

LEGAL NOTICE NO. 182

REPUBLIC OF TRINIDAD AND TOBAGO

THE PUBLIC ASSISTANCE ACT, CHAP. 32:03

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 16 OF THE  
PUBLIC ASSISTANCE ACT

THE PUBLIC ASSISTANCE REGULATIONS, 1997

1. These Regulations may be cited as the Public Assistance Regulations, 1997. Citation

2. In these Regulations—

“the Act” means the Public Assistance Act;

Interpreta-  
tion  
Chap. 32:03

“nominee” means a duly authorized representative of an applicant whose authorization has been approved by a Social Welfare Adviser or any other officer of the Social Welfare Division as the Director (Social Welfare) may, from time to time, direct, in the form approved by the Board from time to time;

“recipient” means a person for whom public assistance is approved in accordance with the Act.

3. (1) Public assistance may be provided to a person who is in need by reason of his being prevented by some physical or mental disability from earning a living. Provision of  
public  
assistance

(2) Public assistance shall be in the form of a grant for a period not exceeding twelve months and is subject to review.

4. (1) Public assistance shall normally be paid to the person who, in the opinion of the Local Board, is the head of a family and whose needs shall be deemed to include those of his dependents. Public  
assistance  
payable to  
head of  
family

(2) Notwithstanding regulation 3(1) and subregulation (1), public assistance may be provided to meet the needs of the following:

(a) a child who is living in a household where that household may qualify for public assistance and—

(i) a parent of the child is hospitalised or is serving a term of imprisonment; or

(ii) the child is deserted or abandoned by a parent and—

- (A) an application for maintenance is made but—
  - (i) service of the application cannot be effected upon the respondent parent; or
  - (ii) the application is refused; or
- (B) an order for maintenance is made but the respondent parent cannot be found or does not comply with the order;
- (b) a child who the Local Board may deem necessitous in accordance with guidelines issued by the Board from time to time;
- (c) a person who—
  - (i) is the spouse of a person serving a term of imprisonment; or
  - (ii) was cohabiting with a person of the opposite sex for a period of at least three years before the latter began serving a term of imprisonment,

and is unable to earn a living due to caring for a child of the family.

(3) Notwithstanding regulation 3(1) and subregulation (4), public assistance may be provided to meet the needs of a woman where she is a person referred to in subregulation (5)(a) or (b).

(4) The parent, guardian or person with custody of a child referred to in paragraphs (a) and (b) of subregulation (2) may apply for public assistance on the child's behalf and where assistance is granted, the assistance shall be paid to the parent, guardian or person with custody of the child as the case may be.

(5) For the purposes of this regulation—

“child of the family” means a child of both of the spouses or cohabittees referred to in subregulation (2)(c) or a child of either spouse or cohabitee referred to in subregulation (2)(c);

“dependent” means—

- (a) a spouse of the applicant;
- (b) a person of the opposite sex to that of the applicant and who has been cohabiting with the applicant for a period of at least three years;
- (c) a child of the applicant—
  - (i) up to eighteen years of age living with the applicant and maintained by him; or
  - (ii) up to the completion of the full time secondary, technical or vocational education of that child.

5. (1) Except for an application for a child referred to in regulation 4(2), an application for public assistance shall be supported by a medical certificate from a Government Medical Officer and forwarded to the Chairman of the Local Board in the Local Public Assistance District in which the applicant resides.

Application  
for public  
assistance

(2) An applicant shall furnish the Chairman referred to in subregulation (1) with such certificates, documents, information and evidence as the Local Board may require.

6. Notwithstanding any enactment to the contrary, the Chairman of a Local Board may, where he considers it necessary to take a decision without delay in respect of an application for public assistance, grant to an applicant, public assistance for a period not exceeding three months pending the consideration of the application by the Local Board.

Urgent  
applications

7. (1) Public Assistance shall be paid monthly by cheque to a recipient or his nominee on—

Payment of  
public  
assistance

(a) the presentation of—

(i) a valid public assistance cheque; and

(ii) the identification card in the prescribed form and some other form of identification such as a valid passport, driver's permit or national identification card; and

(b) the endorsement referred to in subregulation (4).

(2) Where payment is to be made to a nominee, the nominee shall certify in such form as may be approved by the Board, that the recipient is alive and that he will hand the public assistance to the recipient in person.

(3) No person shall be a nominee of more than three recipients.

(4) Payment of a public assistance cheque shall not be made unless the recipient first endorses his cheque and payment shall not be made to a nominee, unless both the recipient and nominee endorse the cheque.

(5) The endorsement on a cheque of a recipient or, where required under the Act, of a recipient and his nominee shall be regarded as an acquittance for the sum paid.

(6) Notwithstanding this regulation, payment of a public assistance cheque at a supermarket, grocery or shop shall not be made to any person other than the recipient himself.

(7) No nominee shall encash a public assistance cheque at a supermarket, grocery or shop.

(8) No public assistance cheque shall be encashed at a supermarket, grocery or shop unless the recipient presents the

identification required under subregulation (1)(a)(ii) and endorses the cheque in favour of the owner of the supermarket, grocery or shop in the presence of the owner or his employee.

(9) For the purposes of this regulation, "nominee" means a duly authorized representative of a recipient whose authorization in the form approved by the Board from time to time has been approved by a Social Welfare Adviser or any other officer of the Social Welfare Division as the Director (Social Welfare) may, from-time to time, direct.

Where public assistance is payable

8. (1) Public Assistance cheques may be encashed—

- (a) at any Bank in Trinidad and Tobago, the Office of the Comptroller of Accounts, any District Revenue Office, Post Offices designated for such purpose by Notification by the Minister;
- (b) by paymasters employed by the Ministry; and
- (c) subject to this regulation, at any supermarket, grocery or shop.

(2) Where a recipient decides to change his residence from the district in which his public assistance was last awarded, to the district of any other Local Board, he shall give notice in writing thereof to the Chairman of the Local Board by which his public assistance was so awarded.

(3) The Local Board of the district to which a recipient has transferred his residence shall, as soon as possible after such transfer takes effect, cause an officer to investigate the circumstances of the recipient and submit a report to the Local Board which shall consider the report.

Substituted cheque

9. (1) Subject to this regulation, in the event that a cheque is mutilated, destroyed, stale-dated, lost or stolen, a substituted cheque may be issued in the discretion of the Comptroller of Accounts, no earlier than six months after the date of the cheque.

(2) Notwithstanding subregulation (1), a recipient as payee of the mutilated, destroyed, stale-dated, lost or stolen cheque shall furnish a statutory declaration to that effect to the Comptroller of Accounts.

(3) Within twenty-one days of the mutilation, destruction, loss or theft of the cheque, the recipient shall notify the Supervisor of the Local Public Assistance District in which the recipient resides.

(4) The Supervisor shall, in such form as may be approved by the Board, notify the Director (Social Welfare) who, as soon as possible after receiving the notification, shall notify the Comptroller of Accounts of particulars of the mutilated, destroyed, stale-date, loss or stolen cheque.

(5) The recipient shall—

- (a) return the cheque to the Supervisor in the event of the recipient recovering possession of the lost or stolen cheque at any time;
- (b) advise the Supervisor should it at any time come to the knowledge of the recipient that another person has come into possession of the cheque.

(6) Nothing in this regulation shall be construed as preventing the Comptroller of Accounts from honouring a cheque referred to in subregulation (5) where the cheque is recovered before the expiry of the period referred to in subregulation (1).

(7) In this regulation, "Supervisor" means the Supervisor of Social Welfare of the Local Public Assistance District in which the recipient resides.

10. (1) A recipient—

(a) who intends to leave Trinidad and Tobago for a period in excess of four months shall notify the appropriate Local Board of the date of his intended departure and length of stay abroad;

(b) who returns to Trinidad and Tobago after the absence referred to in paragraph (a) shall, within one month of his return, notify the appropriate Local Board of his return,

in such form as may be approved by the Board.

(2) Where a recipient fails to notify the Local Board in accordance with subregulation (1)(a), the Board may suspend his public assistance for such period as it may determine.

11. (1) Where a recipient—

(a) becomes an inmate of a hospital including a hospital for the insane or of an infirmary or of any other state-operated institution where board and lodging is provided free of charge to inmates;

(b) is imprisoned following upon his conviction for an offence;

(c) is temporarily absent from Trinidad and Tobago and has made the notification required in regulation 10(1)(a),

for a period in excess of four months, his public assistance shall be suspended, but, when he is discharged from the hospital, infirmary, institution or prison or returns to Trinidad and Tobago, as the case may

Recipient to  
give notice of  
departure  
and return

Suspension of  
public  
assistance

be, payment of his public assistance shall, subject to the Act, be resumed and he shall be entitled to payment of public assistance in respect of the period during which such assistance was suspended but not, in any case, in respect of a period longer than four months except that in the case of a person referred to in subparagraph (c), need is established.

(2) Where public assistance in excess of that to which he is entitled under subregulation (1) is paid to a recipient, he shall be liable to repay the sum by which he was overpaid.

Registrar to inform Secretary of death of certain persons

12. (1) In respect of every person over the age of sixty-five years whose death has been registered by the Registrar of Births and Deaths during the preceding month, the Registrar shall report the following to the Secretary of the appropriate Local Board no later than seven days after the last day of each month:

- (a) the full name;
- (b) the place and date of death;
- (c) the last address;
- (d) the name and address of the informant.

Director to be informed of certain admissions

13. The Superintendent of—

- (a) a hospital including a hospital for the insane, or of an infirmary, or any other state-operated institution where board and lodging is provided free of charge to patients or inmates; and
- (b) a prison,

shall notify the Director (Social Welfare) of the admission within seven days of such admission of any person who has attained or appears to have attained the age of sixty-five years.

Forms

14. Every form prescribed by the Minister or approved by the Board in accordance with the Act immediately before the coming into operation of these Regulations shall remain in force or be used with such modifications as may be necessary until replaced in accordance with the Act.

Made this 29th day of July, 1997.

M. RAMSARAN  
*Minister of Social Development*