

**ASSISTED SECONDARY SCHOOL TEACHERS'
PENSIONS ACT**

CHAPTER 39:03

Act

21 of 1963

Amended by

5 of 1985

*9 of 1987

*19 of 1989

20 of 1997

17 of 2007

30 of 2007

*22 of 2008

*1 of 2009

*See Note on page 2

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Note on Act No. 9 of 1987 and Act No. 19 of 1989

This Act has been amended by implication by Act No. 9 of 1987 and Act No. 19 of 1989.

Note on Act No. 22 of 2008

By Act No. 22 of 2008, the provisions of sections 11A and 11B took effect from 1st January 2005.

Note on Act No. 1 of 2009

Amendments made to section 11 (1) by Act No. 1 of 2009 took effect from 1st October 2008.

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**ASSISTED SECONDARY SCHOOL
TEACHERS' PENSIONS ACT**

ARRANGEMENT OF SECTIONS

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CHAPTER 39:03

**ASSISTED SECONDARY SCHOOL
TEACHERS' PENSIONS ACT**

21 of 1963. **An Act to provide for the payment of superannuation allowances to Teachers in Assisted Secondary Schools, and for matters incidental thereto.**

Commencement.
57/1964.

*[4TH JUNE 1964]

Short title.

1. This Act may be cited as the Assisted Secondary School Teachers' Pensions Act.

Interpretation.

2. (1) In this Act—

Ch. 14, No. 1.
(1951-53 Ed.).

“assisted secondary school” means an assisted secondary school within the meaning of the repealed Education Ordinance;

“other teaching service” means whole-time service in a teaching capacity in a primary, intermediate or Government Secondary school in Trinidad and Tobago;

“public service” has the same meaning as in the Constitution of Trinidad and Tobago;

“salary” means—

(a) in respect of service in assisted secondary schools, the remuneration in money given as aid by the Government from public funds and paid to a teacher for teaching in the school; and

(b) in respect of other teaching service or public service, the remuneration or emoluments that count for pension under the law or regulations in force in respect of that service;

“teaching service” means, subject to subsection (2) and section 19—

(a) service in the capacity of a teacher in full-time employment in an assisted secondary school; and

(b) other teaching service;

*Deemed to have been in force on and after 1st January 1956 (*see* section 20).

“teacher” means a teacher within the meaning of the Education Act.

Ch. 39:01.

(2) Where during the time a person is employed in the teaching service in an assisted secondary school he has had other teaching service or public service or has, with the approval of his employer, undergone a course of training at an institution recognised by the Government, that other teaching service or public service or that course of training shall not be construed as constituting an interruption in the teaching service of that teacher, except where the other teaching service or public service or the course of training exceeds one year.

(3) Nothing in this Act shall be construed to affect the relationship between the teachers to whom this Act applies and the employers of those teachers.

3. Subject to section 17, this Act applies—

Application of Act.

- (a) to every person who is appointed as a teacher in an assisted secondary school after 1st January 1956; and
- (b) to every person who, having been appointed as a teacher in an assisted secondary school before 1st January 1956, retires from the teaching service after that date.

4. (1) Every teacher in the teaching service in an assisted secondary school shall be granted on his retirement a pension as in this Act provided.

Pensions authorised.

(2) All such sums of money as are from time to time granted by way of pension, gratuity or other allowance pursuant to this Act shall be a charge on the Consolidated Fund.

5. (1) Subject to this section, every teacher in the teaching service in an assisted secondary school shall retire at the age of sixty years.

Age of compulsory retirement.

(2) In special cases the President may authorise a teacher in the teaching service in an assisted secondary school to retire at any time after the teacher attains the age of fifty years.

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(3) Where a teacher in the teaching service in an assisted secondary school has before the coming into operation of this Act attained the age of sixty years but continues in the teaching service without retiring, he shall be eligible for the pension and gratuity provided for in this Act as if he had retired at the age of sixty years.

Retirement on
medical
grounds.

6. Except as otherwise permitted by section 5, no pension, gratuity or other allowance shall be granted to any teacher in the teaching service who has not attained the age of fifty-five years or, where a teacher retires as a special case under section 5(2), fifty years, unless it is shown by medical evidence to the satisfaction of the President, that the teacher is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office, and that the infirmity is likely to be permanent.

Retirement at
earlier age than
fifty-five in
certain cases.

7. (1) Where a teacher is transferred to the public service or other teaching service and the teacher ultimately retires at an age less than fifty-five years at which he is permitted by the law or regulation of that other service to retire with a pension, he is entitled to a pension under this Act, which shall be payable from the date of retirement of the teacher, notwithstanding that he was not fifty-five years of age at the time of retirement.

(2) Where a teacher 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 this Act, the President may, if he considers it justifiable having regard to all the circumstances of the case, grant such a pension, gratuity or other allowances as he thinks just and proper, but no such pension, gratuity or other allowance shall exceed the amount that the teacher would be eligible for if he were suffering from an infirmity of mind or body that is likely to be permanent.

8. (*Repealed by Act No. 20 of 1997*).

Minimum age
for pensionable
service.
[5 of 1985].

9. No teacher in the teaching service in an assisted secondary school is entitled to a pension or any retiring allowance in respect of any service performed while under the age of seventeen years.

10. (1) Every teacher in the teaching service in an assisted secondary school shall in accordance with the provisions of this Act be granted on his retirement a reduced pension and gratuity.

Gratuity and reduced pension.

(2) In the application of this section, reduced pension means three-fourths of the pension calculated in accordance with the provisions of this Act; and gratuity means twelve and one-half times the annual value of the reduction so made in the pension.

11. (1) The pension granted to a teacher under this Act shall be in the sum of one thousand, nine hundred and fifty dollars per month or an amount not exceeding two-thirds of the highest salary drawn by the teacher at any time in the course of his service, whichever is the greater.

Maximum pension. [17 of 2007 30 of 2007 *1 of 2009].

(2) Subject to subsection (3), a teacher who has been granted a pension in respect of any public service shall not at any time draw from the funds of Trinidad and Tobago an amount of pension that, when added to the amount of any pension or pensions drawn in respect of that public service, exceeds two-thirds of the highest salary drawn by him at any time in the course of his teaching service.

(3) Where a teacher receives in respect of some period of teaching service both a gratuity and a pension, the amount of the pension shall be deemed for the purposes of subsection (2) to be four-thirds of its actual amount.

(4) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where a teacher is granted such an additional pension under this Act, the amount thereof together with the remainder of his pension or pensions shall not exceed fifty-sixtieths of his highest salary at any time in the course of his teaching service.

11A. (1) Where a teacher who immediately prior to—
(a) the date of his compulsory retirement; or
(b) the date on which he proceeds on annual leave prior to the date of compulsory retirement,

Computation of pension in acting capacity, prior to compulsory retirement. *[22 of 2008].

has acted in a higher office for a period of three continuous years, that teacher shall be eligible to have his pension, gratuity or other allowance calculated as if he were confirmed in that

*See Note on page 2.

higher office and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be a teacher to whom regulation 11(1)(a) of the Regulations applies.

- (2) Where a teacher who immediately prior to—
- (a) the date of his compulsory retirement; or
 - (b) the date on which he proceeds on annual leave prior to the date of compulsory retirement,

has acted in a higher office for a period of one continuous year but less than three continuous years, that teacher shall be eligible to have his pension, gratuity or other allowance calculated as if he were confirmed in that higher office during that period and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be a teacher to whom regulation 11(1)(c) and (2) of the Regulations applies.

Computation of pension on promotion following acting, prior to compulsory retirement. *[22 of 2008].

11B. (1) Where a teacher who is promoted to a higher office having acted in that higher office retires compulsorily, and the period of acting together with his service in the office to which he has been promoted amounts to a period of not less than—

- (a) three continuous years, he shall be eligible to have his pension, gratuity or other allowance calculated as if he had held that higher office during the entire period and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be a teacher to whom regulation 11(1)(a) of the Regulations applies; or
- (b) one continuous year but less than three continuous years, he shall be eligible to have his pension, gratuity or other allowance calculated as if he had held that higher office during that period and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be a teacher to whom regulation 11(1)(c) and (2) of the Regulations applies.

*See Note on page 2.

12. (1) No teacher has any absolute right to compensation for past services or to pension, gratuity or other allowance under this Act, nor does anything contained in this Act limit the right of the employers of the teacher to dismiss him without compensation.

No absolute right to compensation.

(2) Where it is established to the satisfaction of the President that a teacher has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance payable to him under this Act may be reduced or altogether withheld.

13. (1) When a teacher dies while in teaching service in an assisted secondary school, the President may grant a gratuity of an amount not exceeding one year's salary of the teacher, or his commuted pension gratuity, if any, whichever is the greater.

Gratuity to dependants of deceased teacher.

(2) For the purposes of subsection (1), "commuted pension gratuity" means the gratuity, if any, mentioned in section 10 which might have been granted to the teacher if he had retired immediately before his death in circumstances rendering him eligible to receive a gratuity and reduced pension under this Act.

(3) Where a teacher to whom a gratuity and reduced pension has been granted under this Act dies after retirement from the teaching service of Trinidad and Tobago and the sums paid or payable to him at his death in respect of the gratuity and reduced pension are less than the annual salary of which he was in receipt at the date of his retirement, the President may grant a gratuity equal to the deficiency.

(4) All moneys payable under this section shall be paid to the legal personal representative of the deceased teacher except where the amount of the gratuity, commuted pension gratuity or gratuity and reduced pension does not exceed four hundred and eighty dollars in which case the President may dispense with the production of probate or letters of administration and cause the gratuity, commuted pension gratuity or gratuity and reduced pension to be paid to the dependants of the teacher in such proportions, if there are more dependants than one, as the President may think fit.

14. (1) In this section, "child" includes—
(a) a posthumous child;

Pension to dependants of teachers.

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- (b) a step-child wholly or mainly dependent upon the deceased teacher for support;
- (c) an illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased teacher for support; and
- (d) an adopted child if the child is adopted before the date of the injury in a manner recognised by law and is dependent upon the deceased teacher for support.

(2) Where a teacher in the teaching service in an assisted secondary school dies as a result of injuries received—

- (a) in the actual discharge of his duty, and without his own default; or
- (b) on account of circumstances specifically attributable to the nature of his duty while in the teaching service of an assisted secondary school,

the President may, in addition to the grant, if any made under section 13 to the legal personal representative of the deceased teacher or to his dependants, grant a pension to the dependants of the deceased teacher in accordance with subsection (3).

(3) The following pensions at the rates specified are authorised under this section:

- (a) when the deceased teacher leaves a widow, a pension may be granted to her while she is unmarried and of good character at a rate not exceeding ten-sixtieths of the salary of the teacher at the date of the injury resulting in his death or seventy-two dollars a year, whichever is the greater;
- (b) when the deceased teacher leaves a widow to whom a pension is granted under paragraph (a) and a child or children, a pension may be granted in respect of each child, until each child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (a);

- (c) when the deceased teacher leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension may be granted in respect of each child, until each child attains the age of eighteen years, of double the amount prescribed in paragraph (b);
 - (d) when the deceased teacher leaves a child or children and a widow to whom a pension is granted under paragraph (a) and the widow subsequently dies, a pension may be granted in respect of each child as from the date of the death of the widow, until each child attains the age of eighteen years, of double the amount prescribed in paragraph (b);
 - (e) when the deceased teacher does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension may be granted to the mother, while she is of good character and without adequate means of support, of an amount not exceeding the pension that might have been granted to the widow of the deceased teacher.
- (4) Notwithstanding subsection (3)—
- (a) a pension is not payable under subsection (3) at any time in respect of more than six children;
 - (b) in the case of a pension granted under subsection (3)(e)—
 - (i) if the mother is a widow at the time of the grant of the pension and subsequently remarries the pension shall cease from the date of remarriage; and
 - (ii) if it appears to the President at any time that the mother is adequately provided with other means of support, the pension shall cease as from such date as the President may determine;

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(c) a pension granted in respect of a female child under subsection (3) shall cease upon the marriage of the child under the age of eighteen years.

Regulations.

15. (1) The President may make Regulations for the granting of pensions, gratuities and other allowances under this Act.

(2) Every regulation when made shall be laid before Parliament.

(3) Where the President is satisfied that it is equitable that any regulation made under this section 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, but no such legislation shall have retrospective effect unless it has received the prior approval of the Senate and the House of Representatives signified by Resolution.

(4) The Assisted Secondary School Teachers' Pensions Regulations (formerly contained in the Schedule to this Act) shall be deemed to be made under this section and may be amended or revoked under subsection (1).

Application of certain sections of Pensions Act. Ch. 23:52.

16. Sections 19, 20, 21, 22 and 23 of the Pensions Act apply to pensions granted under this Act in like manner as they apply to pensions granted under that Act.

President to decide questions arising under the Act.

17. In any case in which doubt arises, the President shall have full power and authority to determine who shall be considered a teacher within the meaning of this Act, and to decide all questions which may arise in respect to the period of service to be allowed in computing the claims of teachers, and likewise all questions that may arise in respect to the pension, gratuity or other allowance to be granted to any teacher whose official emoluments may have been derived partly from salary and partly from fees or other allowances; and also all other questions of whatever nature which may arise in connection with this Act.

National pensionable service. [5 of 1985].

18. (1) Subject to subsection (2), where a teacher has had teaching service in an assisted secondary school or other teaching

service before 1st January 1956, that teaching service in an assisted secondary school or other teaching service shall in accordance with this Act be counted as pensionable service for the purposes of computing the pension receivable by that teacher upon retirement after the commencement of this Act.

(2) No period of teaching service while a person is under seventeen years of age or over sixty years of age shall be included in the computation of the period of teaching service for the purposes of subsection (1).

19. Notwithstanding section 2(2), the President may by special or general Order prescribe, in respect of the service of a teacher in an assisted secondary school before or after 1st January 1956, the extent of that service that shall constitute qualifying service or pensionable service, as the case may be, for the purpose of granting a teacher a pension under this Act, and any such Order may include as pensionable service such interrupted periods of service as the President deems equitable.

Pensionable
service.

20. Upon the coming into force of this Act by Proclamation this Act shall be deemed to have been in force at all times on and after 1st January 1956.

Commencement.

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SUBSIDIARY LEGISLATION

**ASSISTED SECONDARY SCHOOL TEACHERS'
PENSIONS REGULATIONS**

ARRANGEMENT OF REGULATIONS

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**ASSISTED SECONDARY SCHOOL TEACHERS'
PENSIONS REGULATIONS**

21 of 1963.
[5 of 1985
20 of 1997].

deemed to be made under section 15(1)

PART I

PRELIMINARY

1. These Regulations may be cited as the Assisted Secondary School Teachers' Pensions Regulations. Citation.

PART II

**TEACHERS WITHOUT OTHER TEACHING SERVICE OR
OTHER PUBLIC SERVICE**

2. Save where the President in any special case otherwise directs, this Part of these Regulations shall not apply in the case of any teacher with other teaching service that is not whole-time service in a teaching capacity in a school in Trinidad and Tobago or with other public service except for the purpose of determining whether the teacher would have been eligible for pension or gratuity, and the amount of pension or gratuity for which the teacher would have been eligible if the whole of the service of the teacher had been in an assisted secondary school. Application of Part II.

3. Subject to the provisions of the Act and of these Regulations, every teacher who has been in teaching service for ten years or upwards may be granted on his retirement a pension at the rate of $\frac{1}{600}$ th of his salary in respect of each complete month of such service until the maximum of two-thirds ($\frac{400}{600}$ ths) is reached. Pensions to whom and at what rate to be granted.

4. A teacher, otherwise qualified for a pension, who has not completed ten years' teaching 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 regulation 3. Gratuities.

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[Subsidiary]

Assisted Secondary School Teachers' Pensions Regulations

PART III

GENERAL

Gratuity to female officer retiring on marriage. [20 of 1997].

***5.** (1) This regulation only applies to a person who was a female teacher immediately before the commencement of the Law Reform (Pensions) Act, 1997.

(2) Where a female teacher having held an office in the Teaching Service for not less than five years, retires from that service for the reason that she has married or is about to marry, and is not eligible for the grant of any pension or otherwise eligible for a gratuity under these Regulations, she may be granted upon production within six months after her retirement, or such longer period as the President may in any particular case allow, of satisfactory evidence of her marriage—

- (a) a gratuity not exceeding one-twelfth of a month's pensionable emoluments for each complete month of pensionable service, or twelve months pensionable emoluments, whichever is the less; or
- (b) a commuted pension gratuity, within the meaning of section 13 whichever is the greater.

Service qualifying for pension, gratuity or allowance.

6. Subject to the provisions of the Act and of these Regulations, service qualifying for pension, gratuity or allowance, as the case may be, shall be the aggregate of the periods of teaching service in Trinidad and Tobago.

Broken service. [20 of 1997].

7. (1) No pension, gratuity or other allowance shall be granted in respect of a period of service that is broken by suspension, dismissal or removal in consequence of disciplinary proceedings.

(2) Service is not broken where it is interrupted by one or a combination of the following:

- (a) one day;
- (b) weekends; or
- (c) public holidays.

* The Law Reform (Pensions) Act, 1997 came into force on 14th August 1997.

8. (Revoked by Act No. 20 of 1997).

9. (1) For the purpose of computing the amount of a teacher's pension, gratuity or allowance, the following periods shall be taken into account as pensionable service:

Computation of pensions and gratuities. Periods of service and absence.

- (a) any periods during which he has been on duty;
- (b) any period during which he received half salary from the funds of Trinidad and Tobago while proceeding to Trinidad and Tobago on first appointment;
- (c) any periods during which he has been absent from duty on leave with full pay;
- (d) any period during which he has been absent from duty on leave either on partial pay or without salary, granted on the grounds of public policy with the approval of the President and during which he has not qualified for pension or gratuity in respect of other teaching service or public service.

(2) The periods during which a teacher has been absent on leave on half pay shall, for the purpose of computing the amount of a teacher's pension, gratuity or allowance, be counted at the rate of one month for every two months of such periods, but the whole of the periods shall be counted for the purpose of determining whether a teacher is eligible for pension; but the period during which a teacher has been absent on vacation leave shall, under all circumstances, be counted as service on full pay.

Absence on half-pay leave.

(3) Any periods during which he has been absent on leave, other than those specified above, shall be deducted from the teacher's total service in order to arrive at his period of pensionable service.

Periods not taken into account.

10. Where an officer has performed service in a temporary capacity as a teacher, the period of the service may be taken into account as pensionable service, if—

Service in a temporary capacity. [20 of 1997].

- (a) *(Deleted by Act No. 20 of 1997)*;
- (b) this period of service is immediately preceded or followed by service in a substantive capacity as a teacher.

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Computation of pensions, etc., on what emoluments to be based.

11. (1) For the purpose of computing the amount of a teacher's pension, gratuity, or allowance—

- (a) in the case of a teacher who has held one office for a period of three years immediately preceding the date of his retirement, the full salary payable to him at that date in respect of that office shall be taken;
- (b) in the case of a teacher who at any time during the period of three years has been transferred from one office to another, but whose salary has not been changed by reason of the transfer or transfers, the full salary payable to him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) subject to subregulation (2) in other cases one-third of the aggregate salary payable to the teacher in respect of his service during the three years shall be taken.

(2) Notwithstanding subregulation (1)(c)—

- (a) if such one-third is less than the full salary which was payable to him at the date of his transfer within the period of three years the President may grant him a pension calculated on the full salary payable to him at that rate; and
- (b) if such one-third is less than the full salary which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he had been transferred at any time during the period of three years, and has received all increments which, in the opinion of the President would have been granted to him, the full salary which would have been so payable to him shall be taken.

(3) For the purposes of calculating salary under subregulation (2) the officer shall be deemed to have been on duty on full salary throughout the three years.

12. Where a teacher has been permanently injured—

(a) in the actual discharge of his duty; and

(b) by some injury specifically attributable to the nature of his duty,

Officers retiring on account of injuries.

and his retirement is thereby necessitated or materially accelerated, he may be granted in respect of the injury in addition to the pension, if any, granted to him under these Regulations, an annual allowance in proportion to the extent of his injury as follows:

When his capacity to contribute to support is—

slightly impaired	...	...	$\frac{60}{720}$ ths.
impaired	...	...	$\frac{120}{720}$ ths.
materially impaired	...	...	$\frac{180}{720}$ ths.
totally destroyed	...	...	$\frac{240}{720}$ ths.

However, no such allowance shall, together with the pension, exceed $\frac{600}{720}$ ths of his salary at any time in the course of his teaching service.