

TRINIDAD AND TOBAGO.

No. 7—1927.

I ASSENT,

[L.S.]

W. E. JACKSON,
Acting Governor.

18th May, 1927.

AN ORDINANCE to amend the Pensions Ordinance.

[18th May, 1927.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

Short title. 1. This Ordinance may be cited as the Pensions
Construction. (Amendment) Ordinance, 1927, and shall be read as
Cap. 83. one with the Pensions Ordinance, hereinafter called the
 Principal Ordinance.

Interpretation. 2. The following section shall be inserted in the Principal
 Ordinance as section 1A :—

1A. In this Ordinance, and in any Regulations made thereunder—

(a) The term “public service” means service in a civil capacity under the Government of the Colony or the Imperial Government, or the

Government of India or of a British Colony or Protectorate or a territory under a British Mandate, and any such other service as the Secretary of State may determine to be "public service" for the purpose of any provision of this Ordinance or the Regulations made thereunder.

Service as a Governor or High Commissioner of a British Dominion, Colony or Protectorate, or a territory under British Mandate, or as a Governor in India shall be deemed to be public service except for the purposes of computation of pension or gratuity and of sections 7 and 8 of this Ordinance.

- (b) The term "other public service" means public service not under the Government of the Colony.
- (c) 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 Executive Council, with the sanction of the Secretary of State, by 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 Executive 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.
- (d) 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. In the case of an Officer retiring on or after the first day of July, 1920, the term salary shall

include, in addition to the items mentioned above, 75 per cent. of the additional salary being drawn by the officer at the time of his retirement from the Colony, under the authority of the resolution of the Legislative Council of the fifteenth day of October, 1920, or any subsequent resolution of similar purport.

Amendment
of s. 5 of
Cap. 83

3. Section 5 of the Principal Ordinance is hereby amended by striking out the words "as defined in the regulations made under this Ordinance" in the third paragraph of the said section.

Maximum
pension where
officer entitled
to a pension
from another
source.

4. Section 8 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :—

8.—(1) Where an officer has been or is granted a pension or pensions in respect of other public service, he may be granted the full pension for which he is eligible in respect of his service in the Colony, but, in ordinary cases, no person may at any time draw from the funds of the Colony an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by such person at any time in the course of his service in the Colony or in other public service :

Provided that where such a person receives, in respect of some period of public service, both a gratuity and a pension, the amount of such pension shall be deemed, for the purpose of this sub-section, to be four-thirds of its actual amount.

(2) In a case falling under the limitation laid down by sub-section (1) the amount of pension to be drawn from the funds of the Colony shall be subject to the approval of the Secretary of State in order that it may be determined with due regard to the amount of any pension or pensions similarly to be drawn in respect of other public service.

(3) For the purpose of the preceding sub-sections, an allowance granted in respect of injury shall not be taken into account ; but, where the officer is granted such an

allowance the amount of such allowance which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from such allowance, falls short of two-thirds of such highest pensionable emoluments.

5. The following section shall be inserted in the Principal Ordinance as section 8A :—

Gratuity
and reduced
pension.

8A.—(1) An officer to whom a pension is granted under this Ordinance may, at his option exerciseable as hereinafter provided, be paid, in lieu of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the annual value of the reduction so made in the pension.

(2) The option referred to in sub-section (1) shall be exerciseable :—

(a) In the case of an officer who, if he had been retired on grounds of ill-health on the nineteenth day of May, 1927, might have been granted a pension under this Ordinance, not later than six months after the said nineteenth day of May, 1927.

(b) In the case of any other officer; within one month after the earliest date on which if retired on grounds of ill-health, he might be awarded a pension under this Ordinance, or not later than six months after the nineteenth day of May, 1927, whichever shall be the later date for exercising the option.

Provided always—

(i) That an officer who has previously had the opportunity of exercising the option but has not done so, and who is still in the service of the Colony or in any other public service, may apply within one month of his subsequent marriage for permission to exercise the option, which permission may be granted at the Governor's discretion after examination of the officer by a Government Medical Board;

(ii) That the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies ; or, in any case falling under the preceding proviso, the date on which the Governor grants permission to exercise the option ; and

(iii) That, if an officer has exercised the option, his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under this Ordinance.

Pension payable to officer during re-employment.

6. The following section shall be inserted in the Principal Ordinance as section 8B :—

8B. If any officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of the Colony, or in any other public service, then during his tenure of such office so much only (if any) of his pension from the funds of the Colony shall be paid to him per annum as together with

- (a) the annual emoluments of such office ;
- (b) any annual amounts received on account of pension in respect of other public service ; and
- (c) where the officer receives, in respect of some period of public service, both a gratuity and a pension, an annual amount equal to one-third of such pension ;

make up an annual amount not greater than the highest pensionable emoluments drawn by such officer at any time in the course of his public service :

Provided that

- (1) where the officer retired or was transferred from the service of the Colony prior to the first day of January, 1920, the highest pensionable emoluments drawn by such officer in the course of his service in the Colony shall, for the purpose of this section, be deemed to be the highest pensionable emoluments actually so drawn by him plus fifty per cent. thereof ;

*repealed
by 28/1930*

- (2) where an officer, in whose case an abatement of pension falls to be made under this section, has been granted a pension or pensions in respect of other public service, the amount of pension to be drawn from the funds of the Colony shall be subject to the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or pensions similarly to be drawn in respect of other public service; and
- (3) any bonus or temporary increase, whether on pension or on the salary of the new office, granted in view of the high cost of living shall be added to such pension or salary, as the case may be, for the purpose of this section.
- (4) Where the new office is that of Governor or High Commissioner of a British Dominion, Colony or Protectorate, or a territory under British Mandate, or that of Governor in India, the amount to be taken as the annual emoluments of such office for the purpose of this section shall be determined by the Secretary of State.

7. The following section shall be inserted in the Principal Ordinance as section 8c :—

8c. If any officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of the Colony, and subsequently retires in circumstances in which he may be granted a pension, he may be granted, in lieu of his previous pension, a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of the Colony, whichever are the greater: provided that if, on his previous retirement, he was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of the gratuity already paid.

Pension payable to officer after re-employment

Gratuity to
estate where
officer dies in
service of
Colony.

8. The following section shall be added as section 19 of the Principal Ordinance :—

19. When an officer holding a pensionable office, who is not serving on probation or agreement, and who has served in the public service for not less than five years, dies while in the service of the Colony, it shall be lawful for the Governor in Executive Council to grant to his legal personal representative a gratuity of an amount not exceeding one year's pensionable emoluments.

Retrospective
Provisions.

9. Every officer who retired after the 31st day of December, 1925, and before the commencement of this Ordinance to whom a pension has been granted under the Principal Ordinance shall be permitted to exercise the option referred to in section 5 of this Ordinance as though this Ordinance had come into force on the 1st day of January, 1926.

Passed in Council this thirteenth day of May, in the year of Our Lord one thousand nine hundred and twenty-seven.

E. F. AANENSEN,
Acting Clerk of the Council.

LEGITIMACY BILL.

COMPARATIVE TABLE.

("Act" means the Legitimacy Act, 1926: 16 & 17 Geo. 5, Cap. 60.)

BILL.	ENGLISH ACT.
1. (1)	Act, s. 12 (1).
(2)	Act, s. 12 (2).
(3)	Act, s. 12 (3).
2.	Act, s. 11.
3.	Act, s. 1.
4. (1)	Act, s. 2 (1) and s. 1 of the Legitimacy Declaration Act, 1858.
(2)	s. 3 of the Legitimacy Declaration Act, 1858.
(3)	s. 5 Do. do.
(4)	s. 6 Do. do.
(5)	s. 7 Do. do.
(6)	s. 8 Do. do.
(7)	s. 10 Do. do.
(8)	Judicature Ordinance, Cap. 35, s.s. 42 and 43.
5.	Act, s. 3.
6.	Act, s. 4.
7.	Act, s. 5.
8.	Act, s. 6 (1).
9.	Act, s. 7.
10.	Act, s. 8.
11.	Act, s. 9 (1) (2) (3).
12.	Act, s. 10
Schedule	Schedule.