

TRINIDAD AND TOBAGO.

Pensions.

No. 30.—1900.

22nd October.

AN ORDINANCE for regulating Pensions, Gratuities, and other Allowances to be granted in respect of offices held in Her Majesty's Civil Service in the Colony.

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

20th November, 1900.

WHEREAS it is expedient to make provision by law Preamble.
in the granting of pensions and gratuities to officers
in the service of the colony: Be it therefore enacted by
the Governor of Trinidad and Tobago, with the advice and
consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as "The Pensions Short title.
Ordinance, 1900."

There shall be charged on and paid out of the general Pensions
to be
charged on
general
revenue.
revenue of the colony all such sums of money as may
from time to time be granted by way of pension, gratuity,
or other allowance in accordance with this Ordinance and
with any regulations made thereunder, to persons who
have been in the Public service of the colony.

Governor
may make
regulations.

3. It shall be lawful for the Governor in Council, with the sanction of the Secretary of State for the Colonies, from time to time to make, and when made to vary and revoke, regulations for the granting of pensions, gratuities, and other allowances to persons who have been in the public service of the colony. Every such regulation shall be laid before the Legislative Council, and shall be published in the *Royal Gazette*. Provided that until any such regulations shall be made the regulations appended in the Schedule hereto shall be in force.

Pension
subject to
approval of
Secretary
of State.

4. No pension, gratuity, or other allowance shall be granted without the previous consent of the Secretary of State for the Colonies.

Age from
which
pension
may be
earned.

5. No public officer shall be entitled to a retiring allowance in respect of any service performed while under the age of 20 years.

Certificates
required
as to
conduct,
&c.

6. Except in cases of abolition or re-organization of office, no pension, gratuity, or other allowance shall be granted to any public officer who has not attained the age of fifty-five years, unless on medical evidence to the satisfaction of the Governor in Council that he is incapacitated by reason of some infirmity of mind or body, of performing the duties of his office, and that such infirmity is likely to be permanent; nor in any case without a certificate from the head of his department that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of a pension; provided that if a public officer, though not suffering from any particular illness or infirmity of mind or body likely to be permanent, becomes unfit, in the opinion of the Governor in Council, for the discharge of the duties of the office to which he has been appointed, and such unfitness is not attributable to misconduct or gross negligence, and when the Governor in Council considers that the special circumstances of the case justify the grant to him of a pension, he may be pensioned at the rate not exceeding that for which he would be qualified if he were suffering from an illness of

infirmity likely to be permanent. When the officer applying for a pension is himself the head of a department, the certificate required by this section from the head of a department must be given by the Governor.

7. It shall be lawful for the Governor in Council, in cases where service of peculiar and extraordinary merit has been rendered by a public servant distinctly outside the duties in respect of which his salary is paid, to sanction the grant of a pension at a higher rate than that which may for the time being be authorised by any regulation made under this Ordinance.

Provided that no increased pension shall be granted under this Section without the approval of the Legislative Council.

8. No pension granted to an officer under this Ordinance, except as provided by the foregoing section, shall exceed two-thirds of the highest salary drawn by the officer at any time in the course of his service.

9. Where an officer eligible for a pension under this Ordinance is also eligible for a pension from Imperial funds, or from the funds of some other Colonial Government, the maximum pension which may be granted under this Ordinance shall in ordinary cases be such as, when added to such other pension, does not exceed two-thirds of the highest salary drawn by such officer at any time in the course of his service.

10. It shall be lawful for the Governor in Council, subject to the approval of the Secretary of State, to require any public officer to retire from the public service of the colony at any time after he attains the age of sixty years.

11. No officer shall have an absolute right to compensation for past services, or to any pension, gratuity, or other allowance under this Ordinance, or under any regulations made thereunder; nor shall anything herein or in such regulations contained, limit the right of the Crown to dismiss any officer without compensation.

Pensions
not to be
assignable.

12. No pension granted under this Ordinance, or under any regulations made thereunder, shall be assignable or transferable, or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatsoever.

Pensions
to cease on
conviction.

13. If any person to whom a pension has been granted under this Ordinance, or under any regulations made thereunder, is convicted before any court in Her Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude or transportation, or any term of imprisonment with hard labour exceeding 12 months, and does not within two months after such conviction receive Her Majesty's free pardon, then in every such case such pension shall forthwith cease; provided always that the Governor in Council, with the consent of the Secretary of State, may if he thinks fit restore the pension in the case of a person who, after conviction as above described, receives Her Majesty's free pardon at any time.

Pensions
to cease on
bankruptcy.

14. If any person to whom a pension has been granted under this Ordinance becomes a bankrupt, then such pension shall forthwith cease; provided always that in any case where a pension ceases by reason of the bankruptcy of the pensioner it shall be lawful for the Secretary of State for the Colonies, or, if such pensioner is resident in the colony, then for the Governor in Council, from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or Governor in Council shall think fit, to pay all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become a bankrupt to, or apply the same for the maintenance and personal support or benefit of all or any, exclusive of the other or others, of the following persons, namely, such pensioner and any wife, child, or children of his, in such proportions and manner as the Secretary of State or Governor in Council thinks proper.

15. The provisions of this Ordinance respecting pensions shall apply to all public officers who shall be appointed to pensionable offices after the commencement hereof, or who may, having been appointed prior thereto, be promoted after such commencement, or who shall elect to come under the provisions hereof as in the next Section mentioned.

Application of Ordinance.

16. A public officer appointed before the commencement of this Ordinance may, at any time within twelve months of such commencement, provided he continues to hold the same office as he held at the date of such commencement or has been in the mean time transferred to an office of no greater emolument, give notice under his hand to the Colonial Secretary of his wish to come within the provisions hereof. And in the case of any public officer in the service at such commencement who shall so come under this Ordinance the amount of his pension on retirement shall be computed as if this Ordinance had applied to him throughout his service. But in default of such notice this Ordinance and the regulations to be made thereunder shall not apply to the case of a public officer in the service at such commencement who holds at his retirement the same office which he held at such commencement or any office of no greater emolument to which he may have been transferred.

Officers already in the service to have option of coming under the Ordinance.

Passed in Council this Twenty-second day of October, in the year of Our Lord one thousand nine hundred.

ALFRED TAITT,
Acting Clerk of the Council.

SCHEDULE.

Regulations for the granting of Pensions, Gratuities, and other Allowances to Persons who have been in the Public Service of the Colony.

PART I.

Definitions.

1. In these Regulations the term "pensionable office" means an office for which separate provision is made in the Annual Estimates, and which has been declared by the Governor in Council, with the sanction of the Secretary of State, by a notification published in the *Royal Gazette*, to be pensionable; provided that any office declared to be pensionable under this section may be declared at any time by the Governor in Council, with the sanction of the Secretary of State, by a notification published in the *Royal Gazette*, to be no longer pensionable, due regard being had to existing rights.

The word "salary" includes personal allowance, house allowance or the estimated value of free quarters, and any fees paid out of the Treasury by way of salary; provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth, nor the amount to be allowed for fees one-fourth, of the actual salary of the office.

Pensions to whom and at what rates to be granted.

2. Subject to the provisions of the Pensions Ordinance, 1900, and of these Regulations, every public officer holding a pensionable office in the Colony who has served ten years or upwards in the Colony may be granted on his retirement a pension at the rate of fifteen-sixtieths of his salary, with an addition of one-sixtieth in respect of each complete year of such service in excess of ten, until the maximum of forty-sixtieths is reached.

Gratuities.

3. Every officer, otherwise qualified for a pension, who has not completed ten years' service may be granted a gratuity at the rate of half a month's salary for each complete six months of service.

Abolition of Office.

4. If any person holding a pensionable office retire or be removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater efficiency and economy can be effected, he may be granted a temporary pension, subject to the condition that he shall hold himself ready to be recalled to service; provided that if such person is not qualified for other employment or if there is no reason, in the opinion of the Governor, to expect that he can be shortly re-employed, a pension may be granted to him free from the above-mentioned condition.

5. In the case of an officer whose office is abolished, his pension may be at the rate of the number of sixtieths of his salary exceeding the number of the completed years of his service by the numbers following (that is to say) :—

- | | | |
|-------------------------------------------------------------------------------------------------------|--------|----|
| (a.) In the case of an officer who has served twenty years | | 10 |
| (b.) In the case of an officer who has served less than twenty years, but not less than fifteen years | | 7 |
| (c.) In the case of an officer who has served less than fifteen years, but not less than ten years | | 5 |

Rates of pension when offices are abolished.

No addition shall be made under this section so as to entitle an officer to a higher pension than the maximum of forty-sixtieths.

6. In the case of an officer whose office is abolished and whose length of service is not such as to entitle him to a pension, a special gratuity not exceeding one and a half months' salary for every year of service may be granted.

Rate of gratuity on abolition when service less than ten years.

7. Where a public officer has been permanently injured :—

- (a) In the actual discharge of his duty, and
- (b) Without his own default, and
- (c) By some injury specifically attributable to the nature of his duty,

Officers retiring on account of injuries.

and his retirement is thereby necessitated or materially accelerated, any pension granted to him under these Regulations may be increased in proportion to the extent of his injury, as follows :—

When his capacity to contribute to his support is—

Slightly impaired	...	Five-sixtieths.
Impaired	...	Ten-sixtieths.
Materially impaired	...	Fifteen-sixtieths.
Totally destroyed	...	Twenty-sixtieths.

Provided that no such allowance shall, together with the pension, exceed fifty-sixtieths of his salary and emoluments at the date of the injury.

The allowance shall be less than the above-mentioned maximum by such amount as the Governor in Council, subject to the approval of the Secretary of State, shall think reasonable in the following cases :—

- (a) Where the injured man has continued to serve for not less than one year after the injury in respect of which he retires ;
- (b) Where the injured man is fifty years of age or upwards at the date of the injury ; or,
- (c) Where the injury is not the sole cause of retirement, *i.e.*, the retirement is caused partly by age or infirmity.

8. When the public officer so injured has less than ten years' service, and he is not entitled to an ordinary pension, he may receive in lieu of a gratuity an annual allowance of so many sixtieths as the years he has actually served, in addition to the number of sixtieths that may be awarded to him under section 7.

How salary
to be computed
for pension
purposes.

9. For the purpose of computing pensions and gratuities, the salary of the permanent appointment held by the officer at the date of retirement will be taken if he has held such office, or an office with the same salary, for a period of three years immediately preceding such date; otherwise the average amount of the salary of the permanent appointments held by the officer during the three years immediately preceding his retirement will be taken.

Service to be
unbroken.

10. The service in respect of which pensions or gratuities will be granted must be unbroken, except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation, provided that service prior to a break of service may be allowed to count for pension together with service subsequent to such break if the whole intervening period has been spent in some other employment under the Crown.

Non-pension-
able service
followed by
pensionable
service.

11. No service other than service in a pensionable office, on full or half pay, will be taken into account in computing pensions or gratuities, except that where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office, or of service paid for out of an open vote, or of both such services, such period, or any part of such period may be taken into account. Provided always that of the period of service paid for out of an open vote, only two-thirds shall be counted for the purposes of these Regulations.

Absence on
half-pay
leave.

12. The periods during which an officer, after the commencement of the Pensions Ordinance, 1900, has been absent on leave on half-pay (other than vacation leave) shall, for the purposes of these Regulations, be counted at the rate of one month for every two months of such period, and the period during which an officer has been absent on vacation leave shall, under all circumstances, be counted as service on full pay.

Leave of
absence
without pay.

13. Notwithstanding anything hereinbefore contained, a period not exceeding one year during which an officer is absent on leave, without salary, such leave being granted on grounds of public policy, may be counted, for the purpose of these Regulations, as service on full pay.

Commence-
ment of
pensionable
service.

14. Subject to the provisions of Section 5 of the Ordinance, service will be deemed to commence, for pension purposes, at the date on which officers commence to draw salary or half salary.

Acting
service.

15. Acting service in a pensionable office will, when continuous with permanent employment, be allowed to reckon as service for pension, provided the period of such acting service has not been taken

into account as part of the service of the previous holder of the office, or as part of the officer's service in another Colony.

16. If a pension is granted to any officer who, during any portion of the ten years preceding his retirement, has been allowed the private practice of his profession, the full addition for professional or peculiar qualifications referred to in the next following section shall not be made, nor shall any fees paid out of the Treasury be included in his salary in computing his pension. Officers enjoying private practice.

17. In computing the pension of an officer who, on retirement from the service, holds one of the offices mentioned in the second part of these Regulations, the additions therein mentioned may be made to his period of service: provided that no addition shall be made which, together with the number of years of actual service, shall amount to more than thirty-five years, and provided that the full addition shall not be made unless he has served ten years in the office from which he retires, or in an office of the same or a higher class, but if he has served less than ten years in such an office, an addition may be made which shall have the like proportion to the full addition which the number of years he has served in such capacity bears to ten years. Provided also that no addition of years shall be made under this section in excess of the number of years by which the officer's age at the date of his entering the pensionable service of the Crown exceeded twenty years. Professional qualification.

18. If any pensioner under these Regulations is appointed to another office in the Public Service of the Colony, or in any other Colony, then during his tenure of such office so much only of his pension shall be paid to him as, together with any pension received by him from any other Government, and with the emoluments of such office makes up an amount equal to the emoluments of the office, which he held at the date of the grant of his pension. Pensions to abate on pensioner obtaining other public employment.

19. Every officer who is transferred to or from the service of the Colony from or to the service of any Colony that may from time to time be scheduled hereto in that behalf, and whose aggregate service would have entitled him, had it been wholly in the Colony, to a pension under these Regulations, shall, on his ultimate retirement from service, if he has served for a period of at least twelve months in the Colony, be entitled to a pension which shall bear the same proportion to that to which he would have been entitled had the whole of his service been in the Colony, as the aggregate amount of the salary which he has drawn from the Colony bears to the total sum made up of such aggregate amount, and the aggregate amounts received from the colonies mentioned in the third part of these regulations. Rights of officers transferred to or from the Colony, from or to any colony to be scheduled.

20. Every public officer who, having held a pensionable office in the Colony for a period of at least twelve calendar months, leaves the service of the Colony for the service of any colony other than in the last clause mentioned, or for service under the Imperial Government Rights of officers transferred from the Colony to any

colony not scheduled or to the service of the Imperial Government.

and whose aggregate service would have entitled him, had it been wholly in the colony, to a pension under these Regulations, shall on his ultimate retirement from service, be entitled to a pension at the rate of one seven-hundred-and-twentieth ($\frac{1}{720}$) of the amount of his annual salary at the date of his so leaving the service of the Colony as aforesaid, for each calendar month of his service in the colony; and in calculating such service in the colony, an addition may be made thereto which shall bear the same proportion to five years as his service in the colony bears to the whole period of his employment in tropical climates: provided that no such addition shall be made unless such officer has been employed for ten years in all in tropical climates; and a further addition proportionate to his total public service may be made in respect of the grant, if any, allowable under Regulation 17 hereof; provided also that such additions shall in no case be greater than would make his total service forty years.

Rights of officers transferred to the Colony from any other colony not among those to be scheduled or from the service of the Imperial Government.

21. Every public officer who, having been in the service of any other Colony not among those to be scheduled, or in the service of the Imperial Government, is transferred from such service to a pensionable office in the colony, and whose aggregate service would have entitled him, had it been wholly in the colony, to pension under these Regulations, shall, on his retirement from service, and if he has served for a period of at least twelve months in the colony, be entitled to a pension at the rate of one seven-hundred-and-twentieth of the amount of his annual salary at the date of such retirement for each calendar month of his service in the colony, and in every such case there may be added, at the discretion of the Governor in Council, in computing the period of the retiring officer's service in the colony, a number of months not exceeding:--

- (a.) One-third of the aggregate of his service elsewhere than in the colony; or
- (b.) Two-thirds of his service in the colony; or
- (c.) In any case eighty-four months.

Provided that if such officer has served in the Colony for a period of ten years and upwards immediately prior to his ultimate retirement, he shall have the option of being dealt with under Clause 2 instead of under this Clause.

Allowance to officers who have served 15 years in non-pensionable office.

22. In the case of an officer who is not qualified for a pension or gratuity under these Regulations, but has continuously served the Colony for fifteen years or upwards, a monthly allowance may be granted to such officer not exceeding three-fourths of the pension to which he would have been entitled had he been employed in a pensionable office, or in lieu of such allowance there may be paid to him a capital sum equal to the amount of sixty of such monthly payments, but no such capital sum shall be paid in any case of retirement on the ground of ill health; Provided that where an officer has been transferred from a pensionable to a non-pensionable office, he shall be entitled either (1) to count his service in the non-

pensionable office as though it were service in a pensionable office at the salary which he received immediately prior to such transfer, or (2) to count his service in the pensionable office as though it were service in the non-pensionable office, and to take the benefit of this section accordingly.

23. (i.) Pensions, gratuities, and allowances, computed at the Good conduct rates before mentioned, shall only be granted in cases of decidedly required. faithful and meritorious service.

(ii.) Where the fidelity and diligence of the officer fall short of the first degree of merit, the computation may be made at lower rates.

(iii.) Where the officer has been guilty of gross negligence, irregularity, or misconduct, the grant of pension, gratuity, or other allowance may be altogether withheld.

PART II.

(See Clause 17.)

The number of years to be added to the period of service, under clause 17, for the purpose of computing pensions is as follows :—

For the First Class Ten years.
For the Second Class Five years.
For the Third Class Three years.

The First Class comprises—

Judges of the Supreme Court.

Second Class—

Attorney-General.

The Surgeon-General.

Director of Public Works, when a member of the Institute of Civil Engineers.

Third Class—

Solicitor-General.

Medical Officers.

Stipendiary Justices, when Barristers-at-Law or Advocates of the Scotch Bar.

Director of Public Works, not a member of the Institute of Civil Engineers.