

LEGAL NOTICE No 104

REPUBLIC OF TRINIDAD AND TOBAGO

THE DEFENCE ACT, CHAP. 14:01

REGULATIONS

MADE BY THE MINISTER OF NATIONAL SECURITY UNDER SECTION 244 OF THE  
DEFENCE ACT, CHAP. 14:01

THE DEFENCE (SHORT SERVICE COMMISSIONS) REGULATIONS, 1987

1. These Regulations may be cited as the Defence (Short Service Commissions) Regulations, 1987.

PART I

PRELIMINARY

2. In these Regulations—

“the Act” means the Defence Act;

“the 1968 Regulations” means the Defence (Pensions, Terminal and Other Grants) Regulations, 1968;

“basic pay” means such sum as may from time to time be approved by the Minister;

“Board” means the Commissions Board set up by the President pursuant to section 10 of the Act;

“child” has the meaning assigned to it under the 1968 Regulations;

“Commission” means Short Service Commission;

“Force” means the Trinidad and Tobago Defence Force;

“officer” means Short Service Commissioned Officer;

“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;

“reckonable service” means pensionable service and qualifying service within the meaning of the 1968 Regulations.

Definitions

Chap. 14:01

G.N. No. 38  
of 1968

PART II

APPOINTMENT, TRAINING AND PROMOTION OF OFFICERS

3. Before making a recommendation for the appointment of a person to a short service commission, the Board must be satisfied that the person—

(a) is a citizen of Trinidad and Tobago between the ages of twenty-four and forty-two;

Condition  
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- (b) has been certified as medically fit in accordance with service (PULMEEEMS C.F.E.) standard; and
- (c) possesses an educational qualification of or equivalent to, five passes at ordinary level in the Cambridge Overseas General Certificate of Education Examinations or in the London Overseas General Certificate of Education Examinations or in the Caribbean Examination Council Examinations, save that the passes shall include English Language and either Mathematics or a science subject.

Power of Board to recommend in certain specified cases

4. (1) Notwithstanding paragraph (b) of regulation 3, the Board may, in special circumstances, recommend for a Commission a person who is certified as medically fit in a lower medical category.

(2) Notwithstanding paragraph (c) of regulation 3, the Board may, in special circumstances, recommend for a Commission a person who does not possess the qualifications specified in that paragraph but who, in the opinion of the Board possesses any professional or technical competence or experience which it may consider desirable in the interest of the Force.

Training

5. (1) A person appointed to a Commission in the Force shall be required, where necessary, to undergo training with a unit of the Force, or at an approved institution or with the unit and the approved institution.

(2) An officer to whom subregulation (1) applies, who fails to attain the standard required by his Commanding Officer may be referred for further training or may be granted a discharge.

(3) An officer who is discharged under subregulation (2) shall not be subject to reserve liability but may be required to refund the cost of his training.

Commission and service

6. (1) The appointment of an officer shall be for an initial period of at least three years but not more than five years, save that his Commission shall not be confirmed until he has completed six months' service to the satisfaction of the Board, acting on the recommendation of his Commanding Officer.

(2) On completing the initial period of service referred to in subregulation (1), the officer may, on the recommendation of his Commanding Officer, have his Commission extended by the Minister for further periods not exceeding three years at any one time where—

- (a) his period of service does not amount in the aggregate to more than nine years;
- (b) his service is satisfactory; and
- (c) his services are required.

(3) Subregulation (2)(a) shall apply only to officers who came into the Force on or after the date on which these Regulations are published in the *Gazette*.

7. The rank of an officer in the Force shall be not lower than that of Lieutenant in the Trinidad and Tobago Regiment or an equivalent rank in the Trinidad and Tobago Coast Guard, but the officer may, by virtue of his age and profession or technical competence or experience, be appointed to a higher rank.

8. (1) The seniority of an officer shall be determined by the date of his appointment to a Commission.

(2) Notwithstanding subregulation (1), the Board may for the purposes of determining the seniority of an officer take into account any previous service and special qualifications of that officer.

9. An officer who is commissioned under these Regulations is eligible for promotion to substantive rank in accordance with regulations 2 and 4 of the Defence (Officers) Regulations, 1962, but may on the recommendation of his Commanding Officer be promoted to substantive rank although not qualified by the length of service specified under the said regulations.

10. (1) An officer is eligible for a regular commission if—

- (a) he has served at least three years as an officer;
- (b) he has attended a course of training at an approved institution;
- (c) he is able to serve a period of twenty years in the Force before he attains the age of forty-seven years or such other age at which he may be permitted to retire pursuant to the provisions of regulation 3(3)(a) of the 1968 Regulations; and
- (d) he is recommended by his Commanding Officer.

Eligibility for regular commission and terminal benefits

(2) An officer to whom subregulation (1) applies shall have his terminal benefits assessed in accordance with the 1968 Regulations.

11. (1) Regulations made under the Act and relating to seniority, pay and allowances, family passages, medical and dental treatment, leave, discipline, accommodation and procedure shall apply to officers.

Application of regulations to officers

(2) An officer shall, at the end of his service, be granted in addition to any other leave for which he may be eligible such terminal leave as may be prescribed.

### PART III

#### SUPERANNUATION

##### *Age of Retirement, Contributions and Benefits*

12. Every officer shall retire on attaining the age specified for the retirement of officers under regulation 3 of the 1968 Regulations.

Age of compulsory retirement

Contribution of super-annuation benefits

13. As a contribution towards the superannuation benefits, there shall be deducted from the basic pay of every officer such sum as may from time to time be prescribed for members of the Force.

Gratuity on completion of Commission

14. Every officer appointed to a Short Service Commission shall on completion of the Commission be eligible for a gratuity calculated at the rate of twenty per cent of the basic pay and previous unbroken Government service shall be taken into account for the purpose of assessing the gratuity.

Officers retiring before completing ten years service

15. (1) Where an officer leaves the Force whether by reason of dismissal or otherwise without being eligible for a pension or gratuity, he is entitled to the return in full of all deductions made from his basic pay under regulation 13 with interest thereon at the rate prescribed for members of the Force.

(2) An officer who leaves the Force whether by reason of dismissal or otherwise, before completion of his Commission and who has not completed ten years reckonable service is—

(a) eligible to receive a gratuity equivalent to twenty per cent of the aggregate amount of the basic pay received by him during the period of his service; and

(b) entitled to the return in full of all deductions made from his basic pay under regulation 13, together with interest thereon at the rate prescribed for members of the Force.

Gratuity and pension payable after ten years but before fifteen years service

16. An officer who leaves the Force whether by reason of dismissal or otherwise, after he has completed ten years reckonable service but before he has completed fifteen years such service shall be paid—

(a) an annual pension at the rate of one/six hundredth of his pensionable emoluments for each completed month of such service; and

(b) a gratuity equal to thirty days pensionable emoluments for each completed year of such service.

Gratuity and pension payable after fifteen years but before twenty years service

17. An officer who leaves the Force, whether by reason of dismissal or otherwise, after he has completed fifteen years reckonable service but before he has completed twenty years such service shall be paid—

(a) an annual pension at the rate of one/five hundred and fortieth of his pensionable emoluments for each completed month of such service; and

(b) a gratuity equal to thirty days pensionable emoluments for each completed year of such service.

Gratuity and pension payable after twenty years service

18. (1) An officer who leaves the Force whether by reason of dismissal or otherwise after he has completed twenty years reckonable service and has attained the age of forty-five years shall be paid—

(a) an annual pension at the rate of one/four hundred and eightieth of his pensionable emoluments for each completed month of such service; and

(b) a gratuity equal to thirty days pensionable emoluments for each completed year of such service.

(2) An officer who is retired or called upon to retire from the Force on grounds other than misconduct after he has completed twenty years reckonable service and before attaining the age of forty-five years shall be paid—

(a) an annual pension at the rate of one-four hundred and eightieth of his pensionable emoluments for each completed month of such service; and

(b) a gratuity equal to thirty days pensionable emoluments for each completed year of such service.

(3) An officer who retires voluntarily from the Force or is called upon to retire for misconduct or is dismissed after he has completed twenty years reckonable service and before attaining the age of forty-five years shall be paid—

(a) an annual pension at the rate of one-four hundred and eightieth of his pensionable emoluments for each completed month of reckonable service reduced by ten per cent for each year or part of a year by which the age at which he leaves the Force falls short of the age of forty-five years; and

(b) a terminal grant equal to three and one-half times the annual pension computed in accordance with subparagraph (a).

#### PART IV

##### BENEFITS TO DEPENDANTS ON DEATH OF OFFICER

19. Where an officer dies while in the service of the Force and at the date of his death he has completed ten years reckonable service, the gratuity and pension for which he would have been eligible had he retired at the date of his death shall be paid in accordance with regulation 11 of the 1968 Regulations.

Benefits payable to dependants on death of officer who has completed ten years service

20. (1) Where an officer dies while in the service of the Force but before he has completed ten years reckonable service, there shall be paid to his widow or orphans or to both such widow and orphans or where appropriate, to his legal personal representative, a special gratuity equal to thirty days pensionable service.

Benefits payable to dependants on death of officer who has not completed ten years service

(2) Any gratuity payable under subregulation (1) shall be paid in accordance with the 1968 Regulations.

Pension payable where officer dies after retirement

21. Where an officer dies after he has retired, the 1968 Regulations shall apply in respect of his benefits.

## PART V

### GENERAL

Special allowances or pension payable for injuries or death resulting therefrom

22. Where an officer dies or has been permanently disabled in the circumstances contemplated by regulations 15 and 16 of the 1968 Regulations, those Regulations shall govern the payment of any pension or special allowances to which the officer or his dependants may be entitled.

Savings

23. (1) These Regulations, in so far as they relate to pensionable service and the payment of superannuation benefits shall not apply to an officer—

Act No. 19 of 1967

(a) who was transferred to the Force under the Defence (Amendment) Act, 1967; or

(b) who has been commissioned from the ranks.

(2) An officer referred to in subregulation (1) shall, for the purposes of superannuation and retirement benefits, have his previous military service or pensionable service with the Government of Trinidad and Tobago computed in accordance with the 1968 Regulations, or any other legislation made in that behalf.

## PART VI

### GENERAL AND TRANSITIONAL PROVISIONS

Power to dispense with probate

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

(2) Any payment made in pursuance of subregulation (1), shall be valid against all persons whatsoever, and all persons acting under this regulation shall be absolutely discharged from all liability in respect of all moneys duly paid by them under that regulation.

Commencement

25. These Regulations shall be deemed to have come into effect on 1st June, 1962.

Dated this 18th day of May, 1987.

H. ATWELL  
*Minister of National Security*

Laid before the House of Representatives this 22nd day of May, 1987.

**J. E. CARTER**  
*Clerk of the House*

Laid before the Senate this 26th day of May, 1987.

**R. L. GRIFFITH**  
*Clerk of the Senate*