

TRINIDAD AND TOBAGO.

*Public Officers' Guarantee Fund.*

No. 9.—1906.

*30th April.*

AN ORDINANCE to establish a Public Officers' Guarantee Fund.

[L.S.]

HUGH CLIFFORD,

ACTING GOVERNOR.

*9th May, 1906.*

**W**HEREAS it is expedient to enable Public Officers in the service of the Colony who are required to give security for the faithful performance of their duties to furnish such security without inconvenience: And whereas it is expedient for this purpose that a guarantee fund should be formed: Be it 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 Public Officers' Short title. Guarantee Fund Ordinance 1906.

2. In this Ordinance where not inconsistent with the Interpretation. context ;

The term "Fund" means the fund established by this Ordinance ;

The term "Directors" means the Directors appointed under this Ordinance;

The term "Officer" means any person holding an office by whatever tenure in the Public Service of the Colony who is required to give security for the faithful performance of his duties.

Fund established.

3. A Fund is hereby established which shall consist of the contributions herein directed to be made and the interest accruing thereon, and shall be called the Public Officers' Guarantee Fund.

*Administration of Fund.*

Management of Fund.

4. The Fund shall be under the management of three persons holding office in the Public Service of the Colony two of whom shall be contributors to the Fund, to be from time to time appointed during pleasure by the Governor, and such persons shall be styled Directors of the Fund.

Clerical assistance.

5. The Directors may employ such clerical assistance as may be necessary and the expense thereby incurred shall be a first charge on the Fund.

"Year."

6. The year for the purposes of the Fund shall be from the First day of April in one year to the Thirty-first day of March in the next year, both inclusive.

Receiver-General to collect contributions.

7. The Receiver-General shall collect and place to the credit of the Fund all sums due to the Fund and shall deduct from the salary of each Officer contributing to the Fund the amount due to the Fund by such Officer.

Appropriation and payment of moneys of Fund.

8. All moneys received on account of the Fund shall be paid into the Fund and no moneys of the Fund shall be appropriated or drawn out except on a voucher signed by two Directors.

Investment of moneys.

9. The Directors shall from time to time invest the moneys of the Fund in such securities as may be approved by the Governor.

Annual statement.

10. The Directors shall cause to be prepared and laid before the Legislative Council, as soon after the thirty-first day of March in each year as may be practicable, a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the said Fund.

11.—(1.) The Directors may make and when made alter Regulations. and revoke regulations for the proper working of the Fund.

(2.) Such regulations shall be subject to the approval of the Governor in Executive Council.

*Giving of Security.*

12.—(1.) It shall be lawful for the Governor to require any person holding an office in the Public Service of the Colony to give security for the faithful performance of his duties and from time to time to determine the amount of such security. Officer may be required to give security.

(2.) The amount so determined in the case of any Officer shall be deemed to be sufficient security for such Officer in any appointment in the Public Service of the Colony for which a like amount of security is or may be required.

13. An Officer who is responsible at one and the same time in respect of the duties of more than one office shall be required to give security in respect of each office. Officer holding more than one office.

*Contributions to the Fund.*

14. Every Officer appointed after the commencement of this Ordinance shall pay into the Fund in the manner provided and subject to the terms and conditions contained in this Ordinance or any regulations framed hereunder, one per centum per annum of the amount for which security is required to be given by such Officer. Amount of contribution.

15. Every Officer appointed before the commencement of this Ordinance shall within one year from the date of such commencement, on being so required by the Governor, give the security required of him by contributing to the Fund in the manner provided and subject to the terms and conditions contained in this Ordinance, or any Regulations framed hereunder, one per centum per annum of the amount of such security. Officer, if required, to give security by contributing to Fund.

Provided always that the Fund shall be in no way liable to make good any amount payable in respect of any act or default of such Officer done or made before the day on which such Officer actually makes his first payment to the Fund. Fund liable only as from first payment.

Contributors  
to Fund  
relieved from  
further  
liability to  
give security.

**16.** Every Officer contributing to the Fund shall subject to the provisions of Section 17 hereof, be released from all further liability to give security for the faithful performance of his duties unless the Governor otherwise directs or unless the amount for which security is required exceeds the sum of Two Thousand Pounds, and in any case where an Officer is required to give security or to give security for any amount in excess of Two Thousand Pounds he shall be bound to give such security to the satisfaction of the Governor.

In certain  
cases bond in  
addition to  
contribution.

**17.—(1.)** Notwithstanding anything herein contained, each Officer shall, besides contributing to the Fund, furnish his personal bond in the amount for which security is to be given by such Officer.

(2.) Every such personal bond shall be in such form as the Governor may direct.

(3.) Nothing herein contained shall affect any liability of any Officer to furnish further security under Section 16 hereof.

Entrance fee  
of £ 1.

**18.** Each Officer on first contributing to the Fund in respect of a permanent appointment shall pay into the Fund a fee of Twenty Shillings.

Provided that where the salary attached to such appointment does not exceed Fifty Pounds per annum such fee shall be five shillings in lieu of twenty shillings, and where such salary exceeds Fifty Pounds, but does not exceed One Hundred Pounds per annum, such fee shall be ten shillings in lieu of twenty shillings.

Contributions  
payable in  
advance.

**19.** All contributions to the Fund shall be deemed due and payable in advance.

Appointments  
to be deemed  
to be in first  
day of month.

**20.** Where an Officer is permanently appointed to any office on any day of a month other than the first, he shall forthwith pay the same contribution to the Fund as if he had been appointed on the first day of that month.

Mode of  
paying  
contributions.

**21.** Every officer holding a permanent appointment shall on first contributing to the Fund pay in advance the whole of the first year's contribution payable in respect of the office held by him, and after the expiration of the first year shall pay the yearly contributions due by him by equal

monthly instalments: Provided that the reduced contributions mentioned in Section 22 hereof shall be payable yearly in advance.

22. After an Officer holding a permanent appointment has contributed to the Fund an amount equal to five years' contribution on the highest amount of security required of him he shall not be called on to contribute more than one-tenth of one per centum per annum of such highest contribution unless the Directors consider the charges against the Fund require him to contribute the full amount, and with the approval of the Governor, require the full contributions to be resumed. Reduced contributions after 5 years.

23. Any Officer who has ceased to contribute the full amount under the last preceding section shall, immediately on being required by the Directors to do so, re-commence to pay the full amount of his contributions on the security required of him from the time of such requisition. Resumption of full payments.

24. If any Officer who has contributed to the Fund in respect of a permanent Office is at any time permanently appointed to another office in respect of which a higher amount of security is required, he shall only be called upon to contribute in respect of such other office, such aggregate sum as will, with his previous contributions in respect of his permanent office not exceed the amount equivalent to his full contributions for five years computed on the highest amount of security required of him: Adjustment of Contribution in promotion.

Provided that such previous contributions shall only be deducted from the last payment or payments to be made.

25. Where an Officer who is required to contribute to the Fund is absent on leave his contribution to the Fund shall continue to be paid by such Officer. Absence on leave.

26.—(1.) Where any person is appointed to act as an Officer the person so acting as an Officer shall pay a monthly contribution to the Fund of one-twelfth part of one per centum of the amount for which security is required from the holder of such office. Acting officers.

(2.) An Officer holding a permanent appointment who is temporarily appointed to perform the duties of another

Office shall be deemed an acting Officer in respect of such other office.

(3.) An Officer who is provisionally appointed shall unless and until his appointment is confirmed be deemed for the purposes of this Ordinance to be an acting Officer.

(4.) An acting Officer who receives the substantive appointment in which he has acted shall for the purpose of this Ordinance be deemed to have been from the first a permanent Officer.

(5.) An acting Officer's monthly contribution shall be computed from the date of his acting appointment.

*Case of Defaulting Officer.*

When officer  
in default,  
amount due to  
be certified by  
Auditor-  
General.

**27.**—(1.) Where any Officer is in default of duly accounting, or of duly delivering to the Public Officer or other person authorized to receive the same, all property which ought to be so delivered, or is otherwise in default, the amount due by the Officer in default shall be certified by the Auditor-General, and the amount so certified shall be deemed to be due by such Officer.

(2.) A certificate signed by the Auditor-General stating that the amount specified in the certificate is due to the Colony by an Officer shall, without proof of the signature and of any other matter or thing therein contained, be deemed *prima facie* evidence, in all Courts of Justice and for all other purposes, that the sum so specified is due to the Colony by such Officer.

Directors to  
pay Receiver-  
General  
amount  
certified to be  
due.

**28.** On the application of the Receiver-General, the Directors, if there are sufficient moneys at the credit of the Fund to enable them so to do, shall pay to the Receiver-General from the Fund the amount certified to be due from an Officer in default, unless the amount so certified exceeds the amount for which the Officer was required to give security, in which case the Directors shall pay an amount equal to the amount for which security was required from the Officer.

General  
liability of  
officer in  
default.

**29.**—(1.) The liability of an Officer in default for the amount certified to be due shall continue and may be enforced against all or any part of his property in the same

manner as if he had not contributed to the Fund, and notwithstanding any payment made by the Directors from the Fund in respect of the amount due by such Officer.

(2.) No person, other than the Governor or the Receiver-General, shall be entitled to claim that the amount due by any Officer in default shall be paid by the Directors from the Fund, and no person, other than the Governor, the Receiver-General, or the Directors, shall be entitled to claim that process shall be issued against any Officer in default or his property for the recovery of the amount due by him.

30.—(1.) Where it is deemed expedient to proceed against any Officer in default, and the whole or any part of the amount due by such Officer is recovered, the Receiver-General, if he has received from the Fund the whole amount due by such Officer, shall return to the Fund an amount equal to the amount recovered from such Officer.

Amount recovered from officer to be repaid to Fund.

(2.) When the Receiver-General has not received from the Fund the whole amount, but a part only, he shall repay to the Fund any amount he may have in hand after deducting from the amounts received from both sources the amount due by the Officer in default.

31. If the moneys at the credit of the Fund are not sufficient to pay all amounts certified to be due by Officers in default, the Directors shall pay the claims so far as they are able so to do, and for this purpose shall realize all the securities held by them on account of the Fund; and the Receiver-General shall thereafter retain all contributions paid to the Fund, and appropriate the same in liquidation of such claims until they are fully paid.

Where funds insufficient to satisfy claims.

#### *Keeping of Accounts.*

32. There shall be three separate accounts kept of the contributions to the Fund to be called:

Accounts to be kept.

- (1.) The Income Account
- (2.) The Officers Personal Account
- (3.) The Reserve Fund Account

Income  
account.

**33.** The amounts received in each year for

- (1.) Entrance fees
- (2.) Interest on investments
- (3.) Contributions from acting Officers

shall be placed to the credit of the Income Account.

Officers  
personal  
account.

**34.** Contributions from Officers in respect of permanent appointments shall be placed to the credit of the Officers Personal Account, each of such Officers being credited in such account with the amount of his contributions.

Reserve Fund  
account.

**35.** An amount equal to one-tenth part of the contributions of all Officers, other than the contributions under Section 22 hereof, and also the whole of the contributions of one-tenth of one per cent. per annum under the said Section (22) shall at the close of each year be transferred to the credit of the Reserve Fund Account from the accounts credited with such contributions respectively.

Transfer from  
Income to  
Reserve  
account.

**36.** Whenever the amount at the credit of the Income Account is, in the opinion of the Governor reasonably sufficient to meet any claims upon it, he may direct that all further receipts under Section 33 hereof shall be transferred to the credit of the Reserve Fund Account.

*Payment of Claims on Fund.*

Claims to be  
charged on  
Income  
account.

**37.** All claims against the Fund shall be charged in the first instance against the Income Account.

When funds  
insufficient to  
meet claims.

**38.** If the moneys at the credit of the Income Account are not sufficient to pay the claims at any time made on the Fund, the Directors shall appropriate the amounts then standing at the credit of the Officers holding permanent appointments to the payment of such claims, taking and writing off an equal percentage from each. If the whole of such amounts are not sufficient, then the Directors shall appropriate the amount at the credit of the Reserve Fund Account, so far as may be necessary, to the payment of such claims.

Personal  
account of  
defaulting  
officer.

**39.** Where an Officer is in default the amount from time to time at the credit of his personal account shall, to

the extent of such default, be transferred to the Account out of which the amount of such default has been paid.

*Disposal of certain Contributions.*

40. Where an Officer holding a permanent appointment is appointed to an office without the Colony, or leaves the public service of the Colony, or ceases to hold an appointment in the Public Service of the Colony in respect of which security is required to be given by him, or dies, the amount appearing at his credit when the accounts are adjusted as on the Thirty-first day of March next after such appointment leaving, cesser, or death, shall be returned by the Directors to him or his representatives, but no payment shall be made under this Section until after the accounts for that year have been duly adjusted and the amount at the credit of the Officer after taking into account all transactions, and after deducting the proper proportion of the liabilities of the Fund for that year has been ascertained and settled.

Refund of contributions in certain cases.

41. No return of any money paid into the Fund shall be made to any Officer or his representatives unless and until the Auditor-General certifies that the Officer has duly accounted and is free from liability to the Colony.

Conditions of refund.

*Miscellaneous.*

42. No Officer contributing to the Fund shall be deemed to have any interest in the Fund or its management entitling him to take legal proceedings in respect of the Fund or its management, or against the Directors in respect thereof.

No right of action against Fund by contributor.

43. This Ordinance shall come into force on the First day of July in the year of Our Lord one thousand nine hundred and six.

Passed in Council this Thirtieth day of April, in the year of Our Lord one thousand nine hundred and six.

Commencement.

ALFRED TAITT,  
*Acting Clerk of the Council.*