
1st Session First Legislature Trinidad and Tobago
11 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 13 of 1962

[L.S.]

C.D. 31.8.1962
Sec. 1(2)

AN ACT to provide for the salaries, pensions and other conditions of service of Judges of the Supreme Court of Judicature.

[Assented to 30th August, 1962]

BE IT ENACTED by the Queen's Most Excellent Majesty, ^{Enactment} by 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 :

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Judges' Salaries and Pensions Act, 1962.

(2) This Act shall come into operation on the 31st day of August, 1962.

Application

2. This Act applies to the office of Judge.

Interpretation

3. (1) In this Act—

“the Commission” means the Judicial and Legal Service Commission established by the Constitution;

“the Constitution” means the Constitution annexed to the Trinidad and Tobago (Constitution) Order in Council, 1962;

“Court of Appeal” means the Court of Appeal established by the Constitution;

“High Court” means the High Court established by the Constitution;

“Judge” means a Judge of the High Court or the Court of Appeal and includes the Chief Justice;

“pensionable emoluments” means the salary paid to a Judge in respect of his substantive office;

“pensionable service” means service which is pensionable under the Pensions Ordinance.

Ch. 9. No. 6

(2) Where a Judge has pensionable service his period of service as a Judge is, for the purposes of the Pensions Ordinance, deemed to be other public service within the meaning of that Ordinance.

Ch. 9. No. 6

PART II

SALARIES OF JUDGES OF SUPREME COURT OF JUDICATURE

Salary of Chief Justice and Judges of Court of Appeal and of High Court

4. There shall be paid

(a) to the Chief Justice of Trinidad and Tobago, a salary of fifteen thousand six hundred dollars a year;

(b) to every Judge of the Court of Appeal, a salary of fourteen thousand four hundred dollars a year;

(c) to every Judge of the High Court, a salary of eleven thousand and forty dollars a year.

PART III

PENSIONS

5. (1) There may be granted to a person on his retirement from an office to which this Act applies a pension and gratuity in accordance with this Act. Pensions

(2) No such pension or gratuity shall be granted to such a person unless—

- (a) in the case of a person who on his retirement held the office of Chief Justice, or Judge of the Court of Appeal, he has attained the age of sixty years; or
- (b) in the case of a person who on his retirement, held the office of judge of the High Court, he has attained the age of fifty seven years; or
- (c) he satisfies the Commission that the reason for his retirement is the inability to perform his functions as a Judge and that such inability arose from infirmity of mind or body.

(3) A person who, in accordance with the Constitution is removed from an office to which this Act applies for inability, arising from infirmity of mind or body, to perform the functions of his office is deemed to have retired from that office by reason of such inability.

6. (1) Subject to this section, the pension that may be granted to a person who retires from an office to which this Act applies shall be of an amount not less than one quarter and not more than two-thirds of the annual pensionable emoluments drawn by him at the date of his retirement. Minimum and maximum pensions

(2) Where a Judge has pensionable service the amount of pension granted under this Act shall not, when added to the amount of any pension or pensions drawn by him in respect of that pensionable service, exceed two-thirds of the annual pensionable emoluments drawn by him at the date of his retirement.

(3) For the purposes of this section, where a person receives both a gratuity and a pension in respect of the same period of pensionable service or service as a judge, the amount of such pension is deemed to be four-thirds of its actual amount.

(4) The minimum pension prescribed by subsection (1) shall not be payable to such a person except in the following circumstances:—

- (a) in the case of the Chief Justice or a Judge of the Court of Appeal, he has attained the age of sixty-five years at the date of his retirement; or
- (b) in the case of a Judge of the High Court he has attained the age of sixty years at the date of his retirement; or
- (c) he satisfies the Commission that the reason for his retirement is the inability to perform the functions of his office and that such inability arose from infirmity of mind or body.

Rate of payable pension to Judge who has less than five years previous pensionable service

7. Subject to this Act, a person who retires from an office to which this Act applies and who has less than five years pensionable service may be granted in respect of his service as a Judge a pension at the rate of 1/300th of his pensionable emoluments in respect of each complete month of such service.

Rate of pension payable to a Judge who has five or more years of previous pensionable service

8. Subject to this Act, a person who retires from an office to which this Act applies and who has not less than five years pensionable service may be granted in respect of his service as a Judge a pension at the rate of 1/400th of his pensionable emoluments in respect of each completed month of such service.

Computation of pensions and gratuities

9. (1) For the purposes of computing the amount of pension of a Judge the following periods shall be taken into account—

- (a) any periods during which he has been on duty; and
- (b) any periods during which he has been absent from duty on leave with full pay.

(2) Any periods during which such person has been absent from duty, other than those specified in subsection (1) shall not be taken into account.

Gratuity on death of a Judge

10. (1) Where a Judge dies, there may be granted to his legal personal representative a gratuity of an amount equal to—

- (a) the annual pensionable emoluments drawn by the Judge at the time of his death; or
- (b) the total of the gratuities which would have been payable to that Judge in respect of his

pensionable service, if any, and in respect of his service as a Judge if he had retired at the date of his death for inability to perform the functions of his office arising from infirmity of mind or body,

whichever is the greater.

(2) Where a person dies after retirement from an office to which this Act applies, having been granted a pension, or having become eligible for a pension, and the amount paid or payable to him at the date of his death on account of any pension and any gratuity granted to him in respect of his pensionable service, if any, and in respect of his service as a Judge is less than the annual pensionable emoluments which he last received, there may be granted to his legal personal representative a gratuity equal to the deficiency.

11. (1) A person to whom a pension is granted under this Act, shall, if he has exercised his option as herein provided, but not otherwise, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and a half times the amount of the annual reduction so made in the pension. Gratuity and reduced pension

(2) The option referred to in subsection (1) shall be exercisable, and if it has been exercised may be revoked, not later than the day immediately preceding the date of such person's retirement; but the Commission may, if it appears equitable in all the circumstances so to do, allow him to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under this Act.

(3) Subject to subsection (2), if such person has exercised the option, his decision shall be irrevocable so far as concerns any pension to be granted to him under this Act.

(4) If a person who has not exercised the option dies after he has finally retired but before a pension has been awarded under this Act, there may be granted to his legal personal representative a gratuity and a reduced pension as provided for in subsection (1) as if such person before his death had exercised the option.

(5) The date of the exercise of the option by such person shall be deemed to be the date of the receipt of his written notification addressed to the chairman of the Commission.

Pensions not
assignable or
attachable

12. No pension, gratuity or other allowance granted under this Act shall be assignable or transferable, or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatsoever other than a debt due to the Government.

Pensions and
gratuity to be
granted by the
Commission

13. The power to grant a pension or gratuity under this Act is vested in the Commission.

PART IV

MISCELLANEOUS

Regulations

14. Subject to the Constitution, the Governor-General may make regulations generally for the carrying out of the provisions of this Act, and, without prejudice to the generality of the foregoing may make regulations relating to the conditions of service (including leave) of, and the allowances payable to, a Judge.

Passed in the House of Representatives this twenty-fourth day of August, 1962.

J. P. OTTLEY

Acting Clerk of the House of Representatives

Passed in the Senate this twenty-fifth day of August, 1962.

J. E. CARTER

Acting Clerk of the Senate