

First Session Fifth Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 23 of 1996**

[L.S.]

AN ACT to amend the Public Assistance Act, Chap. 32:03

*[Assented to 2nd August, 1996]*

ENACTED by the Parliament of Trinidad and Tobago as <sup>Enactment</sup> follows:—

1. This Act may be cited as the Public Assistance <sup>Short title</sup> (Amendment) Act, 1996.

Interpretation

**2. In this Act—**

Chap. 32:03

“the Act” means “The Public Assistance Act”;

“public assistance” means relief granted to a person in accordance with this Act, and, unless the context otherwise requires, includes disability assistance provided for under this Act;

“disability assistance” means the assistance, payment of which is provided for under section 11A.

Section 4 amended

**3.** Section 4(2) of the Act is amended by deleting the word “the” in the second place that it occurs and substituting the word “a”.

Section 5 amended

**4.** Section 5 of the Act is amended by repealing paragraph (a).

Section 10 amended

**5.** Section 10 of the Act is amended—

(a) by deleting the full stop in paragraph (d);

(b) by inserting after paragraph (d), the following paragraph:

“(e) to process an application within ninety days of the receipt of the application by the Local Board.”

Section 10A inserted

**6.** The Act is amended by inserting after section 10, the following section:

“Refusal of  
and non-  
action on  
applications

**10A.** (1) Where the Local Board refuses an application for public assistance, it shall—

(a) within ninety days of the date of application notify the applicant in writing as to the grounds upon which the application has been refused; and

(b) submit the application for the decision of the Board if the applicant, within sixty days of the date of the refusal, so requests.

(2) An applicant who is aggrieved by the decision of the Board to refuse his application for public assistance shall, within sixty days of the date on which he was notified of the refusal, appeal to the Minister against the decision.

(3) Where an application for public assistance is submitted and at the expiration of ninety days thereafter the Local Board has neither approved nor refused the application, the application is deemed to have been approved.”

7. Section 8 of the Act is amended by deleting the words “and Community Development” in the two places where they occur and substituting in each place, the word “Welfare”. Section 8 amended

8. The Act is amended by inserting after section 11, the following heading and sections: Sections 11A and 11B inserted

#### “DISABILITY ASSISTANCE

11A. (1) Notwithstanding any provision of this Act, a person is entitled to receive disability assistance if—

(a) his total income does not exceed the total income specified in section 3(1) of the Old Age Pensions Act;

(b) he satisfies the conditions specified in section 4(b) of the Old Age Pensions Act;

- (c) he has attained the age of forty years and not yet attained the age of sixty-five years; and
- (d) he is certified by a Government Medical Officer as handicapped with a disability that—
  - (i) is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments;
  - (ii) is permanent or likely to be permanent; and
  - (iii) results in inability to earn a living which in the opinion of the Local Board would be adequate.

(2) Notwithstanding certification pursuant to subsection (1)(d), the Director (Social Welfare) may, if he sees fit, refer the applicant to the Chief Medical Officer for assessment and certification of disability and if such certification is not obtained, the Local Board may refuse the applicant's claim in accordance with this Act.

(3) Disability assistance shall consist of the sum of the monthly rate and any additional sums specified in section 3(1) of the Old Age Pensions Act.

(4) A person who is paid disability assistance shall continue to receive such assistance so long as—

- (a) his total income does not exceed the amount referred to in subsection (1);

- (b) he satisfies the conditions referred to in subsection (1)(b);
- (c) he has not attained the age of sixty-five years.

Application for disability assistance

11B. An application for disability assistance shall be submitted in writing in the form and manner prescribed in Regulations made under this Act, to the Local Board.

Date on which disability grant commences to accrue

11c. Where a disability grant is first allowed under this Act, it shall commence to accrue at the end of the month after the date on which the claim is received by the Local Board or at the end of the month after the date on which the claimant first becomes entitled to the grant, whichever is the later date.”.

9. Section 12 of the Act is amended by deleting Section 12 amended the words “four hundred dollars” and substituting the words “one thousand dollars”.

10. The Act is amended by inserting after Section 15A inserted section 15, the following section:

“Recovery of over-payment

15A. (1) Where a person knowingly causes himself to be paid public assistance to which he is not entitled in accordance with the provisions of this Act, the Director (Social Welfare) or any person appointed by the President for the purpose may, whenever the President so directs, sue and recover from that person or his personal representative after his death, the amount paid to such person.

(2) In any suit under this section, a certificate under the hand of the Comptroller of Accounts showing the amount paid shall be evidence that the amount stated in the certificate was expended as described in the certificate.

(3) The amount adjudged to be repaid by the defendant in any such suit shall rank as prior to all other claims and charges on the defendant, or on the estate of the deceased, as the case may be, accruing subsequent to the payment of the relief.”

Section 16 repealed  
and a section  
substituted

**11.** The Act is amended by repealing section 16 and substituting the following section:

“Regulations 16. The Minister may make Regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make Regulations—

- (a) causing the circumstances of every applicant for or recipient of public assistance to be enquired into;
- (b) prescribing the procedure to be followed on and the forms to be used for applications for public assistance;
- (c) providing for the maintenance of adequate records of applications for public assistance, reports and decisions thereof, and amounts of public assistance paid;

- (d) prescribing the method and places of payment of public assistance granted under this Act;
- (e) providing for the suspension of disability and public assistance grants;
- (f) providing for the payment of grants in the event of mutilation, destruction or loss of the instrument of payment;
- (g) prescribing the procedure for verifying that the recipient of a grant is alive.”.

Passed in the House of Representatives this 12th day of July, 1996.

J. SAMPSON  
*Clerk of the House*

Passed in the Senate this 18th day of July, 1996.

N. COX  
*Clerk of the Senate*

Senate amendments agreed to by the House of Representatives this 19th day of July, 1996.

J. SAMPSON  
*Clerk of the House*