

GOVERNMENT NOTICE NO. 38

TRINIDAD AND TOBAGO

THE DEFENCE ACT, 1962

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 233 OF THE DEFENCE ACT, 1962

THE DEFENCE (PENSIONS, TERMINAL AND OTHER GRANTS)
REGULATIONS, 1968

1. (1) These Regulations may be cited as the Defence (Pensions, Terminal and Other Grants) Regulations, 1968. Citation and commencement.

(2) The Regulations have effect from the 1st day of January, 1966.

Preliminary

2. In these Regulations—

Definition.
No. 7-1962.

(a) "Act" means the Defence Act, 1962;

(b) "basic pay" means—

(i) in relation to officers, the appropriate sum set out in the second column of Table I to the Fourth Schedule to the Act;

(ii) in relation to other ranks, the appropriate sum set out in the second column of Table III to the Fourth Schedule to the Act together with increments earned;

(c) "pensionable emoluments" means the average annual basic pay received by a member of the Force during the three years immediately preceding the date of retirement from colour service or the basic pay which he was actually receiving on the date of such retirement, whichever is the greater;

(d) "child" means—

(i) a legitimate or legitimated child,

(ii) a step-child,

(iii) a child adopted in the manner prescribed by law,

(iv) a posthumous legitimate child, who has not attained the age of eighteen years;

(e) "pensionable service" means paid colour service in the Force after attaining the age of twenty years;

(f) "public claim" means—

(i) any public debt or disallowance, including any over-issue or advance of pay, pension, terminal grant, gratuity or other emoluments made through an error as to the facts;
or

(ii) the sum required to make good any loss, deficiency or irregular expenditure of public money, any deficiency, loss or damage to public stores, buildings or other property;

- (g) "qualifying service" means paid colour service in the Force and, in respect of any member of the Force who before the coming into operation of these Regulations was in the Trinidad and Tobago Defence Force, includes colour service of such member in the Trinidad and Tobago Defence Force, or in Her Majesty's military forces or in the West India Regiment;
- (h) "service claim" means any service debt or the sum required to make good any loss, deficiency or irregular expenditure of service money.

PART I

SUPERANNUATION

Age of Retirement, Contributions and Benefits

Ages of compulsory retirement.

3. (1) It shall be compulsory for officers to retire on attaining the following ages, that is to say—

- (a) a brigadier, colonel or a captain, at the age of fifty-five years;
- (b) a lieutenant-colonel or a commander, at the age of fifty years;
- (c) a major or a lieutenant-commander or lower rank, at the age of forty-seven years.

(2) It shall be compulsory for other ranks to retire on attaining the following ages, that is to say—

- (a) a warrant officer or a chief petty officer, at the age of fifty years;
- (b) a sergeant, staff-sergeant or a petty officer, at the age of forty-seven years; and
- (c) a corporal or a leading rating or lower rank, at the age of forty-five years.

(3) Notwithstanding that he has attained the age at which he is required by the provisions of this section to retire, an officer or other rank who on the 31st day of December, 1963, had attained the age of thirty-five years and who on that day was a member of the Force may, on the recommendation of his Commanding Officer, be permitted by the Minister to continue his colour service for such period not exceeding eight years as the Minister in his discretion may determine; and any such service shall be counted as pensionable service for the purpose of these Regulations.

Contribution to superannuation benefits

4. (1) As a contribution towards the superannuation benefits to members of the Force, there shall be deducted from the basic pay of every officer and other rank at the rate of five and one-half per centum of such pay and every such sum so deducted shall be paid into the Consolidated Fund.

(2) Every pension, terminal grant, gratuity or other allowance granted or paid under these Regulations shall be paid out of the Consolidated Fund.

5. (1) In the event of any member of the Force leaving the Force whether by reason of dismissal or otherwise, without being eligible for a pension, terminal grant or gratuity under these Regulations, he shall be entitled to the return in full of all deductions made from his basic pay under paragraph (1) of regulation 4 with interest thereon at the rate of four per centum. Payments to officers and other ranks leaving the Force without qualifying for pension, &c.
- (2) Any amount returnable in accordance with paragraph (1) is liable to deduction on the order of the Minister to meet any public or service claim.
6. An officer or other rank who leaves the Force, whether by reason of dismissal or otherwise, after he has completed ten years qualifying service but before he has qualified for a pension and terminal grant under these Regulations, is eligible for the grant of a gratuity equivalent to thirty days pensionable emoluments for each completed year of pensionable service. Gratuity payable to officers and other ranks after ten years service.
7. An officer or other rank who has attained the age of forty-five years and has completed not less than twenty years qualifying service may retire from the Force and shall thereupon be paid— On attaining age of 45 after 20 years service.
- (a) an annual pension at the rate of one-four hundred and eightieth of the pensionable emoluments of such officer or other rank for each completed month of pensionable service so that, however, the maximum pension granted does not exceed three hundred and twenty-four hundred and eightieth of such pensionable emoluments; and
- (b) a terminal grant equal to three and a half times the annual pension computed in accordance with subparagraph (a).
8. (1) The Minister may order an officer or other rank, who may be disabled by infirmity of mind or body, to be retired, and such officer or other rank, if he has completed ten years qualifying service, shall thereupon be paid an annual pension at the rate of one-four hundred and eightieth of the pensionable emoluments of such officer or other rank for each completed month of pensionable service. Pensions to members of Force in cases of disability.
- (2) An officer or other rank shall not be entitled to the grant of the pension referred to in paragraph (1) unless the Minister is satisfied by the certificate of a medical board that such officer or other rank is from infirmity of mind or body incapable of performing, or unsuitable to be entrusted with the duties of his office and that such infirmity or unsuitability is likely to be permanent.
9. An officer or other rank who before he attains the age of forty-five years is retired or called upon to retire or resign either on the grounds of the interest of the Force or because of a reduction in the size of the Force, and who has had at least twenty years pensionable service shall be paid— Retirement in the interest of the Force, &c.
- (a) an annual pension at the rate of one-four hundred and eightieth of the pensionable emoluments of such officer or other rank for each completed month of pensionable service; and
- (b) a terminal grant equal to three and a half times the annual pension computed in accordance with subparagraph (a).
10. An officer or other rank who has completed twenty years pensionable service in the Force and who— Voluntary retirement or dismissal for misconduct before the age of forty-five years.
- (a) voluntarily resigns from the Force; or
- (b) is retired or called upon to retire or resign for misconduct; or
- (c) is cashiered or dismissed from the Force, as the case may be,

before attaining the age of forty-five years, shall be paid—

- (i) an annual pension at the rate of one-four hundred and eightieth of the pensionable emoluments of such officer or other rank for each completed month of pensionable service reduced by ten per centum for each year or part of a year by which the age at which he retires falls short of the age of forty-five years; and
- (ii) a terminal grant equal to three and one-half times the annual pension computed in accordance with subparagraph (i).

PART II

Benefits to dependents on death of officer or other rank

Officer or other rank dying after ten or more years of service.

11. (1) Where an officer or other rank dies while in the service of the Force and at the date of his death has completed ten years qualifying service, there shall be paid—

- (a) if he is survived only by a widow, to that widow, the terminal grant to which such officer or other rank would have been entitled had he retired at the date of his death and a pension while she remains unmarried, equal to one-half the pension to which the officer or other rank would be entitled on such date;
- (b) if he is survived by a widow and a child or children, to that widow, subject always to the provisions of regulation 14, the pension and terminal grant calculated in accordance with subparagraph (a) to be administered in accordance with the provisions of paragraph (1) of regulation 14;
- (c) if he is not survived by a widow, but is survived by a child or children, to the person appointed by the Minister under paragraph (2) of regulation 14, the pension and terminal grant calculated in accordance with subparagraph (a) to be administered in accordance with the provisions of paragraph (2) of regulation 14;
- (d) if he is not survived by a widow or by a child or children, to the legal personal representative of such officer or other rank, a lump sum equal to the total of the contributions paid by such officer or other rank during his period of service together with the interest thereon at the rate of four per centum.

(2) A pension granted to a female child shall cease upon the marriage of such child under the age of eighteen years.

Officer or other rank dying prior to completion of ten years service.

12. (1) When an officer or other rank dies while in the service of the Force but before he has completed ten years of qualifying service in the said Force, there shall be paid to his widow or orphans or to both such widow and such orphans or, in the appropriate case, to a legal personal representative, a special gratuity equal to thirty days pensionable emoluments for each completed year of pensionable service of such officer or other rank.

(2) The provisions of paragraphs (3), (4) and (5) of regulation 11, which relate to the manner in which a pension and terminal grant shall be administered, shall apply *mutatis mutandis* to a special gratuity payable in accordance with paragraph (1).

13. When an officer or other rank who has married prior to the date of his retirement from the Force dies after such retirement, and, before his death, was actually in receipt of or entitled to receive a pension granted under these Regulations, there shall be payable to his widow or orphans or to both such widow and orphans, as the case may require, a pension at the rate of one-half of the pension received by such officer or other rank or which such officer or other rank was entitled to receive at the date of his death and the provisions of regulation 14 shall apply *mutatis mutandis* to the administration of such pension.

14. (1) When an officer or other rank dies leaving a widow and a child or children, there shall be paid to the widow, either in the first instance or at any time while a pension is payable, the whole of the pension, or a part only of the pension, and the balance of such pension may be applied for or towards the maintenance or education of the children in such manner as the Minister thinks fit; but where the pension ceases to be payable owing to the remarriage of such widow, the whole of such pension may be applied towards the maintenance and education of the child or children, as the case may be, in such manner as the Minister may from time to time direct.

(2) When any sum becomes payable to any person not *sui juris* in law, there shall be paid or applied such sum or any part thereof for the benefit or towards the maintenance or education of such person, in such manner and at such times as the Minister shall think fit; and the amount may be paid either direct to such person or to any other person or persons as the Minister may direct.

(3) If the widow of an officer or other rank while in receipt of a pension deserts or abandons or does not assist a child whom she is liable to maintain under these Regulations, the Minister may cause to be paid to a fit and proper person on behalf of such child, such portion of the pension as he may think fit.

PART III

Special allowances for injuries or death in the discharge of duties

15. (1) Subject to paragraph (2), where an officer or other rank has been permanently disabled—

(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, such officer or other rank may, on his retirement from the Force, be granted in respect of such injury, in addition to any pension, terminal grant or gratuity to which he is entitled under these Regulations, an allowance in proportion to his injury in such annual amount not exceeding the following:

When his capacity to contribute to his support is—

slightly impaired, 40/480th of pensionable emoluments;

impaired, 80/480th of pensionable emoluments;

materially impaired, 120/480th of pensionable emoluments;

totally destroyed, 180/480th of pensionable emoluments.

(2) The annual allowance granted under paragraph (1) together with any pension granted under these Regulations shall not exceed 400/480th of the pensionable emoluments of such officer or other rank.

Pension to widow and orphans of members of Force who die in execution of their duty.

16. (1) Subject to this regulation, where a member of the Force dies while in the service of the Force as a result of injuries received—

- (a) in the actual discharge of his duty;
- (b) without his own default; and

- (c) on account of circumstances specifically attributable to the nature of his duty,

there may be granted to his widow or orphans in addition to any pension, terminal grant or gratuity to which she or they are entitled under these Regulations an annual allowance equal to 60/480ths of such member's pensionable emoluments on the date of his death.

(2) The annual allowance granted under paragraph (1) shall not exceed 200/480ths of the pensionable emoluments of the officer or other rank concerned at the date of his death.

PART IV

General and Transitional Provisions

Power to dispense with probate.

17. (1) On the death of an officer or other rank to whom any sum or sums of money may then be due on account of pay, pension and terminal grant or gratuity, the Minister of Finance, on his being satisfied of the expediency in such case of dispensing with the production of probate or letters of administration, cause such sum or sums to be paid to such person or persons as he may consider entitled thereto, without requiring the production of probate or letters of administration.

(2) Any payment made in pursuance of paragraph (1) shall be valid against all persons whatsoever, and all persons acting under the provisions thereof shall be absolutely discharged from all liability in receipt of all moneys duly paid by them under paragraph (1).

Officers and other ranks transferred from public service and Police Service.

18. An officer or other rank who has been transferred from the public service, the Fire Service or the Police Service to the service of the Defence Force shall, on retirement from the Defence Force, be entitled to the payment of the greatest of the following benefits :—

- (a) a pension and terminal grant or a gratuity, as the case requires, calculated as if all his pensionable service in the public service, the Fire Service or the Police Service were qualifying service under these Regulations;
- (b) a pension and gratuity calculated as if all his pensionable service in the Defence Force, the Public Service, the Fire Service or the Police Service were pensionable service under the Pensions Ordinance or the Police Act, as the case may be;
- (c) the aggregate of the superannuation benefits accruing to him at the date of his transfer to the Defence Force and the pension and terminal grant or the gratuity calculated on the period of service qualifying for pension and terminal grant or gratuity under these Regulations.

Act No. 30-1965
Ch. 9.
No. 6.

19. The Defence (Retired Pay, Pensions and Other Grants) Regulations, 1962, as contained in the Fifth Schedule to the Defence Act, 1962, are hereby revoked.

Revocation
of the Fifth
Schedule to
the Defence
Force Act,
No. 7-1962.

Dated this 11th day of January, 1968.

GERARD MONTANO
Minister of Home Affairs

Laid before the House of Representatives this 26th day of January, 1968.

G. R. LATOUR
Clerk of the House of Representatives

Laid before the Senate this 6th day of February, 1968.

J. E. CARTER
Clerk of the Senate