JUDGES SALARIES AND PENSIONS ACT

CHAPTER 6:02

Act
4 of 1965
Amended by
37 of 1971
38 of 1975
43 of 1976
39 of 1981
*3 of 1985
*17 of 2007
*30 of 2007
*1 of 2009
*13 of 2010
*2 of 2015
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Note on Act No. 3 of 1985

This Act is deemed to have come into operation on 1st January 1981.

Note on Act No. 17 of 2007

Section 25 of Act No. 17 of 2007 provides that the amendments to sections 12(1), 12(2)*(b)*, 13(1) and 13(2)*(b)* shall come into effect from 1st October 2006.

Note on Act No. 30 of 2007

Section 2 of Act No. 30 of 2007 provides that the amendments to sections 12(1), 12(2)*(b),* 13(1) and 13(2)*(b)* shall come into effect from 1st October 2007.

Note on Act No. 1 of 2009

Amendments effected to sections 12 and 13 by Act No. 1 of 2009 took effect from 1st October 2008.

Note on Act No. 13 of 2010

Amendments effected to sections 12 and 13 by Act No. 13 of 2010 took effect from 1st September 2010.

Note on Act No. 2 of 2015

Amendments effected to sections 12 and 13 by Act No. 2 of 2015 took effect from 1st October 2014. All payments made on or after and before that date have been validated by section 26.

Note on Act No. 19 of 2018

Amendments made to this Act by Act No. 19 of 2018 took effect on 1st January 2019.

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CHAPTER 6:02

JUDGES SALARIES AND PENSIONS ACT

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CHAPTER 6:02

JUDGES SALARIES AND PENSIONS ACT

4 of 1965. **An Act to provide for the salaries, pensions and other conditions of service of Judges of the Supreme Court of Judicature.**

Commencement. *[31ST AUGUST 1962]

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the Judges Salaries and Pensions Act.

Application. **2.** This Act applies to the office of Judge.

Interpretation. [13 of 2019]. **3.** (1) In this Act—

"the Commission" means the Judicial and Legal Service Commission established by the Constitution;

"Court of Appeal" means the Court of Appeal established by the Constitution;

"High Court" means the High Court established by the Constitution;

"Judge" means a Judge of the High Court or the Court of Appeal and includes the Chief Justice;

"pensionable emoluments" means the salary inclusive of housing allowance, paid to a Judge in respect of his substantive office;

"pensionable service" means service which is pensionable under the Pensions Act; Ch. 23:52.

(2) Where a Judge has pensionable service, his period of service as a Judge is, for the purposes of the Pensions Act, deemed to be other public service within the meaning of that Act.

* This Act is deemed to have come into operation on 31st August 1962 by section 1(2) as originally enacted.

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PART II

SALARIES OF JUDGES OF SUPREME COURT OF JUDICATURE

Salaries of Judges. [37 of 1971 38 of 1975 39 of 1981 3 of 1985]. Schedule.

4. There shall be paid to the Chief Justice of Trinidad and Tobago, to every Judge of the Court of Appeal and to every Judge of the High Court the salaries specified in the Schedule.

PART III

PENSIONS

Pensions.

5. (1) There shall be paid to a person on his retirement from an office to which this Act applies a pension and gratuity in accordance with this Act.

(2) A person, who in accordance with the Constitution, is removed from an office to which this Act applies for inability, arising from infirmity of mind or body, to perform the functions of his office is deemed to have retired from that office.

(3) A person, who in accordance with the Constitution, is removed from an office to which this Act applies for any cause other than inability, arising from infirmity of mind or body, to perform the functions of his office may be granted such pension and gratuity not exceeding one-half of the pension and gratuity to which he would have been entitled had he retired from such office, as the Commission may decide.

Minimum and maximum pensions. [43 of 1976].

6. (1) Subject to this section, the pension that shall be paid to a person who retires from an office to which this Act applies shall be an amount not less than forty-four and a half per cent and not more than eighty-five per cent of the annual pensionable emoluments drawn by him at the date of his retirement.

(2) Where a Judge has pensionable service, the amount of pension granted under this Act shall not, when added to the amount of any pension or pensions drawn by him in respect of that pensionable service, exceed eighty-five per cent of the annual pensionable emoluments drawn by him at the date of his retirement.

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(3) For the purposes of this section, where a person receives both a gratuity and a pension in respect of the same period of pensionable service or service as a Judge, the amount of such pension is deemed to be four-thirds of its actual amount.

Rate of pension payable to the Chief Justice. [43 of 1976].

7. A person who at any time retires from the office of Chief Justice shall be granted a pension at the rate of the full amount of his pensionable emoluments.

Rate of pension payable to Judges, other than the Chief Justice.

8. A person who at any time retires from an office to which this Act applies, other than the office of Chief Justice, shall be granted in respect of his service as a Judge a pension which is the aggregate of one-third of his pensionable emoluments and one-three hundred and sixtieth of his pensionable emoluments in respect of each completed month of service as such.

Computation of pensions.

9. For the purpose of computing the amount of pension of a Judge, other than the Chief Justice, the full period during which he held the office of Judge shall be taken into account.

Gratuity on death of Judge.

10. Where a Judge dies, there shall be granted to his legal personal representative a gratuity of an amount equal to the total of the gratuities which would have been payable to that Judge in respect of his pensionable service, if any, and in respect of his service as a Judge if he had retired at the date of his death.

Gratuity and reduced pension. [13 of 2019].

11. (1) A person to whom a pension is payable under this Act shall if he has exercised his option as herein provided, but not otherwise, be paid in lieu of such pension, pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and a half times the amount of the annual reduction so made in the pension.

(2) The option referred to in subsection (1) shall be exercisable, and if it has been exercised, may be revoked, not later than the day immediately preceding the date of such person's retirement; but the Commission may, if it appears equitable to do so, allow him to exercise the option or revoke an option previously exercised at any time between that date and the actual date of the first payment of any pension under this Act.

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(3) Subject to subsection (2), if such person has exercised the option referred to in subsection (1), his decision shall be irrevocable so far as concerns any pension paid to him under this Act.

(4) If a person who has not exercised the option dies after he has retired but before a pension has been paid under this Act, there shall be granted to his legal personal representative a gratuity and a reduced pension as provided for in subsection (1) as if such person before his death had exercised the option therein referred to, so however, that such pension shall not be paid in respect of any period later than the date of the death of such person and shall not exceed in the aggregate the total amount due and payable to him on the said date.

(5) The date of the exercise of the option by such person shall be deemed to be the date of the receipt of his written notification addressed to the Chairman of the Commission.

Review of pension. [13 of 2019. 16 of 2019].

11A. (1) A person, including a retired Judge, is eligible on every fifth anniversary of the date he ceased to be a Judge for a revised pension—

(a) calculated on the basis of the pensionable emoluments payable to the incumbent on that date; or

(b) at the rate of three-fourths of the revised pension payable under paragraph *(a)*, where he has exercised the option under section 11(1).

(2) For the avoidance of doubt, subsection (1) shall not be construed as authorising the payment of a revised pension with respect to a fifth anniversary which occurred before the coming into force of that subsection.

(3) Notwithstanding subsection (1), a person referred to in that subsection who ceased to hold office before 25th June 2019 is entitled to the revised pension referred to in that subsection as of 25th June 2019 and thereafter on every fifth anniversary referred to in that subsection.

Widow of Chief Justice. [43 of 1976 17 of 2007 30 of 2007 1 of 2009 13 of 2010 2 of 2015].

12. (1) Where a person dies while he is entitled to receive a pension in respect of his service as Chief Justice and he leaves a widow, the widow shall be paid a pension at an annual rate equivalent to two-thirds of the pension payable to him at the date

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of his death or a monthly pension in the sum of three thousand, five hundred dollars, whichever is the greater.

(2) Where a person dies while holding the office of Chief Justice and he leaves a widow, the widow shall be paid—

(a) a gratuity of an amount equivalent to twelve and a half times one-quarter of his pensionable emoluments at the date of his death; and

(b) a pension at an annual rate equivalent to one-half of his pensionable emoluments at the date of his death or a monthly pension in the sum of three thousand, five hundred dollars, whichever is the greater.

(3) A widow shall not be entitled to receive and shall not be paid a pension under this section in respect of any period after her remarriage.

(4) Where a person dies while holding the office of Chief Justice and he does not leave a widow, a gratuity equivalent to twelve and a half times one-quarter of his pensionable emoluments at the date of his death shall be paid to the legal personal representatives on account of the deceased person's estate.

(5) In this section a reference to "widow" includes a reference to "widower".

Widow of Judge. [43 of 1976 17 of 2007 30 of 2007 1 of 2009 13 of 2010 2 of 2015].

13. (1) Where a person dies while he is entitled to a pension in respect of his service as a Judge and he leaves a widow, the widow shall be paid a pension at an annual rate equivalent to one-half of the pension payable to him at the date of his death or a monthly pension in the sum of three thousand, five hundred dollars, whichever is the greater.

(2) Where a person dies while holding the office of a Judge and he leaves a widow, the widow shall be paid—

(a) a gratuity of an amount equivalent to twelve and a half times one-sixth of his pensionable emoluments at the date of his death; and

(b) a pension at an annual rate equivalent to one-quarter of the pensionable emoluments payable to him at the date of his death or a monthly pension in the sum of three thousand, five hundred dollars, whichever is the greater.

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(3) A widow shall not be entitled to receive and shall not be paid a pension under this section in respect of any period after her remarriage.

(4) Where a person dies while holding the office of a Judge and he does not leave a widow, a gratuity of an amount equivalent to twelve and a half times one-sixth of the pensionable emoluments payable to him at the date of his death shall be paid to the legal personal representatives on account of the deceased person's estate.

(5) Nothing in this Act shall affect the rights of a widow of any Judge, including the Chief Justice under the Widows' and Orphans' Pensions Act or any other law. Ch. 23:54.

(6) In this section—

"Judge" does not include the Chief Justice;

"widow" includes widower.

(7) This section shall be deemed to have come into force on the 31st August 1962.

Interim pension. [19 of 2018].

13A. (1) Notwithstanding any other provision of this Act or any other written law, where there is sufficient evidence that a person who compulsorily retires is eligible for a pension under this Act, the person shall—

(a) pending the completion of any administrative or other requirements for the payment of that pension; and

(b) commencing on the date that the first payment of that pension would fall due if the administrative and other requirements referred to in paragraph *(a)* had been completed,

be paid an interim pension in the sum of three thousand five hundred dollars per month.

(2) A person referred to in subsection (1) may, upon the completion of the administrative or other requirements referred to in that subsection, be granted such pension for which he is eligible under this Act, subject to the deduction of the amount previously paid to him under that subsection.

(3) Any amount paid pursuant to subsection (1) to a person who is not eligible for a pension under this Act, may be recovered as a civil debt.

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(4) Where prior to 1st January 2019, a person retired under this Act but is not in receipt of a pension under this Act, this section shall apply to him.

Widows' and Orphans' Pensions. Ch. 23:54.

14. Notwithstanding the provisions of sections 2 and 3 of the Widows' and Orphans' Pensions Act every Judge is eligible to be a contributor under that Act and the provisions of that Act in relation to the payment of pensions to widows and orphans of deceased public officers applies to the office of Judge.

Pension not assignable or attachable.

15. No pension, gratuity or other allowance granted under this Act 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 State.

PART IV

MISCELLANEOUS

Regulations.

16. (1) The President may make Regulations generally for the carrying out of the provisions of this Act, and, without prejudice to the generality of the foregoing, may make Regulations relating to the conditions of service of, and the allowances payable to, a Judge.

(2) Whenever the President is satisfied that it is equitable that any Regulation made under subsection (1) should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose.

Section 4. [3 of 1985].

SCHEDULE

Office	Salaries		
	1981	1982	1983 and thereafter
	$	$	$
Chief Justice … …	108,000 per annum	129,600 per annum	142,560 per annum
Justice of Appeal… …	93,600 per annum	108,000 per annum	118,800 per annum
Judge of the High Court…	87,600 per annum	100,800 per annum	110,400 per annum

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SUBSIDIARY LEGISLATION

JUDGES (CONDITIONS OF SERVICE AND ALLOWANCES) REGULATIONS (NO. 1)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

PRELIMINARY

2. Interpretation.

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EXEMPTION FROM INCOME TAX

17. Exemption from income tax.

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JUDGES (CONDITIONS OF SERVICE AND ALLOWANCES) REGULATIONS (NO. 1)

25/1965.
[47/1967].

made under section 16

Citation.

1. These Regulations may be cited as the Judges (Conditions of Service and Allowances) Regulations (No. 1), and, save as otherwise hereinafter specifically provided, shall be deemed to have come into operation on 31st August 1962.

PRELIMINARY

Interpretation.

2. In these Regulations—

"children" means the children of a Judge (including legally adopted children) who are below the age of twenty years, unmarried and dependent on him;

"Court vacation" means the whole of any period prescribed as a Court vacation by Rules of Court in relation to the High Court and the Court of Appeal respectively;

"long vacation" means the period—

(a) in relation to Judges of the High Court, from 26th June to 3rd October (both days inclusive); and

(b) in relation to Judges of the Court of Appeal, from 1st August to 2nd October (both days inclusive).

VACATION AND VACATION PASSAGE ALLOWANCES

Vacations.

3. Subject to such assignments for duty as may be made by the Chief Justice for the due execution of vacation business, Judges shall be on vacation during all Court vacations.

Absence abroad.

4. Subject to these Regulations, a Judge may go abroad during any Court vacation with the approval of the Chief Justice but, save as herein provided, no Judge shall be absent from Trinidad and Tobago without the approval of the President.

Vacation entitlements.

5. In every alternate year a Judge shall be entitled to go abroad during the long vacation and, in such event, he shall be paid a passage allowance as provided by regulation 6.

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Passage allowance.

6. (1) The passage allowance payable to a Judge shall be the full actual cost of first class return passage (by air or sea, or partly by air and partly by sea, at the Judge's option) for himself, his wife and children, if any, subject to a maximum of the equivalent of three adult first class return fares from Trinidad to the United Kingdom.

(2) The passage allowance shall be payable in a manner so as to enable the Judge's wife or children or both his wife and children to precede him or follow him, if he so desires, on the outward or homeward journey, as the case may require.

HOUSING

Housing—Judges.

7. (1) Fully furnished residences shall be provided for all Judges and each Judge (other than the Chief Justice) who occupies any such residence shall pay therefor rental at the rate of nine hundred dollars ($900) a year plus five per cent a year of the aggregate value of the furniture supplied therein.

(2) The allocation of residences among Judges shall be in the sole discretion of the Chief Justice.

(3) This Regulation is deemed to have come into operation on 1st January 1965.

Housing—Chief Justice.

8. (1) The Chief Justice shall be entitled either to occupy a fully furnished residence without payment of rent or, at his option, to be paid a housing allowance at the rate of three thousand, six hundred dollars ($3,600) a year.

(2) Where the Chief Justice elects to occupy a residence under subregulation (1) without payment of rent, the provision thereof is deemed to be an allowance for the purpose of regulation 17.

Judge on circuit.

9. A Judge on circuit in San Fernando or Tobago shall be entitled to the exclusive use of a Government house.

TRANSPORT

Transport allowance.

10. Each Judge shall be paid a transport allowance at the rate of one thousand, two hundred dollars ($1,200) a year.

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Application of Travelling Allowances Regulations. Advances to purchase means of transport. Ch. 23:50. Sub. Leg.

11. The provisions of the Travelling Allowances Regulations, which relate to advances to purchase means of transport, apply *mutatis mutandis* to the purchase of transport by a Judge and for the purposes of those provisions a Judge shall be deemed to be an officer required to use a motor vehicle for the performance of his official duties.

Transport to Tobago.

12. A Judge on duty in Tobago shall be provided with paid passage for himself (by sea or air at the Judge's option) and free transportation of his motor car to and from Tobago.

CHAUFFEUR'S ALLOWANCE

Chauffeur's allowance. [47/1967].

13. (1) There shall be paid to the Chief Justice a chauffeur's allowance at the rate of one thousand, eight hundred dollars ($1,800) a year, or such greater amount as may from time to time be allowed so long as he holds the office of Chief Justice.

(2) A like allowance shall be paid to a Justice of Appeal who has been designated to perform the functions of the Chief Justice under section 79(4) of the former Constitution during the period in which he actually performs such functions.

(3) This Regulation shall be deemed to have come into operation on 1st September 1962.

SUBSISTENCE

Subsistence.

14. (1) A Judge on duty in San Fernando or Tobago shall be paid a subsistence allowance at the rate of twenty dollars a day.

(2) This Regulation shall be deemed to have come into operation on 1st January 1964.

ENTERTAINMENT ALLOWANCE

Entertainment allowance.

15. (1) There shall be provided with effect from the 1st day of January 1965, an entertainment allowance of three thousand dollars ($3,000) a year to cover the cost of entertainment by the Chief Justice in his official capacity or, with his approval, by any other Judge in that Judge's official capacity.

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(2) The control of the entertainment allowance shall be in the sole discretion of the Chief Justice.

MEDICAL TREATMENT

Medical treatment.

16. Every Judge is entitled without charge to operative treatment, X-ray, bacteriological and pathological examinations and physiotherapy treatment at any hospital or other institution established and maintained by the Government under the Hospitals Ordinance.

Ch. 12. No. 9. (1950 Ed.).

EXEMPTION FROM INCOME TAX

Exemption from income tax.

17. Every allowance of whatsoever nature payable under these Regulations shall be wholly exempt from payment of income tax.

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JUDGES (CONDITIONS OF SERVICE AND ALLOWANCES) REGULATIONS (NO. 2)

ARRANGEMENT OF REGULATIONS

REGULATION

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CHAUFFEUR'S ALLOWANCE

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SUBSISTENCE

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ENTERTAINMENT ALLOWANCE

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MEDICAL TREATMENT

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18. Telephone allowance.
18A. Cost of living allowance.

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JUDGES (CONDITIONS OF SERVICE AND ALLOWANCES) REGULATIONS (NO. 2)

*28/1972.

made under section 16

PRELIMINARY

Citation.

1. These Regulations may be cited as the Judges (Conditions of Service and Allowances) Regulations (No. 2).

Interpretation. [190/1997].

2. In these Regulations—

"children" means the children of a Judge (including legally adopted children) who are below the age of twenty years; unmarried and dependent on him;

"Court vacation" means the whole of any period prescribed as a Court vacation by Rules of Court in relation to the High Court and the Court of Appeal respectively;

"existing Judge" means a Judge appointed before the making of the Judges (Conditions of Service and Allowances) (Amendment) Regulations; Sub. Leg.

"new Judge" means a Judge appointed after the making of the Judges (Conditions of Service and Allowances) (Amendment) Regulations.

Option and application of these Regulations.

3. For the purpose of section 89(3) of the former Constitution, a Judge shall have the option of accepting the conditions of service and allowances provided for in these Regulations as a whole instead of those provided for in the Judges (Conditions of Service and Allowances) Regulations (No. 1); and these Regulations shall apply as a whole to such of the Judges only as have before the expiration of three months from the coming into force of these Regulations exercised the option in favour of these Regulations. Sub. Leg.

*These Regulations have been amended by LNs 125/1981; 50/1985; 42/1986; 114/1990; 86/1992; 190/1997; 214/1997.

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VACATION AND VACATION PASSAGE ALLOWANCES

Vacations. [190/1997].

4. Subject to such assignments for duty as may be made by the Chief Justice for the due execution of vacation business, Judges shall be on vacation during the two short vacation periods at Easter and Christmas.

Absence abroad.

5. Subject to these Regulations, a Judge may go abroad during any Court vacation with the approval of the Chief Justice, but, save as herein provided, no Judge shall be absent from Trinidad and Tobago without the approval of the President.

Vacation entitlements. [190/1997].

6. (1) In addition to the Easter and Christmas vacations a Judge is entitled—

(a) in the case of a Justice of Appeal, to six weeks vacation per annum; and

(b) in the case of a puisne Judge, to four weeks vacation per annum and six weeks vacation per annum respectively, in alternate years.

(2) The vacation provided for in subregulation (1) shall be taken at such time or times as may be approved by the Chief Justice and shall not be accumulated from one year to another.

Passage allowance. [190/1997].

7. (1) In every second year a Judge shall be entitled to be paid a passage allowance to enable him and his family to go abroad during his vacation, the amount of which allowance shall be equivalent to the full cost of first-class return air fares from Trinidad to London by the most direct route for the Judge and his spouse, if any, and his children, if any, but shall not exceed the cost of three such adult fares.

(2) A Judge other than an acting Judge or one appointed under section 104(2) of the Constitution for a period of less than two years, may opt to receive in lieu of the passage allowance described in subregulation (1), an annual travel grant of twenty thousand dollars in cash.

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(3) In respect of existing Judges who receive a benefit under regulation 7A in 1997, this regulation shall come into effect from 1st January 1998, but in respect of all other Judges this regulation is deemed to have come into effect on 1st January 1997.

Additional passage allowance. [125/1981 190/1997].

7A. (1) Notwithstanding regulation 7, once every two years a Judge is entitled to a passage to any part of the Commonwealth served by the National Airline so that he may establish contact with judicial colleagues, attend conferences, seminars, lectures or similar gatherings.

(2) Where such judicial contact involves some official participation in—

(a) a Commonwealth country not served by the National Airline; or

(b) the United Nations and its law agencies and organs,

the cost of supplementary travel shall be authorised.

(3) Passage allowance under this regulation shall cover first-class travel, hotel accommodation and subsistence and shall be in respect of the Judge, his spouse and not more than two of his children who have not yet attained the age of eighteen years, are unmarried and maintained by him.

(4) There shall be a block vote provided for passage allowances payable under this regulation and all arrangements under this regulation and such block vote shall be subject to the control of the Chief Justice.

(5) This regulation shall not apply to new Judges or to any existing Judge who has exercised the option conferred by regulation 7B of taking the allowance provided by that regulation in lieu of the benefit provided by this regulation.

Judicial Contact allowance. [190/1997].

7B. (1) Subject to this regulation there shall be paid to every Judge an allowance known as a Judicial Contact allowance of five thousand dollars per month.

(2) This regulation shall not apply to an existing Judge unless he exercises the option provided by subregulation (3).

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(3) An existing Judge may, not later than 31st December 1997, opt to receive the allowance provided by this regulation in lieu of the benefit provided by regulation 7A.

(4) Where an existing Judge receives a benefit under regulation 7A in 1997, but exercises the option provided by subregulation (3), the allowance provided by this regulation shall be payable to him as from 1st January 1998 but in the case of all other Judges who are or become eligible to receive such allowance it shall be payable as from 1st January 1997.

Option exercisable only once. [190/1997].

7C. A Judge who is entitled to exercise the option of receiving—

(a) the cash grant in lieu of the passage allowance provided for in regulation 7; or

(b) the Judicial Contact allowance in lieu of the benefit provided for in regulation 7A,

shall do so once only in writing signed by him and shall thereafter forfeit any claim to the benefit which he has opted to forego save that the previous exercise of an option shall not be binding on, or enure to the benefit of a Judge who is appointed under section 104(2) of the Constitution.

HOUSING

Housing for Chief Justice. [125/1981].

8. There shall be provided rent-free for the Chief Justice a fully furnished residence of the super-grade category.

Housing for other Judges. [125/1981 190/1997].

8A. (1) Subject to this regulation, fully furnished residences of the super-grade category shall be provided rent-free for all Judges (other than the Chief Justice) and the allocation of such residences shall be in the sole discretion of the Chief Justice.

(2) With effect from 1st April 1997, where a Judge is not provided with a residence referred to in subregulation (1) or where he chooses not to occupy such a residence, he shall, subject to subregulation (3), be paid a monthly housing allowance of—

(a) in the case of the Chief Justice, seven thousand, five hundred dollars;

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(b) in the case of a Judge other than the Chief Justice, five thousand dollars,

save that the allowance shall not be paid where the Judge occupies a government-owned residence not of the super-grade category.

(3) Housing allowance shall be paid only after the Chief Justice certifies in writing that in his view the residence that the Judge occupies or proposes to occupy is compatible with the status of a Judge.

(4) This regulation is deemed to have come into effect on 1st April 1997.

Judge on circuit.

9. A Judge on circuit in San Fernando or Tobago shall be entitled to the exclusive use of quarters provided by the Government.

Deemed allowance.

10. The provision of a residence or quarters shall be deemed to be an allowance for the purposes of regulation 19.

Judge's allowance. [125/1981 190/1997].

10A. (1) There shall be paid exclusively to every Judge by virtue of his office as such and the nature and scope of the judicial functions he is required to perform, a personal allowance of three thousand dollars per month.

(2) This regulation shall be deemed to have come into operation on 1st January 1997.

TRANSPORT

Transport allowance. [50/1985].

11. (1) There shall be paid to each Judge with effect from 1st August 1981, a transport allowance of five hundred and twenty-five dollars per month.

(2) There shall be provided for the Chief Justice at the expense of the State—

(a) an official motor car, the operational and maintenance costs of which shall be met by the State; and

(b) an official chauffeur who shall be a police officer.

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Application of Travelling Allowances Regulations. Ch. 23:50 Sub. Leg. Advances to purchase means of transport. [50/1985].

12. The provisions of the Travelling Allowances Regulations that relate to advances to purchase means of transport apply with any necessary or expedient modifications to the purchase by a Judge of a motor vehicle whether manufactured in Trinidad and Tobago or abroad, and for the purposes of these provisions, a Judge shall be deemed to be an officer required to keep a vehicle for use in the performance of his official duties.

Exemption from motor vehicles tax or Customs duty. [50/1985 114/1990].

12A. Where a Judge purchases a vehicle within the contemplation of regulation 12, he is entitled to exemption from the payment of—

(a) motor vehicles tax and value added tax where the motor vehicle is manufactured in Trinidad and Tobago; or

(b) Customs duty where the motor vehicle is manufactured abroad.

Transport to Tobago. [50/1985].

13. A Judge on duty in Tobago, shall be provided with paid passage for himself (by sea or air at the Judge's option) and free transportation of his motor car to and from Tobago.

CHAUFFEUR'S ALLOWANCE

Chauffeur's allowance. [125/1981].

14. (1) There shall be paid to each Judge a chauffeur's allowance as follows:

(a) with effect from 1st January 1974 a sum of three hundred and thirty-one dollars per month;

(b) with effect from 1st January 1975 a sum of three hundred and forty-seven dollars per month;

(c) with effect from 1st January 1976 a sum of three hundred and sixty-five dollars per month;

(d) with effect from 1st January 1977 a sum of five hundred and seventy-four dollars per month;

(e) with effect from 1st January 1978 a sum of six hundred and three dollars per month;

(f) with effect from 1st January 1979 a sum of six hundred and thirty-three dollars per month; and

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(g) with effect from 1st January 1980 a sum of six hundred and ninety-six dollars per month.

(2) From 1st January 1977, the allowance paid to each Judge under subregulation (1) shall be increased by a cost of living allowance equivalent to the cost of living allowance payable to a chauffeur in the Public Service.

(3) From 1st January 1981, there shall be paid to each Judge—

(a) a chauffeur's allowance equivalent to the minimum salary of a Chauffeur II in the Public Service;

(b) a cost of living allowance equivalent to the cost of living allowance payable to such a chauffeur.

SUBSISTENCE

Subsistence. [86/1992].

15. (1) Where a Judge who lives in—

(a) North Trinidad is on duty in San Fernando or Tobago;

(b) South Trinidad is on duty in Port-of-Spain or Tobago; or

(c) Tobago is on duty in Trinidad,

he shall be paid a subsistence allowance at the rate of fifty dollars per day.

(2) This regulation shall be deemed to have effect from 1st January 1991.

ENTERTAINMENT ALLOWANCE

Entertainment allowance. [125/1981].

16. (1) There shall be paid an entertainment allowance—

(a) to the Chief Justice of three hundred and fifty dollars per month;

(b) to any Judge other than the Chief Justice of two hundred and fifty dollars per month.

(2) Where the Chief Justice or a Judge with the approval of the Chief Justice has incurred actual expenses in excess of this

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sum, such excess may be met from the official Entertainment Vote under the control of the Chief Justice.

(3) This regulation is deemed to have come into operation on the 1st day of January 1981.

MEDICAL TREATMENT

Medical treatment.

17. A Judge is entitled without charge to operative treatment, X-ray, bacteriological and pathological examinations and physiotherapy treatment and to all incidental hospitalisation services at any hospital or other institution established and maintained by the Government under the Hospitals Ordinance or when those services are not available at such hospitals, with the approval of the Chief Justice, to be paid the cost of such treatment and services at any other hospital, institution or nursing home in Trinidad and Tobago, the payment whereof shall be deemed to be an allowance for the purposes of regulation 19.

Ch. 12. No. 9. (1950 Ed.)

TELEPHONES

Telephone allowance.

18. (1) There shall be paid for every Judge the cost of rental of a telephone at his residence or quarters and such other metered charges and ticketed calls made for official purposes as are claimed by him.

(2) The amounts paid under this regulation shall be deemed to be an allowance for the purposes of regulation 19.

(3) This regulation shall be deemed to have come into operation on 1st April 1970.

Cost of living allowance. [50/1985. 114/1990].

18A. A cost of living allowance, on the same basis as is paid to public officers, shall, with effect from 1st January 1981, be paid to each Judge.

EXEMPTION FROM INCOME TAX

Exemption from income tax. [114/1990. 214/1997].

19. Every allowance payable under these Regulations shall be exempt from payment of income tax and any other tax.

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JUDGES (SALARIES AND PENSIONS) REGULATIONS

202/1997.

made under section 16

1. These Regulations may be cited as the Judges (Salaries and Pensions) Regulations. Citation.

2. In these Regulations, "the Act" means the Judges Salaries and Pensions Act. Interpretation.

3. The salary and pension payable to a Judge shall be exempt from the payment of income tax and any other tax. Exemption from income tax—salaries and pensions of Judges.

4. (1) The pension payable to the widowed spouse of a Judge, in accordance with sections 12 and 13 of the Act, shall be exempt from the payment of income tax and any other tax. Exemption from income tax—pension payable to a widowed spouse.

(2) This regulation is deemed to have come into effect on 1st April 1997.

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