



TRINIDAD AND TOBAGO.

No. 60—1946

[L.S.]

I ASSENT,

B. E. H. CLIFFORD,

*Governor.*

30th December, 1946.

AN ORDINANCE to repeal the Public Officers' Guarantee Fund Ordinance and to authorise refunds to officers.

[1st January, 1947.]

Commence-  
ment

**E**NACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

**1.** This Ordinance may be cited as the Public Officers' Guarantee Fund (Repeal) Ordinance, 1946.

Short title.

Interpreta-  
tion.

2. In this Ordinance—

“Fund” means the Public Officers' Guarantee Fund established under the Public Officers' Guarantee Fund Ordinance, 1906, and continued under the Public Officers' Guarantee Fund Ordinance ;

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“officer” means any person holding or acting in an office in the public service of the Colony, whether paid from a vote in the annual estimates or from any particular fund.

Refund to  
officers from  
Fund.

3. (1) The Accountant General shall, so soon after the 1st January, 1947, as may be convenient, refund to every traceable officer who has any amount standing to his credit in the books of the Fund when the accounts of the Fund are adjusted as on the 31st December, 1946, the whole of such amount.

(2) No refund shall be made under this section until after the accounts for the year 1946 have been duly adjusted and the amount standing to the credit of the officer, after taking into account all transactions and after deducting the proper proportion of the liabilities of the Fund for 1946, has been ascertained and settled.

(3) No refund shall be made under this section to any officer or his personal representative unless and until the Auditor certifies that the officer has duly accounted and is free from liability to the Colony.

Public Officers'  
Guarantee  
Account to be  
established.

4. (1) After such refunds have been made in accordance with the provisions of section 3 of this Ordinance, and after the salaries due to the persons employed by the Directors of the Fund have been paid and the other expenses connected with the management of the Fund duly met, the balance standing to the credit of any account kept at the Fund shall be placed to the credit of a special account which shall be called the Public Officers' Guarantee Account and which shall be under the management of the Accountant General.

(2) The Accountant General may, as he may think fit, invest or place on deposit account any of the moneys of the Public Officers' Guarantee Account.

Claims on  
Fund by  
untraceable  
officers.

5. (1) Any untraceable officer who on the 31st December, 1946, has any amount standing to his credit in the books of the Fund, or his personal representative, may, within a period of four years reckoned from the 1st January, 1947, apply to the Accountant General to be paid such amount.

(2) The Accountant General on being satisfied as to the correctness of such claim shall pay the sum due out of the Public Officers' Guarantee Account or, if there are no moneys or no sufficient moneys in the Public Officers' Guarantee Account, then the Accountant General shall issue a certificate certifying the balance due whereupon the same shall be paid out of the general revenue of the Colony.

(3) Any claim not reaching the Accountant General within the period aforesaid shall not be entertained and shall be deemed to be statute-barred.

6. (1) When any officer is in default of duly accounting, or of duly delivering to the public officer or other person authorised to receive the same all moneys or property which ought to be so delivered, or is otherwise in default, the amount due by such officer in default shall be certified by the Auditor, and the amount so certified shall be deemed to be due by such officer.

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

(2) The Auditor's certificate shall, without proof of the signature or of any other matter or thing therein contained, be deemed *prima facie* evidence in all courts and for all other purposes that the amount so certified is due by the officer named in such certificate.

7. The Accountant General shall on the certificate of the Auditor pay from the moneys at the credit of the Public Officers' Guarantee Account the amount certified to be due from an officer in default or so much of the amount as he is able so to do.

Public Officers Guarantee Account to pay amount so certified.

8. (1) The liability of an officer in default for the amount certified to be due by him shall continue and may be enforced against all or any part of his property notwithstanding any payment made by the Accountant General from the Public Officers' Guarantee Account in respect of the amount due by such officer.

General liability of officer in default to continue.

(2) No person, other than the Governor or the Financial Secretary, shall be entitled to claim that the amount due by an officer in default shall be paid by the Accountant General from the Public Officers' Guarantee Account, and no person, other than the Governor or the Financial Secretary, 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.

Repeal of  
Ch. 9, No. 5.

9. The Public Officers' Guarantee Fund Ordinance is hereby repealed with effect from the 1st January, 1947.

Passed in Council this twentieth day of December, 1946, in the year of Our Lord one thousand nine hundred and forty-six.

G. E. CHEN,  
*Clerk of the Council.*