

---

---

Third Session Third Parliament Republic of Trinidad  
and Tobago

---

---



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 5 of 1989

[L.S.]

AN ACT to provide for a reduction in the emoluments of certain officers, employees and workers, to make provision in relation to a Special Tribunal award, and for matters connected therewith.

*[Assented to 17th February, 1989]*

WHEREAS it is provided in subsection (1) of section 13 Preamble of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution, and if any Act does so declare it shall have effect accordingly:

And whereas it is provided in subsection (2) of that section that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House :

And whereas it is also provided in section 54(1) of the Constitution that Parliament may alter any of the provisions of the Constitution :

And whereas it is provided *inter alia* in section 54(2) that in so far as it alters section 4 or 13 a Bill for an Act under section 54 shall not be passed in Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House :

And whereas it is provided *inter alia* in section 54(6) that in section 54(2) references to the alteration of section 4 or 13 include references to the making of different provisions in place thereof or the making of provision for any particular case or class of case inconsistent therewith :

And whereas it is necessary and expedient that this Act shall have effect even though it is inconsistent with sections 4 and 5 and alters sections 4 and 13 of the Constitution :

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows :

Short title and commencement

1. (1) This Act may be cited as the Reduction of Public Sector Emoluments Act, 1989.

(2) This Act shall be deemed to have come into operation on 1st January, 1989.

(3) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Chap. 1:01

Interpretation

2. In this Act—

“emoluments” means salaries and wages including overtime payments and acting allowances and includes any amount to which a person is entitled that is voluntarily foregone;

“Minister” means the Minister to whom the responsibility for finance is assigned;

“publicly funded body” means a body—

(a) the funds of which it is provided by any written law comprise or include such moneys as may be appropriated by Parliament, or

(b) all or any of the expenses of which are charged on, or are met from, the Consolidated Fund,

but does not include a body by reason only that a donation or *ex gratia* payment is made from the Consolidated Fund to that body;

“statutory body” means any commission, board, committee, council or other body (whether incorporated or not) which is established by or under a written law other than the Companies Ordinance and which is a publicly funded body.

Ch. 31 No. 1

3. (1) Notwithstanding anything in any written law, or in any contract, order, award or agreement, but subject to section 4, the rate of emoluments to which a person is entitled by reason of serving in a capacity referred to in the Schedule (in this Act called “the reduced rate”) shall be ten per cent less than the rate of emoluments that was on 31st December, 1988, applicable to such service (in this Act called “the 1988 rate”).

Reduction in emoluments

Schedule

(2) Where the 1988 rate that was applicable to any particular service cannot be ascertained, it shall, for the purposes of subsection (1), be taken to have been such rate as the Minister determines.

(3) Subsection (1) does not apply to the payment after the commencement of this Act of emoluments in respect of any service before that commencement.

4. (1) Section 3 does not apply to the holders of offices referred to in section 136(6) of the Constitution, to the Chairman of the Tax Appeal Board, or to members of the Industrial Court.

Non application of reduction

(2) The Minister may by Order exclude any class of person from the application of section 3.

(3) An Order of the Minister made under subsection (2) is subject to negative resolution of Parliament.

Special Tribunal  
Award

**5. (1)** Payment in accordance with the award of the Special Tribunal dated 26th July, 1988 in matters Nos. 1-5 of 1985 is not required to be made until the provisions of this Act, other than subsection (2) and section 6, cease to have effect under section 7.

(2) For the purposes of giving effect to the award referred to in subsection (1), where a person has been paid emoluments at the reduced rate, in accordance with section 3, the entitlement of the person to emoluments is deemed to have been satisfied to the same extent as if he had been paid emoluments at the 1988 rate.

Pension, etc.  
not to be affected

**6.** Pension or other terminal benefits of a person that are based on emoluments shall be computed on the basis of the emoluments that would have been applicable if this Act had not been enacted.

Duration

**7. (1)** The provisions of this Act, other than section 5(2) and section 6, shall cease to have effect on the prescribed date or on such earlier date as the Minister by Order specifies.

(2) In subsection (1) "the prescribed date" means 31st December, 1989 or such later date, being not later than 31st December, 1990, as is specified for the purposes of this section by a resolution of Parliament passed not later than 31st December, 1989.

## SCHEDULE

(Section 3[1])

1. Ministers of Government and Members of Parliament.
2. Ambassadors, High Commissioners and other principal representatives of Trinidad and Tobago in any other country.
3. Members of the Public Service that is to say:
  - (a) The Civil Service
  - (b) The Teaching Service
  - (c) The Judicial and Legal Service
  - (d) The Police Service
  - (e) The Prison Service
  - (f) The Fire Service
4. All hourly, daily or weekly rated employees of the Government.
5. All contract officers in the service of the Government who are not members of the Public Service.
6. Members of the Trinidad and Tobago Defence Force.
7. Full-time Chairmen and full-time members of statutory bodies.
8. The staff and other employees of statutory bodies.
9. The staff and other employees of municipalities as defined in the Representation of the People Act.
10. The staff and other employees of County Councils.
11. The Chairman, staff and other employees of the Tobago House of Assembly.
12. The staff and other employees of the Port Authority.

Passed in the House of Representatives this 30th day of January, 1989.

J. E. CARTER  
*Clerk of the House*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than two-thirds of all the members of the House, that is to say, by the votes of 25 members of the House.

J. E. CARTER  
*Clerk of the House*

Passed in the Senate this 14th day of February, 1989.

N. COX  
*Acting Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than two-thirds of all the members of the Senate, that is to say, by the votes of 21 Senators.

N. COX  
*Acting Clerk of the Senate*

Senate Amendment was agreed to in the House of Representatives on 17th February, 1989.

J. E. CARTER  
*Clerk of the House*