

LAWS OF TRINIDAD AND TOBAGO

PROVIDENT FUND ACT

CHAPTER 23:57

Act

22 of 1934

*Amended by

30 of 1943

17 of 1944

10 of 1945

50 of 1946

2 of 1950

17 of 1951

†38 of 1952

12 of 1960

34 of 1961

36 of 1961

33 of 1966

20 of 1977

*For the amendments to the Schedule by subsidiary legislation see the Schedule.

†Not in operation.

Current Authorised Pages

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on
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Other subsidiary legislation made under this Act has been referred to in the Schedule to this Act.

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SCHEDULE.

CHAPTER 23:57

PROVIDENT FUND ACT

An Act to establish a Provident Fund for certain employees in the Government Service.

1950 Ed.
Ch. 9 No. 9.
14 of 1934.

Commencement.

[1ST AUGUST 1934]

Short title and application.

[34 of 1961].

1. (1) This Act may be cited as the Provident Fund Act.

(2) After 19th October 1961 (the date of the commencement of the Pensions Extension Act) this Act applies only in respect of—

- (a) daily paid employees in the Service of the Government of Trinidad and Tobago; and
- (b) those persons who elect in accordance with section 4 of the Pensions Extension Act to continue to be depositors to the Provident Fund.

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Interpretation.

2. In this Act—

“bonus” means a sum of money added by Government to a deposit with the interest accruing on such sum of money and deposit;

“compulsory deposit” means a deposit which an employee is under this Act required to make to the Fund;

“depositor” means an employee by whom or on whose behalf a deposit is made under this Act;

“employee” means a person in the service of the Government of Trinidad and Tobago and not holding a pensionable office in the public service of Trinidad and Tobago who under this Act is required to become a depositor;

“Fund” means the Provident Fund;

“interest” includes compound interest;

“pensionable office” shall have the same meaning as defined in the Pensions laws;

“wages” means monthly or fortnightly wages or salaries drawn by an employee and includes house and personal allowances but does not include overtime, subsistence, travelling, mileage or other fluctuating or extra allowance except that where an employee is paid at a daily rate the wages for ten days may be accepted as the wages for a fortnight.

3. For the purpose of computing the service of a depositor— Service.
[20 of 1977].

- (a) any calendar year in which the depositor has worked less than two hundred days (hereinafter referred to as a non-effective year) shall be excluded;
- (b) three consecutive non-effective years shall be a bar to the inclusion of any previous year;
- (c) an aggregate of seven non-effective years shall be a bar to the inclusion of every year of service prior to the earliest of the years making up such aggregate;
- (d) service while under the age of twenty years shall not be included,

but any previous service of an employee under the Government of Trinidad and Tobago who may become a depositor shall be deemed to be service for the purposes of this Act, save and except that in the computation of gratuities payable under section 22 service prior to his becoming a depositor shall not be included.

4. The Provident Fund established under the Provident Fund Ordinance 1930, shall be maintained and continued for the purposes of this Act. Establishment
of Fund.
19 of 1930.

5. There shall be charged upon and paid out of the Consolidated Fund such sums as may from time to time be granted to depositors by way of bonus or gratuity in accordance with this Act. Charge on
Consolidated
Fund.

Gratuities and bonuses not of right.

6. (1) No employee shall have an absolute right to compensation for past services either by way of bonus or gratuity or other allowance under this Act, nor shall anything contained in this Act limit the right of the President to dismiss any employee without compensation.

Certificates required as to conduct, etc.

(2) No employee shall be granted a bonus or gratuity under this Act or a pension under section 15 without a certificate from the head of his department that he has discharged the duties of his employment with such diligence and fidelity as to justify the grant to him of such bonus, gratuity or pension.

Age of retirement.

7. Except in the cases of death, abolition or re-organisation of office, no gratuity shall be paid to any employee who has not attained the age of fifty-five years, unless on medical evidence to the satisfaction of the President that he is incapable by reason of some infirmity of mind or body of discharging the duties of his employment and that such infirmity is likely to be permanent.

This section does not apply in the case of a depositor who voluntarily retires from the office of wardman or attendant at the Chacachacare Leprosarium having completed not less than ten years continuous service as a wardman or attendant mentioned above immediately prior to his retirement.

Compulsory retirement.

8. The President may require any depositor to retire from the service of Trinidad and Tobago at any time after he attains the age of sixty years.

Contributions to the fund—Rate of.

9. (1) A compulsory deposit at the rate of four per cent of his wages or such portion of wages as is allowed under section 17(1)(b) and section 18(1)(b) shall be made by each depositor and an abatement at that rate shall be made by the Comptroller of Accounts from each payment of wages of every depositor.

Depositor seconded for service.

(2) A depositor seconded for service in another department shall continue to pay his compulsory deposits, based on the full wages of his permanent employment or such portion of wages as is allowed under section 17(1)(b) and section 18(1)(b), into the Fund and shall participate in the benefits thereof.

Date of payment.

(3) Compulsory deposits into the Fund, made by abatements from wages, shall be deemed to be paid into the Fund on the last day of the month in respect of which the wages liable to abatements are due.

Special account.

(4) The amounts of such abatements shall be carried to a special account.

10. Compulsory deposits and interest thereon shall not be liable to forfeiture, and, subject to section 11, shall be returnable in full to a depositor on his retirement from the service of Trinidad and Tobago, whether through dismissal or otherwise.

Non-forfeiture of compulsory deposits.

11. No deposit or the interest or bonus thereon or any gratuity or any moneys payable in respect of life assurance effected under this Act shall be assignable or transferable, or liable to be attached, sequestered or levied upon, for or in respect of any claim whatsoever, but the President may direct that any amount due to the State by a depositor in respect of any liability or defalcation be deducted from any amount due and payable to him.

Amounts not assignable or attachable.

12. Every employee who becomes a depositor shall, subject to sections 15, 16, 17 and 18, forfeit all his rights (if any) under the Pensions laws.

Depositors to forfeit rights under Pensions laws.

13. (1) Subject to sections 15, 16, 17 and 18, every person appointed to an office specified in Part A of the Schedule shall be required to become a depositor from the date of his appointment to such office.

Employees to become depositors. Schedule.

(2) The President may by Notification, alter and amend Part A of the Schedule by adding thereto any other office or removing therefrom any office included therein or added thereto.

Schedule.

(3) The President may by Notification, amend Part B of the Schedule by adding the name of any depositor who he is satisfied has inadvertently omitted to exercise the option provided for by section 19 within the period prescribed by that section.

Schedule.

(4) No person who is serving as an apprentice or for any period under special agreement or whose employment is of a casual nature shall be allowed to become a depositor.

14. Where the President, by an amendment made by him under section 13(2) before the commencement of this section (that is 12th October 1961), has added an office to the Schedule with retroactive effect, the office is added with effect from the date specified in the amendment.

Validation of retroactive effect of amendments to Schedule. [36 of 1961].

15. Where a pensionable office has been declared under the Pensions laws to be no longer pensionable and the office has been specified in Part A of the Schedule as an office the holder of which is required to become a depositor, any employee so long as he

Pensionable office declared no longer as pensionable. Part A. Schedule.

continues to hold the office, whether his wages have been increased or not, or if he is transferred to another office specified in Part A of the Schedule carrying the same wages, shall not be required or allowed to become a depositor. However, any pension and gratuity for which he or his legal personal representative may be eligible under the Pensions laws shall be preserved, and, if he is transferred to another office specified in Part A of the Schedule carrying greater wages, then the provisions of section 17 apply.

Rights of office holders under Ch. 83 (1925 Ed.).

Part A. Schedule.

16. Where an office, the holder of which under the Regulations made under the Pensions Ordinance, Cap. 83 of the 1925 Revised Laws, was eligible for a retiring allowance at the rate of three-fourths of the pension that would have been payable to him if he had been the holder of a pensionable office, is specified in Part A of the Schedule the holder of which is required to become a depositor, any employee, so long as he continues to hold the office, whether his wages have been increased or not, or if he is transferred to another office specified in Part A of the Schedule carrying the same wages, shall not be required or allowed to become a depositor. However, any retiring allowance and gratuity for which he is eligible under the Pensions laws shall be preserved, and, if he is transferred to another office specified in Part A of the Schedule carrying greater wages, then the provisions of section 17 of this Act apply, save and except that the pension to be awarded shall be calculated at three-fourths of the rates set out in section 17(2)(a) and (b).

Transfer from a pensionable office. Part A. Schedule.

17. (1) An employee on transfer from a pensionable office in the service of the Government of Trinidad and Tobago to an office specified in Part A of the Schedule which carries greater wages than those received by him immediately prior to the transfer may at his option elect to become a depositor—

(a) on the basis of the full wages of his new appointment and to be paid on his final retirement from the service of Trinidad and Tobago in addition to any benefits to which he may be entitled from the Fund such pension and gratuity for which he may be eligible, calculated on the number of years' service prior to his becoming a depositor, based on the pensionable emoluments he received immediately prior to his transfer; or

(b) on the basis of the difference only between the wages of his new appointment and the wages of the pensionable office from which he is transferred and

to be paid on his final retirement such pension and gratuity for which he may be eligible calculated in respect of the whole of his service in Trinidad and Tobago on the basis of the pensionable emoluments he received immediately prior to the transfer together with any benefits from the Fund to which he may be entitled as a depositor, except that if the employee is a contributor to the Widows' and Orphans' Pension Scheme under the provision of the Widows' and Orphans' Pension Act, he is required to contribute to the scheme on the basis of the wages of the office from which he has been transferred.

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(2) Any pension awarded under subsection (1) shall be calculated in the following manner:

- (a) in the case of an employee with not less than ten year's service prior to his becoming a depositor, at the rate of 180/720ths of his pensionable emoluments in respect of his first ten years of service and at the rate of 1/720th of his pensionable emoluments in respect of each additional complete month of service, provided that the pension so awarded shall not exceed 480/720ths of his pensionable emoluments;
- (b) in the case of an employee who has not prior to his becoming a depositor completed in the aggregate the qualifying period of ten years, at the rate of 1/720th of his pensionable emoluments in respect of each complete month of service together with an addition which shall have the like proportion to the full addition which the number of years he has served bears to ten years.

(3) The option referred to in subsection (1) must be exercised in writing by the employee within one month of his transfer and if he does not so exercise the option he shall be deemed to have exercised the option set out in subsection (1)(b).

18. (1) Where an employee holding a non-pensionable post in the service of the Government of Trinidad and Tobago is appointed to an office specified in Part A of the Schedule he may at his option elect to become a depositor—

Transfer from a non-pensionable office. Part A. Schedule.

- (a) on the basis of the full wages of his employment and to be paid on his final retirement a gratuity calculated on the number of years' service prior to his becoming a depositor together with any benefits

from the Fund to which he may be entitled as a depositor; or

- (b) on the basis of the difference only between the wages of his new employment and the wages previously drawn by him and to be paid on his final retirement in respect of the whole of his service in Trinidad and Tobago, a gratuity calculated on the basis of the wages he received immediately prior to his employment in an office specified in Part A of the Schedule together with any benefits from the Fund to which he may be entitled as a depositor; except that if the employee is a contributor to the Widows' and Orphans' Pension Scheme under the Widows' and Orphans' Pension Act, he shall be required to contribute to the scheme on the basis of the wages of the office from which he has been transferred.

Part A.
Schedule.

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(2) The gratuity to be awarded under subsection (1) shall be calculated in accordance with the principle followed in calculating gratuities for non-pensionable employees in the service of the Government of Trinidad and Tobago at the date of the appointment of the employee to an office specified in Part A of the Schedule.

Part A.
Schedule.

(3) The option referred to in subsection (1) must be exercised in writing by the employee within one month of his transfer and if he does not so exercise the option he shall be deemed to have exercised the option set out in subsection (1)(b).

Transfer to a
pensionable
office.
[12 of 1960].

19. (1) A depositor on transfer to a pensionable office in the service of the Government of Trinidad and Tobago may at his option elect—

- (a) to allow the total amount due to him at the date of such transfer in respect of compulsory deposits, bonuses and interest thereon to accumulate and to be paid to him on his final retirement from the service together with any gratuity in respect of service while a depositor payable under section 22 and any such pension and gratuity for which he may be eligible under the Pensions laws in respect of service in such pensionable office and counting as pensionable only the service from the date of the transfer to a pensionable office; or
- (b) to surrender the bonuses and interest thereon and all rights to a gratuity under section 22 and counting all

service towards pension in accordance with the Pensions laws and thereupon his compulsory deposits and interest thereon shall be refunded to him.

(2) Such option shall be exercised in writing by the depositor within one month from the date of transfer to such pensionable office and if he does not so exercise the option he shall be deemed to have exercised the option set out in subsection (1)(a).

(3) Notwithstanding subsection (2), where a depositor has exercised the option set out in subsection (1)(a) the President may, if it appears to him equitable in all the circumstances to do so, allow the depositor, at any time prior to the award of any sum due to him under this Act, to revoke the option and, upon the option being revoked, the depositor shall be deemed to have exercised the option set out in subsection (1)(b).

20. (1) No person shall be allowed to remain a depositor after—

Cessation of contributions.
[33 of 1966].

- (a) dismissal from the service of Trinidad and Tobago; or
- (b) voluntary or compulsory retirement from the service of Trinidad and Tobago; or
- (c) he has been without wages from the funds of Trinidad and Tobago for a period exceeding six months save and except in the case of illness supported by medical evidence to the satisfaction of the President.

(2) For the purposes of subsection (1) a person shall not be taken to have been without wages from the funds of Trinidad and Tobago if that person—

- (a) has been granted leave of absence without pay for a period not exceeding three years for the purpose of engaging in trade union business approved by the President; and
- (b) deposits a sum equivalent to the bonus required by section 21 to be transferred by the Comptroller of Accounts from public funds to the account of such person.

21. (1) At the close of each month the Comptroller of Accounts shall transfer from public funds to the account of each depositor a bonus equal in amount to the compulsory deposit

Bonus addition.
[30 of 1943].

made by him during that month provided that the bonus in respect of any non-effective year shall be forfeited.

(2) Bonuses may be paid as mentioned below—

(a) full bonus—

- (i) to a depositor who retires after reaching the age of retirement, or who is invalided before reaching the age of retirement;
- (ii) to a depositor on compulsory retirement for the purpose of facilitating improvement in the department in which he is serving by which greater efficiency or economy can be effected;
- (iii) to the nominee or legal personal representative of a depositor who dies while in the service;
- (iv) to a depositor who voluntarily retires from the office of wardman or attendant at the Chacachacare Leprosarium having completed not less than ten years' continuous service as a wardman or attendant aforesaid immediately prior to his retirement;

(b) with the President's approval half of the bonus—

- (i) to a depositor who voluntarily retires before reaching the age of retirement, provided that he has had at least twelve years' service;
- (ii) to a depositor who is dismissed from the service provided that he has had at least fifteen years' service and his conduct and record during that service has been otherwise satisfactory.

Gratuities.

Part A.
Schedule.

22. (1) A gratuity equivalent to 1/25th part of the annual wages for each completed year of service in any office or offices specified in Part A of the Schedule up to a maximum of one year's wages may be paid—

- (a) to a depositor who retires after the age of fifty-five years provided that he has completed at least fifteen years' service;
- (b) to a depositor who has completed at least seven years' service and is invalided from the service of Trinidad and Tobago before reaching the age of fifty-five years;
- (c) to a depositor on compulsory retirement for the pur-

- pose of facilitating improvement in the department in which he is serving by which greater efficiency or economy can be effected, provided that he has completed not less than seven years' service, and provided also that he cannot be absorbed into any other department on the same wages he was drawing at the time of compulsory retirement;
- (d) to the nominee or legal personal representative of a depositor who dies while in the service of Trinidad and Tobago and who has at least five years' service except that—
- (i) in the case of a depositor referred to in section 17, where the gratuity under this subsection is less than the amount which the legal personal representative or dependant would have received under the Pensions laws if the depositor had continued to be the holder of a pensionable office, there may be paid to the nominee or legal personal representative or dependant of the deceased depositor in lieu of a gratuity under this section an amount not exceeding a year's pensionable emoluments which the deceased depositor had received immediately prior to his becoming a depositor;
 - (ii) in the case of a depositor referred to in section 18, where the gratuity under this subsection is less than the amount which the legal personal representative or dependant would have received under the Pensions laws if the depositor had continued to be the holder of a non-pensionable post, there may be paid to the nominee or legal personal representative or dependant of the deceased depositor in lieu of a gratuity under this section an amount not exceeding nine months' wages which the deceased depositor had received immediately prior to his becoming a depositor;
- (e) to a depositor who voluntarily retires from the office of wardman or attendant at the Chacachacare Leprosarium having completed not less than ten years' continuous service as a wardman or attendant mentioned above immediately prior to his retirement.

(2) In the event of a depositor being retired in consequence of an injury received in the actual discharge of his duty and without his own default, he may with the approval of the President be paid, in addition to the gratuity mentioned in subsection (1), where his capacity to contribute to his support is certified by a Government Medical Officer to be—

slightly impaired	2/25ths	of the annual wages.
impaired	4/25ths	do.
materially impaired	6/25ths	do.
totally destroyed	8/25ths	do.

(3) In the event of a depositor dying as a result of an injury received in the actual discharge of his duty and without his own default there shall be paid, in addition to the gratuity mentioned in subsection (1), to his nominee or legal personal representative or dependant an additional gratuity of six months' wages subject to a deduction in respect of any amount that may have been paid under subsection (2) to the depositor previous to his death, provided that the death occurs within six months of the date of the injury.

(4) Gratuities payable under this section shall be calculated on the actual wages on which contributions to the Fund at the time of retirement or death were based.

(5) No gratuity under subsections (2) and (3) shall be paid if a claim for compensation is made and allowed under the Workmen's Compensation Act.

Ch. 88:05.

(6) In this section, "Pensions laws" means the Pensions Act and the Regulations thereunder, and any Acts or Regulations from time to time amending or replacing the same.

Ch. 23:52.

Life assurance.

23. (1) A depositor may at his option elect that his compulsory deposits and the bonus, or his compulsory deposits only, be applied by the Comptroller of Accounts towards the effecting of assurance on his life, provided that the election is conditional upon the depositor passing a medical examination to the satisfaction of a medical practitioner appointed by the insurance company and that his contributions can effect a policy of not less than one hundred and twenty dollars.

(2) The option referred to in subsection (1) shall be exercised in writing by the depositor within three months of his becoming a depositor, but any depositor may subsequently in special circumstances be allowed with the approval of the Presi-

dent to exercise the option. Where the depositor elects to have his compulsory deposits and the bonus, or his compulsory deposits only, applied towards the effecting of assurance on his life the election shall be irrevocable.

(3) Separate policies shall be taken out in respect of compulsory deposits and bonuses.

24. Any assurance effected shall be under an endowment assurance policy in favour of the Comptroller of Accounts effected with such company or companies as may be selected by the President and upon such terms and conditions as may be embodied in the assurance policy.

Selection of insurance company.

25. Any bonus declared by an insurance company shall in every case be allowed to augment the policy and become payable together with the capital sum at the maturity of the policy or at the time of the surrender of such policy as provided below and shall not be used in reduction of premiums.

Application of bonus.

26. Should any policy of assurance mature before the date of retirement from the service of any depositor the amount of the proceeds of such policy shall at the option of the depositor to be exercised in writing within one month of the maturity of the policy be—

Disposal of policy at maturity.

- (a) held on deposit by the Comptroller of Accounts for the account of the depositor, in which case the amount shall bear interest at the prescribed rate; or
- (b) re-invested in assurance,

except that if the option is not exercised within the prescribed period the depositor shall be deemed to have exercised the option set out in paragraph (a).

27. All moneys received by the Comptroller of Accounts under any policy of assurance on the life of a depositor who dies while in the service shall, after payment thereof of any costs of recovering the moneys and any liability due by the depositor to the State, be paid to the depositor's nominee, if one has been appointed, or in the absence of such an appointment to his legal personal representative.

Disposal of proceeds of policy at death.

28. Where a depositor elects that his compulsory deposits shall be applied towards the effecting of an assurance policy on his life he is not entitled to a refund of his deposits as contemplated by

Assignment of policy for deposits to the depositor before maturity.

section 10 and section 19(1)(b) so long as a policy of assurance is subsisting, but in the event of his retirement from the service, whether through dismissal or otherwise, before the maturity of the policy of assurance the Comptroller of Accounts shall assign the policy to the depositor subject to any liability due by the depositor as contemplated by section 11.

Disposal of policy for bonuses before maturity.

29. Where a depositor elects that the bonus shall be applied towards the effecting of an assurance on his life the following provisions shall apply:

- (a) where the full bonus would have been payable under this Act, the Comptroller of Accounts shall on the retirement of the depositor assign the policy to him, or, in the case of his death while in the service of Trinidad and Tobago, payment shall be made as provided in section 27;
- (b) where only half of the bonus would have been payable, the Comptroller of Accounts shall surrender the policy and pay to the depositor half of the proceeds thereof and deposit the balance to the credit of public funds;
- (c) where no bonus would have been payable, the Comptroller of Accounts shall surrender the policy and deposit the proceeds thereof to the credit of public funds.

Provisions where depositor is transferred to a pensionable office. [12 of 1960].

30. Where the depositor who has elected that his compulsory deposits and bonus, or his compulsory deposits only, shall be applied towards the effecting of an assurance policy on his life, is transferred to a pensionable office as provided for under section 19 the following provisions shall apply:

- (a) where he elects to count his service for pension from the date of the transfer he is entitled—
 - (i) to have the policy or policies converted by the Comptroller of Accounts into a fully paid up policy or policies in respect of the premiums paid up to the date of his transfer to the pensionable office; or
 - (ii) to have the policies surrendered for their value at the date of the transfer and the amount thereof placed to his credit and accumulated with interest at the prescribed

- rate to be paid to him on his final retirement from the service of Trinidad and Tobago;
- (b) where he elects within one month of the transfer to count all service in Trinidad and Tobago towards pension, the Comptroller of Accounts shall assign the policy relating to compulsory deposits to the depositor, and in the case of a policy relating to bonus the Comptroller of Accounts shall surrender the policy and place the amount realised therefrom to the credit of public funds;
- (c) where he elects to count his service for pension from the date of the transfer and subsequently revokes the election as provided by section 19(3), the Comptroller of Accounts shall—
- (i) where he has converted the policies into fully paid up policies, assign the policies relating to compulsory deposits to the depositor and, in the case of policies relating to bonus, surrender such policies and place the amount realised therefrom to the credit of public funds;
- (ii) where he has surrendered the policies for their value and placed the amount realised to the credit of the depositor as provided for in paragraph (a)(ii), place to the credit of public funds the amount realised by surrendering the policies relating to bonus, together with any accretion thereto by way of interest, and pay over to the depositor the amount realised by surrendering the policies relating to compulsory deposits, together with any accretion thereto by way of interest.

31. (1) Interest at a rate to be fixed by the President of not less ^{Interest.} than three per cent a year shall be payable upon the amount of deposits and bonuses at any time standing to the credit of a depositor. The interest shall commence upon any deposit on the first day of the month next after the deposit is made or deemed to be made and shall terminate on any sum withdrawn on the last day of the month preceding the withdrawal.

(2) On 31st of December in each year the interest due up to and including that day shall be added to the capital.

(3) When a depositor's account is closed interest to the end of the preceding month shall be credited to the account.

(4) Interest on the balance standing to the credit of a depositor whose account has been closed shall cease to accrue from the date of a notice given to him in writing stating the amount to his credit which shall be served on him or in the event of his death on his nominee or his legal personal representative.

Appointments.

32. (1) Any depositor may, by appointment in writing to the Comptroller of Accounts in the prescribed form, direct that the whole or any part of the deposit, bonus, gratuity or moneys from a policy of assurance due to him at the time of his death shall be paid to the beneficiary or beneficiaries named in such appointment.

(2) An appointment under this section shall be inoperative so far as it is inconsistent with a subsequent appointment and shall be revoked by the death of the appointee in the lifetime of the depositor or by the marriage of the depositor. It may also be revoked by the depositor by his making a new appointment in the prescribed form.

(3) The Comptroller of Accounts shall keep and carefully preserve proper records of the particulars in reference to such appointments.

(4) In the absence of an appointment all moneys due to a deceased depositor under this Act shall be payable only to the legal personal representative.

Investments.

33. The Comptroller of Accounts shall invest in such securities as may be approved by the President all moneys standing to the credit of the Fund, except such amounts as he may consider necessary for the payment of amounts becoming due to depositors in any year and for the purpose of paying premiums on policies effected on behalf of depositors and of making advances to depositors.

Salaries and expenses.

34. So long as the interest earned in any one year on the invested portion of the Fund is not sufficient to pay depositors' interest at the prescribed rate on their deposits for that year, the difference of interest shall be a charge upon the Consolidated Fund and the whole cost of administration of the Fund shall be met from public funds. However, if the interest earned in any one year on the invested portion of the Fund is more than sufficient to pay depositors' interest for that year, then a sum shall be withdrawn from the interest account and shall be applied in reduction of the cost of administration of the Fund up to the limit of such cost for

that year. For the purpose of this section each year shall be taken separately, no allowance being made for any cost of administration for previous years not covered by the proportion of interest applied in reduction thereof.

35. Any bonus or interest forfeited under this Act shall be transferred to public funds. Forfeitures.

36. The President is authorised to make advances from the Fund to depositors upon such terms and conditions as may be prescribed by regulations. Advances.

37. All accounts relating to the Fund are to be kept separately by the Comptroller of Accounts, but all transactions of the Fund shall be reflected in the State's Accounts. Accounts of the Fund.

38. The accounts of all transactions of the Fund shall be audited in every year by the Auditor General. Audit.

39. (1) The President may make regulations for all or any of the following purposes— Regulations.

- (a) for the management and control of the Fund;
- (b) prescribing the accounts, books and forms to be used;
- (c) as to the conditions upon which advances from the Fund may be made;
- (d) as to the effecting of assurance on the life of depositors; and
- (e) generally for more effectually carrying out any of the purposes of or matters prescribed by this Act.

(2) All regulations made under this section shall be laid before Parliament.

(3) The Provident Fund Regulations (formerly contained in a Schedule to this Act) shall be deemed to be made under this section and may be amended or revoked under subsection (1).

40. (1) Notwithstanding the provisions of this Act, it shall be lawful for any depositor of the Fund who is transferred from service with the Government of Trinidad and Tobago to the service of the former Central Water Distribution Authority, constituted under the repealed Central Water Distribution Authority Ordinance,* to continue to contribute to the Fund and on the

Depositor transferred to service of former Central Water Distribution Authority permitted to continue to be a depositor. Ch. 37 No. 1. (1950 Ed.).

*Repealed by section 87 of Act 16 of 1965.

basis of the wages attached to the office which he held immediately prior to the transfer as though he had continued to be in the service of the Government of Trinidad and Tobago in that office; and this Act shall, subject to the provisions mentioned below contained, apply to the case of such depositor as though his service with the former Central Water Distribution Authority were service with the Government of Trinidad and Tobago provided that, notwithstanding sections 9 and 21 of this Act—

- (a) the deposit authorised as mentioned above to be made by any such person shall be deducted by the former Central Water Distribution Authority from each payment of wages to such person;
- (b) the bonuses contemplated by section 21 shall be contributed by the former Central Water Distribution Authority and shall each be of an amount equal to the deposit;
- (c) each such deposit and bonus shall be paid to the Comptroller of Accounts by the former Central Water Distribution Authority upon such deduction as mentioned above.

(2) This section shall be deemed to have had effect as from 1st August 1944.

Provision for payment of pensions to dependants of deceased depositor after dying while in the service of the Government.
Ch. 23:52.

41. (1) Section 18 of the Pensions Act shall, subject to the limitations mentioned below contained, apply to the case of a depositor dying as a result, and within six months, of any injury received in the actual discharge of his duty and without his own default as though he had held a non-pensionable office in the service of the Government of Trinidad and Tobago.

(2) In the application of subsection (1) of section 18 of the Pensions Act to any such case, reference to the gratuity payable under section 17 of that Act shall be deemed to be a reference to the gratuity payable under section 22 of this Act.

(3) If any pension is awarded under the authority of this Act, full bonus shall not be payable to the nominee or legal personal representative of the deceased depositor as contemplated by section 21(2).

(4) Such pensions as are provided for under this Act shall be payable only if the award thereof would, in the opinion of the President, be more advantageous to the dependants of the deceased depositor than the payment of full bonus.

(5) This section shall be deemed to have come into operation on 31st January 1946.

SCHEDULE

Section 13(2).

PART A

For offices under this Part see Ch. 9 No. 9 (1940 Ed.). For additions under section 13(2) from 1940 to 1949 (inclusive) refer to the *Gazettes* and for additions thereafter See G.N. 179/1951; 182/1953; 191/1953; 21/1954; 24/1954; 54/1954; 63/1954; 83/1954; 98/1954; 115/1954; 133/1954; 144/1954; 168/1954; 66/1955; 105/1955; 108/1955; 122/1955; 135/1955; 140/1955; 168/1955; 11/1956; 43/1956; 112/1956; 144/1956; 145/1956; 71/1958; 137/1958; 87/1960; 59/1961.

PART B

Section 13(3).

For names of depositors who inadvertently omitted to exercise the option see Act 2 of 1950 and for additions see G.N. 38/1951; 142/1954; 192/1954; 37/1955; 21/1957; 56/1957; 155/1957; 30/1958; 98/1958; 30/1959.

22 of 1934.
[235/1971].

SUBSIDIARY LEGISLATION

PROVIDENT FUND REGULATIONS

deemed to be made under section 39(1).

Citation. **1.** These Regulations may be cited as the Provident Fund Regulations.

Management of the Fund. **2.** The Fund shall be under the management of the Comptroller of Accounts, by whom the necessary books of account shall be kept.

Form of appointment. **3.** The form of appointment referred to in section 32 of the Act shall be as under—
To the Comptroller of Accounts of Trinidad and Tobago—
Iofa depositor in the Provident Fund, do hereby appoint and direct that all Moneys [*or* thepart of, or the sum ofout of my moneys] which may be standing in the Fund to my credit or due on a policy of assurance at the time of my death shall in case of my dying intestate, be paid to
Dated thisday of, 19
Signed or acknowledged by the said }
in the presence of }

Closed accounts. **4.** On a depositor leaving the service of Trinidad and Tobago or being transferred to a pensionable office his account shall be closed and a notice given to him in writing showing the amount to his credit.

Statement of account. **5.** As soon as the accounts of the year are closed, individual depositors shall be furnished with a statement showing the amounts—
(a) to their credit at the close of the year by way of—
 (i) compulsory deposits and interest;
 (ii) bonus with interest;
(b) paid in respect of life assurance premiums.

Accounts relating to bonus additions. **6.** All bonuses and all interest thereon provisionally accruing shall be shown in a separate column in each depositor's account.

7. (1) Advances from the Fund may be made by the Comptroller of Accounts to a depositor for the following purposes: Advances.
[235/1971].

- (a) to pay the funeral expenses of his father, mother, wife or children up to a limit of \$100 in each case;
- (b) to pay exceptional hospital expenses or exceptional expenses incurred through the ill-health of the depositor or the persons mentioned in sub-regulation (a) up to a maximum of \$100 in each instance;
- (c) to furnish temporary financial assistance in any case of extreme necessity not provided for in sub-regulations (a) and (b) up to a maximum of \$100.

(2) Advances will be made on the following conditions:

- (a) advances shall not exceed 75 per cent of the amount standing to a depositor's credit in respect of compulsory deposits and interest thereon, except in very special circumstances to be approved by the President;
- (b) application for advances supported by appropriate evidence must be made through the Head of Department, by whom the application must be recommended, to the Comptroller of Accounts;
- (c) no advance shall be made to a depositor with less than five years' service;
- (d) no depositor, except in exceptional circumstances to be approved by the President, shall be granted a further advance until the previous advance has been repaid;
- (e) advances must be repaid by twenty-four equal monthly instalments commencing from the end of the month following that in which the advance is made;
- (f) advances will be debited against the personal account of the depositor, the interest on his credit balances being consequently reduced.

(3) For the purposes of this regulation every depositor shall be required to register the names of his father, mother, wife and children, and any future births of children or other changes.