

3. In this Ordinance—

Interpretation.

“ Corporation ” means the Corporation and Boroughs respectively referred to in section 2 hereof.

“ Council ” means the Council of any such Corporation or Borough.

“ Officer ” means a person substantively appointed by resolution of the Council to a permanent office in the service of the Corporation for which separate provision is made in the annual estimates: Provided that such office has been declared to be a pensionable office by resolution of the Council approved by resolution of the Legislative Council, and published in the *Royal Gazette*.

“ Temporary Employee ” means a servant or employee of the Corporation other than an “ Officer ” as hereinbefore defined, and includes labourers and others paid out of a block vote whether employed by the day, week or month.

“ Pensionable Emoluments ” includes salary, personal allowance, house allowance or the estimated value of free quarters: Provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth of the actual salary of the office.

“ Personal allowance ” means a special addition to salary granted personally to the holder for the time being of the office.

“ Salary ” means the actual salary attached to an office.

“ Service ” means employment by and service in a Corporation; and in respect of the Port-of-Spain Corporation includes any unbroken period of the service of an officer appointed by resolution of any of the preceding Port-of-Spain Corporations who continued without interruption in the service of the present Corporation.

(2) Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity, or other allowance cannot otherwise be granted to him under the provisions of this Ordinance, the Council may if they consider it justifiable, having regard to all the circumstances of the case, grant such a pension, gratuity, or other allowance as they think just and proper, but in no case exceeding in amount that for which the officer would be eligible if he were suffering from some infirmity of mind or body likely to be permanent.

Officer unable to discharge his duties may be retired.

(3) If any officer holding a pensionable office retire or be removed from the 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 officer is not qualified for other employment or if there is no reason, in the opinion of the Council, to expect that he can be re-employed, a pension may be granted to him free from the above-mentioned condition.

Officer may be retired on abolition of office.

8. Every pension granted to an officer shall be subject to the following condition :—

Liability of pensioners to be called upon to take further employment.

(a) Unless or until he has attained the age of sixty years, he may, if physically fit for service, be called upon by the Council to accept, in lieu of his pension, an office in the service of the Corporation not less in value than the office which he held at the date of the grant of his pension ;

(b) If a pensioner so called upon declines to accept the office for which he may have been selected the payment of his pension may be suspended, until he has attained the age of sixty years.

9. No pension granted to an officer under this Ordinance, shall exceed two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his service.

Maximum pension.

13. Where an officer has performed acting service Acting service. in a pensionable office, the period of such service may be taken into account as pensionable service: Provided that—

- (a) the period of such acting service was not part of the pensionable service of the substantive holder of the office ; and
- (b) this period of service is immediately preceded or followed by service in the Colony in a substantive capacity in a pensionable office.

14.—(1) For the purpose of computing the amount of an officer's pension, or gratuity, or allowance— Computation of pensions, &c., on what emoluments to be based.

- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full pensionable emoluments payable to him at that date in respect of that office shall be taken ;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, the full pensionable emoluments payable to him at the date of his retirement in respect of the office then held by him shall be taken ;
- (c) in other cases the average of the full pensionable emoluments payable in respect of each of the offices substantively held by the officer during his tenure thereof within such period of three years shall be taken :

Provided that if such average is less than the full pensionable emoluments which were payable to him at the date of the first transfer within such period of three years, the Council may grant him a pension calculated upon the full pensionable emoluments payable to him at that date.

Provided that no such allowance shall, together with the pension, exceed 600/720ths of his pensionable emoluments at the date of the injury.

(2) The allowance shall be less than the above-mentioned maximum by such amount as the Council shall think reasonable in the following cases :—

- (a) Where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires ;
- (b) Where the injured officer 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, for instance if the retirement is caused partly by age or infirmity not due to the injury.

(3) When the officer so injured is a pensionable officer but has less than ten years' service, and he is not eligible for an ordinary pension, he may be granted in lieu of a gratuity an annual allowance of so many 720ths as the number of months he has actually served, in addition to the number of 720ths that may be awarded to him under sub-sections (1) and (2), of this section.

(4) An officer so injured who is not qualified for either a pension under Section 10 or a gratuity under Section 19 (1) of this Ordinance may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified.

17. An Officer to whom a pension is granted under this Ordinance may, at his option exercisable as herein-after 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 amount of the reduction so made in the pension. Such option shall be exercisable not later than one month after the earliest date on which the officer attains pensionable status or on which, if retired on grounds of ill-health, the officer might be awarded a pension under this Ordinance : Provided that any officer who, at the commencement of this Ordinance has

Gratuity and
reduced
pension.

was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of gratuity already paid: And Provided further that it shall be lawful for the Council to withhold the payment of the whole or any part of the pension previously granted to an officer during the period of further employment in the service of the Corporation.

19.—(1) An officer, otherwise qualified for a pension, Gratuities. who has not completed ten years service may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which if there had been no qualifying period might have been granted to him under section 10 of this Ordinance.

(2) Where a female officer, having completed not less than five years service in the Corporation, resigns from such service on or with a view to marriage, or is required to retire from such service on account of her marriage, she may be granted, on production within six months after her resignation or retirement, or such longer period as the Council may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service in the Corporation: Provided that such gratuity shall not, in the case where the officer resigns on or with a view to marriage, exceed one year's pensionable emoluments.

20. If an officer to whom a gratuity without pension has Gratuity affected by re-employment. been granted under this Ordinance is re-appointed to any office in the service of the Corporation, his previous service may, with the approval of the Council, be taken into account for the purposes of pension, if he refunds the gratuity.

21. When an officer who is not serving on probation Gratuity to estate where officer dies in service of Corporation. or agreement, and who has served for not less than five years, dies while in the service of the Corporation, it shall be lawful for the Council to grant to the legal personal representative of the officer, a gratuity of an amount

23. No pension, gratuity or other allowance granted under this Ordinance 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 Corporation and except as provided for in the next succeeding section.

Pensions not assignable or attachable.

24.—(1) Where an order of maintenance has been made by a court of competent jurisdiction against any person to whom a pension has been granted, it shall be lawful for the Council on its being proved to them that there is no reasonable probability of such order being satisfied, from time to time to deduct from the moneys payable to such person by way of pension such sum or sums as the Council may deem expedient, and to apply the same to satisfy wholly or in part the said order.

Council may apply part of a person's pension towards the maintenance of his wife or children.

(2) Where any person to whom a pension has been granted has left the Colony and deserted and left his wife or child within the Colony without sufficient means of support, the Council, on being satisfied that such wife or child is by reason of such person's absence from the Colony unable, and would but for such absence be able, to obtain an order of maintenance, may from time to time deduct from the moneys payable to such person by way of pension such sum or sums as the Council may deem expedient, and may apply the same for the maintenance and support of such wife or child.

(3) Where any person to whom a pension has been granted has been adjudicated a person of unsound mind and has a wife or a child or children living, the Council may deduct from the moneys payable to such person by way of pension such sum or sums as they may deem expedient and apply the same for the maintenance and support of the wife or any child or children of such person.

25. If an officer to whom a pension or other allowance has been granted under this Ordinance is adjudicated bankrupt or is declared insolvent by judgment of the Court, then such pension or allowance shall forthwith cease: Provided always, that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the Council,

Pensions to cease on bankruptcy.

28. Every pension or gratuity granted to any officer or servant of the Corporation under this Ordinance shall be charged to and paid out of the fund or funds on which the salary, wages, or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Pensions and Gratuities to be charged to fund from which officer or employee was paid.

29. The Port-of-Spain Corporation Ordinance, sections 38 to 45 inclusive, the Port-of-Spain Corporation (Amendment) Ordinance, 1927, and The Municipal Corporations Ordinance, sections 60 to 66 inclusive, are hereby repealed :

Repeals.

Cap. 224, ss. 38-45.

Ord. 18-1927. Cap. 230 ss. 60-66.

Provided that the provisions hereby repealed shall continue to apply to any officer who has given the notice specified in paragraph (b) of section 27 hereof, and that nothing in this Ordinance contained shall affect the pensions granted to any persons who have retired from the service of any of the Corporations before the commencement of this Ordinance.

Saving clause.

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

J. O'CONNOR,
Clerk of the Council.