to as Ch. 9. No. 6.
the Principal Ordinance.

Section 2 of
the Principal
Ordinance
amended.

2. Section 2 of the Principal Ordinance is hereby amended by the insertion therein of the following new definitions in their appropriate alphabetical position in the section—

*Canec - corporal
(Ord 17/1950)*

“ constable ” means a member of the Police Force below the rank of ~~non-commissioned officer~~ ;

“ Grade I pensionable office ” and “ Grade II pensionable office ” mean offices heretofore respectively declared as such under section 4 of the Principal Ordinance ;

*Ch. 11, No. 1.
definitions added
Ord 17/50*

“ non-commissioned officer ” ~~has the meaning assigned to it in the Police Ordinance ;~~

“ non-pensionable office ” means an office of a civil nature under the Government other than an office—

(a) which is a pensionable office for the purposes of this Ordinance or of any other law ; or

(b) the holder of which is ordinarily required to be a depositor under the Provident Fund Ordinance ;

Ch. 9, No. 9.

“ pensionable office ” means—

(a) in respect of service in the Colony, an office which, by virtue of provision for the time being in force in a notification made by the Governor in Council and published in the *Royal Gazette* is declared to be a pensionable office ; and any such notification may from time to time be amended, added to, or revoked by a notification so made and published ; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office ;

(b) in respect of other public service an office which is for the time being a pensionable office under the law or regulations in force in such service ;
 " teacher " has the meaning assigned to it in the School Teachers' Pensions Ordinance.

3. Sections 4 and 5 of the Principal Ordinance are hereby repealed.

Ch. 14. No. 5.
 Sections 4 and 5 of the Principal Ordinance repealed.

4. Section 9 of the Principal Ordinance is hereby amended by substituting the following for the second proviso to subsection (2) thereof:—

Section 9 of the Principal Ordinance amended.

" Provided further that any break in service which may be disregarded for the purpose of any provisions of this Ordinance or of the regulations thereunder may likewise be disregarded in determining for the purpose of this section whether one period of service immediately follows another period of service."

5. The Principal Ordinance is hereby amended by inserting the following sections therein immediately after section 9 thereof:—

New sections 9A and 9B inserted in Principal Ordinance.

"Pensionable service of officers who have previously served in Police Force or as teachers.

9A. (1) Notwithstanding anything contained in section 9 of this Ordinance, where a period of service as a teacher or as a ~~non-commissioned~~ officer or constable is or has been immediately followed by service in a pensionable office in the Colony, the whole of such period may, with the approval of the Governor in Council, be taken into account as pensionable service.

an Inspector, subordinate police (Ord 17/50)

(2) Any break in service which may be disregarded for the purpose of any provisions of this Ordinance or of the regulations thereunder may likewise be disregarded in determining for the purposes of this section whether one period of service immediately follows another period of service.

(3) In this section the expression " service as a teacher " means all service, including service (if any) under the Government of the Colony otherwise than as a teacher, which by virtue of the School Teachers' Pensions

Ordinance, as from time to time amended, is pensionable service for the purposes of that Ordinance: Provided that of the period of any such service under the Government of the Colony otherwise than as a teacher, being service paid for from public funds not provided for a specific appointment, only one-half shall be counted as pensionable service for the purposes of this Ordinance.

Saving the rights of officers who join the Police Force.

9B. (1) Notwithstanding anything contained in section 11 of this Ordinance, where a period of service of an officer in a pensionable or non-pensionable office in the Colony is immediately followed by service as a ~~non-commissioned~~ officer or constable, the officer may, in the circumstances contemplated by this section (as hereinafter set forth), be granted, in addition to any pension or gratuity to which he may be entitled under the Police Ordinance, ^{1950,} such pension or gratuity as would have been appropriate under this Ordinance and the regulations thereunder if he had retired on reaching the retiring age on the date on which his service prior to becoming a ~~non-commissioned~~ officer or constable terminated: Provided that any break in service which may be disregarded for the purpose of any provisions of this Ordinance or of the regulations thereunder may likewise be disregarded in determining for the purposes of this section whether one period of service immediately follows another period of service.

(2) The circumstances contemplated by this section are that—

(a) the officer has retired from the Police Force as a ~~non-commissioned~~ officer or constable on attaining the age of 50 years; or

(b) a pension under the provisos to subsection (1) of section 46 of the Police Ordinance has been granted to the officer on a certificate of the

* Inspector, subordinate police

~~Ch. 11, No. 1.~~

Commissioner of Police and of a Medical Board that the officer was incapable from infirmity of mind or body contracted while serving with the Police Force of discharging the duties of his office; or

- (c) a gratuity under section 48 of the Police Ordinance has been granted to the officer upon the recommendation of the Commissioner of Police and upon a certificate of a surgeon to the Police Force that the officer was incapable from infirmity of mind or body contracted while serving with the Police Force of discharging the duties of his office."

New paragraphs substituted by Ord 17/50

6. Section 11 of the Principal Ordinance is hereby amended—

Section 11 of the Principal Ordinance amended.

- (a) by deleting in subsection (3) thereof the words and punctuation marks "the Governor in Council, with the approval of the Secretary of State, may" and substituting therefor the words "the Governor in Council may";
- (b) by substituting the following for subsection (6) thereof:—

"(6) Notwithstanding the preceding provisions of this section a gratuity may be granted to a female officer, in accordance with the provisions of this Ordinance, who retires for the reason that she is married or is about to marry, notwithstanding that she is not otherwise eligible under the section for the grant of any pension, gratuity or other allowance".

7. Section 17 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Section 17 of the Principal Ordinance repealed and replaced.

"Gratuity to dependants when officer dies in service of Colony.

17. (1) When an officer holding a pensionable office who is not serving on probation or agreement dies while in the service of the Colony, it shall be lawful for the Governor in Council to grant a gratuity of an amount not

exceeding one year's pensionable emoluments of such officer and such gratuity shall be payable to his legal personal representative.

(2) When an officer holding a non-pensionable office who is not serving on probation or agreement dies while in the service of the Colony and a gratuity would have been payable to him in accordance with any regulations made under this Ordinance if he had been retired as medically unfit on the day on which he died, it shall be lawful for the Governor in Council to grant a gratuity not exceeding the amount of the gratuity which would have been so payable under the regulations or the amount of nine month's pay of such officer, whichever shall be the less, and such gratuity shall be payable to his legal personal representatives. For the purposes of this subsection the pay of the officer shall be ascertained in such manner as the Governor in Council may generally or specially direct.

(3) Notwithstanding the preceding provisions of this section the Governor in Council may, in any case where the amount of the gratuity payable thereunder does not exceed the sum of four hundred and eighty dollars, dispense with the production of probate or letters of administration and cause the gratuity to be paid to the dependant or dependants of the officer and, where there is more than one such dependant, may divide the gratuity among the dependants in such proportion as he may think fit."

Section 18 of
the Principal
Ordinance
repealed and
replaced.

8. Section 18 of the Principal Ordinance is hereby repealed and replaced by the following section:—

"Pensions to
dependants
when an officer
is killed on
duty.

18. (1) Where an officer holding either a pensionable or a non-pensionable office 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 Government of the Colony, it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made to his legal personal representative or to his dependants under section 17 of this Ordinance—

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or seventy-two dollars a year, whichever is the greater ;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph 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 prescribed under the preceding paragraph ;
- (iii) if the deceased officer leaves a child or children, but does not leave a widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed by the preceding paragraph ;
- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, 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 double the amount prescribed in paragraph (ii) of this subsection ;
- (v) if the deceased 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 :

Provided that—

- A. pension shall not be payable under this sub-section at any time in respect of more than six children ;
- B. in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of re-marriage ; and if it appears to the Secretary of State at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State may determine ;
- C. a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(2) In the case of an officer holding a non-pensionable office, the amount of his pensionable emoluments for the purposes of the preceding subsection shall be ascertained in such manner as the Governor in Council may generally or specially direct.

(3) For the purposes of this section 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 dependent upon the deceased officer for support ; and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid.

(4) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein, or of a period of leave therefrom, dies as the result of damage to the vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against such vessel, vehicle or aircraft, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of any war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section.

(4A) New sub-sec. added by Ord 28/50, sec. 4.

(5) This section shall not apply in the case of the death of any officer selected for appointment to the service of the Colony on or after the 1st of December, 1938, if his dependants, as defined in the Ch. 22, No. 12 Workmen's Compensation Ordinance, are entitled to compensation under that Ordinance."

9. Section 25 of the Principal Ordinance is hereby amended by inserting in paragraph (b) of subsection (1) thereof immediately after the words "within one year of such date" the words "or such longer period as the Governor may in any special case allow".

Section 25 of the Principal Ordinance amended.

10. For the purpose of calculating pension privileges, gratuities or other allowances under the Principal Ordinance, as from time to time amended, being pension privileges, gratuities or allowances which fall to be awarded by reason of the officers in question ceasing to be in the public service after the commencement of this Ordinance, any Grade II pensionable offices in which such officers served at any time prior to such commencement shall be deemed to have been Grade I pensionable offices.

Position of officers with previous service in Grade II pensionable offices.

Interpretation
of previous
Pensions
Regulations.

11. The Pensions Regulations published in the *Royal Gazette* of the 26th of October, 1933, shall be deemed always to have had effect as though the following additional regulation had been added thereto:—

“8. (1) For the purposes of this regulation the expression “non-pensionable office” means an office, other than a pensionable office, which would have been a non-pensionable office within the meaning of the Pensions Regulations, 1932, as from time to time amended, if regulations 3 and 7 of these regulations had not been made.

(2) Regulations 21 and 22 of the Pensions Regulations, 1932, shall be deemed always to have had effect as though the expression “non-pensionable office” where used therein had the meaning assigned to it by paragraph (1) of this regulation.”

Amendment
of Pensions
Regulations,
1938.

The Schedule

12. The Pensions Regulations, 1938, (appearing as the Second Schedule to the Principal Ordinance) shall be deemed to have been amended by the regulations contained in the Schedule hereto, and those regulations as so amended and as applied by the proviso to section 13 of this Ordinance shall be deemed to have been duly made and to have been laid before the Legislative Council and to have been published in the *Royal Gazette* in accordance with section 6 of the Principal Ordinance, and shall remain in force until varied or revoked by further regulations under the said section 6 of the Principal Ordinance.

Limitation of
application.

13. This Ordinance shall not have effect in relation to any case in which pension privileges, gratuities or other allowances fall to be awarded or have been awarded thereunder by reason of the officer in question having ceased to be in the public service before the commencement of this Ordinance: Provided that the new subsection (6) of section 11 of the Principal Ordinance, as enacted in section 6 of this Ordinance, and the new regulation 4 of the Pensions Regulations, 1938, as enacted by section 12 of this Ordinance, shall apply in the case of all female officers who hereafter retire, or who have retired since the 1st of June, 1941, from the service of the Government in the circumstances contemplated by those provisions.

please replace
section 2 of
d. 8/1944.

THE SCHEDULE.

1. These regulations may be cited as the Pensions (Amendment) Regulations, 1943, and shall be read and construed as one with the Pensions Regulations, 1938, hereinafter referred to as the Principal Regulations.

2. Regulation 4 of the Principal Regulations is hereby rescinded and the following regulation substituted therefor:—

“Gratuity to female officer retiring on marriage.

4. Where a female officer, having held a pensionable office or offices under the Government for not less than five years and having been confirmed in a pensionable office, retires from the service of the Government 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 this Part of these regulations, she may be granted on production within six months after her retirement, or such longer period as the Governor may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-twelfth of a month's pensionable emoluments for each complete month of pensionable service under the Government of the Colony or one year's pensionable emoluments, whichever shall be the less: Provided that, where a period of service under the Government otherwise than in a pensionable office is taken into account for the purposes of this regulation by virtue of sections 9 or 9A of the Principal Ordinance, the officer shall, during that period be deemed for the purposes of this regulation to be holding a pensionable office and to have been confirmed therein.”

Regulation 4 of the Principal Regulations rescinded and replaced.

3. Paragraph (2) of regulation 8 of the Principal Regulations is hereby rescinded and replaced by the following paragraph:—

“(2) The periods during which an officer has been absent on leave on half pay shall, for the purpose of computing the amount of an officer'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 periods shall be counted for the purpose of determining whether an officer is eligible for pension.”

Regulation 8 of the Principal Regulations amended.

4. Paragraph (4) of regulation 11 of the Principal Regulations is hereby rescinded.

Regulation 11 of the Principal Regulations amended.

5. Regulation 12 of the Principal Regulations is hereby amended—

(a) by deleting in paragraph (1) thereof the words “Where an officer employed in the public service of the Colony, in a pensionable office, or in a non-pensionable office and not being a depositor under the Provident Fund Ordinance” and by substituting therefor the words “Where an officer holding either a pensionable or a non-pensionable office in the Colony”;

Regulation 12 of the Principal Regulations amended.

(b) by inserting immediately after paragraph (i) thereof a new paragraph (1A) as follows:—

(1A) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his services therein or of a period of leave therefrom, is permanently injured as a result of damage to the vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against such vessel, vehicle or aircraft, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of any war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this regulation to have been injured in the circumstances described in paragraph (1) of this regulation”;

(c) by deleting the proviso to paragraph (3) and by substituting a full stop for the colon immediately preceding that proviso;

(d) by substituting the following for paragraph (5) thereof:—

“(5) This regulation shall not apply in the case of any officer selected for appointment to the service of the Colony on or after the 1st of December, 1938, who, in consequence of his injury, is entitled to compensation under the Workmen’s Compensation Ordinance.”

Ch. 22. No. 12.

New regulation 12A inserted in Principal Regulations.

6. The Principal Regulations are hereby further amended by inserting the following new regulation between regulations 12 and 13 thereof:—

“Gratuities in case of certain holders of non-pensionable office.

12A. (1) An officer holding a non-pensionable office may, in the circumstances contemplated by this regulation as hereinafter set forth, be granted, unless the Governor in Council otherwise directs, a compassionate gratuity not exceeding 12 days pay for each year of his service under the Government.

(2) The circumstances contemplated by this regulation are that the service of the officer under the Government is terminated in consequence of the abolition of his office, or because his services through no fault of his own are no longer required, or for the purpose of facilitating improvements in the organisation of the department to which he belongs by which economy can be effected, or on his being found to the satisfaction of the Governor to be medically unfit for further service, or on or after he has attained the retiring age of sixty years, and that in any such case he has been in the service of the Government for not less than seven years.

(3) For the purposes of this regulation—

(a) “pay” includes the value of free quarters and any allowance which the Governor in Council may generally or specially direct to be included;

- (b) regulations 6 and 7 may be disregarded, but directions may be given by the Governor in Council, either generally or in any particular case, for disregarding periods of service prior to breaks of three years or more, or prior to dismissal for misconduct or to voluntary resignation, or periods during which any such person has worked less than a number of days prescribed in the directions, and such directions shall have effect as if they were contained in this regulation ;
- (c) an officer who, having held a non-pensionable office, is serving on probation in a pensionable office, shall be deemed to hold a non-pensionable office and his pay shall be deemed to be the pensionable emoluments of a pensionable office or the pay last received by him in respect of his service in a non-pensionable office, whichever shall be the greater.
- (4) A gratuity under this regulation shall not be granted to an officer unless he is in the service of the Government on the coming into force of this regulation."

Passed in Council this fifth day of November, in the year of Our Lord one thousand nine hundred and forty-three.

W. J. BOOS,
Clerk of the Council.

1943
TRINIDAD AND TOBAGO.
PRINTED AND PUBLISHED BY A. L. RHODES, M.B.E.,
GOVERNMENT PRINTER.

(Price 12c.)