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2nd Session Third Parliament Trinidad and Tobago  
22 Elizabeth II

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TRINIDAD AND TOBAGO  
**Act No. 38 of 1973**

[L.S.]

AN ACT to amend the Police Service Act, 1965, and to make consequential amendments to certain other enactments.

*[Assented to 1st October, 1973]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by Enactment 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 Police Service (Amend- Short title ment) Act, 1973.

Act No. 30  
of 1965  
amended

2. The Police Service Act, 1965, is amended—

(a) by repealing and replacing section 62 as follows:—

“Age of  
retire-  
ment for  
police  
officers

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

(2) A police officer in the First Division shall be required to retire from the Police Service on his attaining the age of sixty years, but may—

(a) at his option retire; or

(b) be retired at the instance of the Police Service Commission,

from the Police Service at any time after he has attained the age of fifty-five years.

(3) Subject to subsection (2), a police officer in the First Division who has attained the age of fifty years may, with the approval of the Police Service Commission, be permitted to retire from the Police Service at anytime after he has attained that age.

(4) This section is without prejudice to any other enactment providing for the retirement of police officers from the Police Service.”;

(b) by repealing section 63 and renumbering sections 64, 65 and 66 as sections 63, 64, and 65 respectively;

(c) by substituting the words “in the First and Second Divisions” for the words “in the Second Division” occurring in section 63 as renumbered;

(d) by amending the Sixth Schedule as follows—

(i) by substituting for the words “in the Second Division” wherever they appear in the Schedule the words “in the First and Second Divisions”;

(ii) by adding immediately after subsection (2) of section 2 the following new subsections—

“Sixth  
Schedule  
amended

(3) In addition to the contribution payable under subsection (1), a police officer shall, if the case so requires, pay arrears of contribution in respect of his full-time service as a police officer or in a pensionable office in the Public Service or in respect of both.

Arrears  
of con-  
tribution  
payable  
and mode  
of  
deduction

(4) The arrears of contribution payable under subsection (3) shall be determined on the basis of the actual pay received by the police officer for each year in respect of which the arrears are payable and the aggregate amount thereof shall—

(a) in the case of a police officer who retires from the Police Service on or after the commencement of the Police Service (Amendment) Act, 1973, be deducted from his pay, as far as practicable, by equal monthly instalments over a period of three years from the commencement of the said Act or such lesser period, where the remainder of the service of the police officer in the Police Service is less than three years, or from his gratuity, by lump sum, where any arrears of contribution are unpaid on

the retirement of such police officer;

- (b) in the case of a police officer referred to in subsection (5), be deducted by lump sum from any arrears of gratuity payable to the police officer.

Sections  
3, 4A to  
4C applic-  
able to  
retired  
Second  
Division  
Officers

(5) The provisions of subsection (3) and subsections (4A) to (4C) shall extend to police officers who entered the Police Service in the Second Division and retired from the Police Service on or after the 1st day of January, 1966, but before the commencement of the Police Service (Amendment) Act, 1973, and shall in their application to such police officers, have effect as if those provisions had come into operation on the 1st day of January, 1966.

Ch. 9. No. 6

Act No. 31  
of 1965

Act No. 32  
of 1965

Ch. 11. No. 3

(6) In subsection (3) "Public Service" has the same meaning as in the Pensions Ordinance and includes service in the Fire Service established under the Fire Service Act, 1965, in the Prison Service established under the Prison Service Act, 1965, and as a full-time member of the Special Police established by the Special Reserve Police Ordinance.";

- (iii) by repealing and replacing section 3(4A) and (4B) as follows:—

"Meaning of  
"full-time"  
service.

(4A) For the purposes of sections 2(3) and 3(4) a period of full-time service in a pensionable office in the Public Service shall be counted as service in the Police Service if it terminates not earlier than the day immediately preceding the

commencement of service in the Police Service.

(4B) In subsection (4A) "full-time service" means service remunerated at a monthly paid rate and includes any period of absence from duty on leave with full pay.";

(iv) by inserting immediately after subsection (4B) the following new subsection—

Pension payable

(4C) The amount of any pension payable to a police officer under this section shall not exceed eighty-five per cent of his final pay for the year in which he retires, except that, in the case of a police officer in the Second Division at the date of the commencement of the Police Service (Amendment) Act, 1973, who retires from the Police Service as a police officer in the Second Division, the percentage of final pay for the year in which he retires shall not exceed ninety-two and one-half per cent."

3. The enactments set out in the first column of the Schedule are amended to the extent specified in the second column thereof respectively. Enactments amended

SCHEDULE

FIRST COLUMN

SECOND COLUMN

*Ordinances*

*Extent of Amendments*

The Pensions Ordinance, Ch. 9. No. 6. Ch. 9. No. 6.

A. In section 2 by substituting for the definitions of "constable" "Inspector" and "subordinate police officers" the following—

Act No. 31 of 1965 " "Fire Officer" has the meaning assigned to that expression by section 2 of the Fire Service Act, 1965;

Act No. 30 of 1965 "Police Officer" has the meaning assigned to that expression by section 2 of the Police Service Act, 1965."

## SCHEDULE—CONTINUED

## FIRST COLUMN

*Ordinances*

## SECOND COLUMN

*Extent of Amendments*

- B. In section 8 by substituting for the words "or as an Inspector, subordinate police officer, constable or as a Fire Officer of the Second Division occurring in subsection (1) thereof, the words "or as a Police Officer or a Fire Officer".
- C. In section 9 by substituting for the words "Inspector, subordinate police officer or constable", wherever they occur in the section the words "Police Officer" or "Fire Officer".

Repeal  
No. 33  
of 1971

4. The Police Service (Amendment) Act, 1971, is repealed.

Passed in the House of Representatives this 10th day of September, 1973.

J. E. CARTER  
*Acting Clerk of the House*

Passed in the Senate this 28th day of August, 1973.

J. E. CARTER  
*Clerk of the Senate*