

# LAWS OF TRINIDAD AND TOBAGO

## OLD AGE PENSIONS ACT

### CHAPTER 32:02

Act  
15 of 1939  
Amended by  
19 of 1951  
37 of 1951  
4 of 1952  
5 of 1954  
10 of 1958  
32 of 1960  
40 of 1961  
11 of 1964  
55 of 1970  
18 of 1974  
4 of 1975  
12 of 1976  
18 of 1981  
2 of 1982

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## CHAPTER 32:02

## OLD AGE PENSIONS ACT

## ARRANGEMENT OF SECTIONS

## SECTION

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## An Act to provide for Old Age Pensions.

[1ST JULY 1939]

1950 Ed.  
Ch. 15 No. 2.  
15 of 1939.  
Commence-  
ment.

1. This Act may be cited as the Old Age Pensions Act. Short title.

2. (1) In this Act—

Interpretation.  
[19 of 1951  
40 of 1961  
12 of 1976].  
Ch. 32:03.

“Director (Social Welfare)” means the Director (Social Welfare) appointed under the Public Assistance Act;

“Minister” means the Minister to whom responsibility for the subject of old age pension is assigned;

“pension” means an old age pension payable under this Act.

(2) For the purposes of this Act, “Board” and “Local Board” mean respectively the Central Public Assistance Board and any Local Public Assistance Board established under the Public Assistance Act, and in the exercise of their powers under this Act the Board and any such Local

Ch. 32:03.

Board and the Director (Social Welfare) shall have all the rights, powers and immunities conferred upon them respectively by the Public Assistance Act.

Provision for  
payment of old  
age pension.  
[19 of 1951  
5 of 1954  
10 of 1958  
32 of 1960  
11 of 1964  
55 of 1970  
18 of 1974  
4 of 1975  
12 of 1976  
18 of 1981  
2 of 1982].

3. (1) A person whose total income does not exceed the sum of four thousand five hundred dollars a year or such other sum as may be specified by Order of the Minister shall, if he satisfies the statutory conditions specified in section 4, be paid a pension at the monthly rate of one hundred and twenty-five dollars.

(2) A person who is paid a pension under this Act shall continue to receive such pension so long as—

- (a) his total income does not exceed the amount referred to in subsection (1); and
- (b) he satisfies the statutory conditions specified in section 4.

(3) The Senate and the House of Representatives may by resolution vary the amount of the monthly pension payable under subsection (1).

Eligibility for  
pension.  
Statutory  
conditions.  
[19 of 1951  
12 of 1976].

4. (1) The statutory conditions for the receipt of pension by any person are—

- (a) the person must have attained the age of sixty-five years;
- (b) the person must have been ordinarily resident in Trinidad and Tobago for the twenty years immediately preceding the claim for pension; but a person shall not be deemed to have ceased to be resident in Trinidad and Tobago merely by reason of temporary absence therefrom for an aggregate period not exceeding two years or such other longer period and subject to such conditions as may be prescribed during the said period of twenty years;
- (c) the person must satisfy the Local Board that his total annual income does not exceed the amount referred to in section 3(1).

Blind persons.

(2) The conditions prescribed in section 4(1)(a) shall not apply to a person who has attained the age of forty years and is, in the opinion of the Local Board, so blind that he is unable to earn his livelihood.

5. (1) Where a person is living away from his spouse, any sum paid to him or her by way of maintenance shall be deducted in calculating his or her means.

Calculation  
of means.  
[12 of 1976].

(2) Where it appears to the Local Board that any person has directly or indirectly deprived himself of any income in order to qualify for the receipt of a pension, that income shall be taken to be part of the total income of that person.

6. (1) All claims for pension and all questions whether the statutory conditions are fulfilled in the case of any person claiming such pension, or whether these conditions continue to be fulfilled in the case of a person in receipt of such pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows:

Determination  
of claims.  
[12 of 1976].

- (a) every such claim or question shall be submitted in writing by or on behalf of the claimant or the Director (Social Welfare) and shall contain such particulars as may from time to time be required in accordance with a form approved by the Board and shall be addressed to the Chairman of the Local Board of the district in which the claimant resides;
- (b) every such Chairman shall place before the Local Board without delay all such claims or questions together with all such information as may be available, but it shall be incumbent on the claimant to substantiate his claim to the satisfaction of the Local Board;
- (c) the Local Board shall consider as soon as possible all such claims or questions and are for that purpose empowered to take into account all such information as may come to their knowledge concerning the means of any person and shall notify the claimant as to their decision; but if they shall refuse the claim of any person for a pension they shall notify him in writing as to the grounds upon which such claim has been refused, and they shall, if the person so requests, submit the claim for the decision of the Board.

(2) A claimant who is aggrieved by the decision of the Board to refuse his claim for a pension shall, within sixty days of the date on which he was notified of the refusal, appeal to the Minister against the decision.

Date on which pension commences to accrue and method of payment.  
[19 of 1951  
12 of 1976].

7. (1) Where a pension is first allowed under this Act, it shall commence to accrue at the end of the month after the date on which the claim for pension is received by the Local Board or at the end of the month after the date on which the claimant first becomes entitled to the pension whichever is the later date.

(2) The pension shall be paid in the last week of each month on such date, at such place, and in such manner as the Local Board in each district shall determine with the approval of the Director (Social Welfare).

Pensions not assignable.

8. Every assignment of or charge on and every agreement to assign or charge a pension shall be void and in any such case the Local Board may suspend payment of the pension for any period they deem advisable.

Penalty for furnishing false information.

9. Any person who makes any statement or furnishes any information to the Board or to a Local Board which he knows or has reason to believe to be false in any material particular in any declaration, estimate, return or other document which he is required or authorised under this Act to make is liable on summary conviction to a fine of one thousand dollars, and if he is a claimant for or is in receipt of old age pension, he shall forfeit all claim to such pension.

Regulations.  
[12 of 1976].

10. The Minister may make such Regulations as may be necessary for carrying out the provisions of this Act including the duties of the Board, the Local Board and the Director (Social Welfare) under this Act and in particular may make Regulations prescribing anything that is required by this Act to be prescribed.

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**SUBSIDIARY LEGISLATION**

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**OLD AGE PENSIONS REGULATIONS**

94/1954.

*made under section 10***ARRANGEMENT OF REGULATIONS****REGULATION**

1. Citation.
2. Forms of claim for pension.
3. Claimant to answer every question on form.
4. Claimant to produce birth certificate.
5. Persons appointed to carry out Regulations.
6. Duties of Public Assistance Officers.
7. Additional duties of Public Assistance Officers.
8. Duties of Secretary.
9. Duties of Supervisors.
10. Monthly meetings.
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12. Pension vouchers.
13. Voucher booklet to be property of Local Board.
14. Pension may be payable to pensioner's nominee.
15. Pension to be paid monthly.
16. Paying Officer to send vouchers to Director (Social Welfare).
17. Pension may be increased, decreased or discontinued.
18. Unsuccessful applicant may appeal to Board.
19. Board to consider all appeals against Local Board.
20. Pension payable in district of Local Board.
21. Director (Social Welfare) to keep General Register of all claims.
22. Director (Social Welfare) to keep record of amount paid to each pensioner.
23. Auditor General to be supplied with names etc., of pensioners.
24. Registrar General to supply date of birth, etc. death of pensioner.
25. Registrar General to inform Secretary of death of pensioner.
26. Director (Social Welfare) to be informed of persons admitted to institutions.

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1. These Regulations may be cited as the Old Age Pensions Regulations. Citation.

**[Subsidiary]**

Forms of claim for pension.

**2.** Forms of claim for pension shall be issued by the Director (Social Welfare) or by any officer of a Local Board on request.

Claimant to answer every question on form.

**3.** Every claimant for pension shall submit to the Chairman of the Local Board of his district a claim on such form as may from time to time be approved by the Board, and shall answer every question, produce every document and give all information in his power which may be required of him by the investigating officer, or by the Local Board of the District or any member thereof.

Claimant to produce birth certificate.

**4.** A person claiming to be eligible for pension shall produce a certificate of his birth or his baptismal certificate, and in the absence of any such certificate the claimant shall, when required to do so, establish to the satisfaction of the Local Board that he has attained the age required by section 4(1)(a) or (2) of the Act.

Persons appointed to carry out Regulations.

**5.** For the purpose of carrying out these Regulations there shall be appointed Supervisors, Secretaries and Public Assistance Officers.

Duties of Public Assistance Officers.

**6.** It shall be the duty of a Public Assistance Officer—

- (a) on receipt by the Local Board to which he has been assigned of a claim for pension to interview as soon as possible the claimant and satisfy himself by every reasonable means as to the accuracy of the statements contained in the claim form and to obtain all such other information as he considers may be of assistance in determining the merits of each claim;
- (b) to furnish the Chairman of such Local Board with a written report on each claim entrusted to him for investigation on such form as may from time to time be approved by the Board and such other information as may at any time be required by the Local Board;
- (c) to report to the Chairman of such Local Board any fact within his knowledge, which may disqualify any claimant from obtaining or continuing to receive a pension, or which may affect the amount of the pension to which such person is entitled.

Additional duties of Public Assistance Officers.

**7.** A Public Assistance Officer shall—

- (a) attend all meetings of the Local Board to which he has been assigned;

- (b) deliver to each claimant whose claim has been investigated by him and allowed by the Local Board the pension voucher and identification card issued by the Local Board together with such other documents as the Local Board may direct in respect of such claim;
- (c) inform the Secretary of the Local Board immediately of the death of any pensioner becoming known to him;
- (d) furnish to the Director (Social Welfare) at least once during each year a certificate in respect of each pensioner investigated by him and to whom a pension has been awarded stating that such pensioner is alive.

**8. It shall be the duty of the Secretary of each Local Board—** Duties of Secretary.

- (a) to keep in a form approved by the Board—
  - (i) a register of claims for pension submitted;
  - (ii) a register of claims allowed;
  - (iii) a register of claims rejected; and
  - (iv) any other register as the Board or the Director (Social Welfare) may from time to time direct;
- (b) to forward to the Director (Social Welfare) after each meeting of the Local Board—
  - (i) all claims and relevant reports with the decision of the Local Board endorsed thereon together with a schedule thereof in such form as may from time to time be approved by the Board, showing the names of all persons to whom a pension has been awarded, the rate at which and the date from which such pension is payable;
  - (ii) all claims and relevant reports with the decision of the Local Board endorsed thereon together with a schedule thereof, in such form as may from time to time be approved by the Board, showing the names of all persons whose claims have been rejected and the reasons therefor;
  - (iii) all claims and relevant reports with the decision of the Local Board endorsed thereon together with a schedule thereof in such form as may from time to time be approved by the

Board showing the names of all persons whose pensions have been discontinued, the date from which such discontinuance takes effect and the reasons therefor;

- (c) to keep a record of the decision on each claim made or any question raised thereon and, in the case of refusal of any claim, of the grounds on which such claim has been refused;
- (d) to notify immediately the person appointed to pay pensions—
  - (i) the name and address of every person whose claim for pension has been allowed, together with the rate at which and the date from which such pension is payable, and also of any question which may have been raised under section 6 of the Act;
  - (ii) the death of any pensioner notified to him by the Registrar of Births and Deaths or by any Public Assistance Officer;
- (e) to notify immediately every claimant for pension as to the decision of the Local Board or of the Board, as the case may be, with respect to his claim or any appeal which he may lodge against any decision of the Local Board;
- (f) to make and keep a record of the Minutes of the Local Board, and forward a copy thereof after each meeting, for the information of the Director (Social Welfare);
- (g) to forward to the Director (Social Welfare) at the end of each month a list showing the names and addresses together with the registration numbers, of all pensioners whose deaths have been reported;
- (h) to keep the accounts and conduct the correspondence of the Local Board, and in addition perform all such other duties as may be assigned to him either by the Chairman or the Director (Social Welfare).

Duties of Supervisors.

9. A Supervisor shall be appointed to and shall be responsible for the administration of the work of each Local Board and shall supervise the Public Assistance Officers attached thereto and shall perform such other duties as may be assigned to him by either the Chairman or the Director (Social Welfare).

10. Local Boards shall hold meetings monthly or more frequently as circumstances demand, at such time and place as the Chairman of each Local Board may determine.

Monthly meetings.

11. Whenever a pension is awarded, an identification card shall be prepared in triplicate in such form as may from time to time be approved by the Board and shall be signed by the Chairman of the Local Board. The identification card shall then also be signed by the pensioner and witnessed by an officer of the Local Board. One original shall be issued to the pensioner, another shall be filed in the office of the Chairman of the Local Board, and the third shall be forwarded to the Director (Social Welfare).

Identification Card.

12. There shall also be issued to the pensioner, in respect of the current calendar year terminating on the 31st December, a booklet containing the appropriate number of pension vouchers in such form as may from time to time be approved by the Board. A pension voucher shall be issued in respect of each month in the current year.

Pensions vouchers.

13. Every voucher booklet shall be deemed to be the property of the Local Board and shall be delivered to the Chairman, or any officer of the Local Board deputed by him, as and when required by the Chairman.

Voucher booklet to be property of Local Board.

14. (1) Pension shall be paid to a person entitled to receive such pension on presentation to a Paying Officer of the identification card and relative pension voucher; but where pension is paid to a person other than a pensioner, such person shall be duly nominated in the voucher booklet by the pensioner in the presence of an officer or member of the Local Board and if the pensioner or nominee is illiterate, in the presence of an independent witness; and a certificate must be signed by the nominee to the effect that the pensioner is alive and that the nominee undertakes to hand over the pension to the pensioner in person.

Pension may be payable to pensioner's nominee.

(2) Where a person loses or for any other reason is unable to produce either the relevant pension voucher or the identification card issued under the above regulation or both, he shall report such fact immediately to an officer of the Local Board of the district in which such person resides, and it shall be the duty of such Local Board—

- (i) to notify every other Local Board of Trinidad and Tobago and the Director (Social Welfare) that such report has been received;

- (ii) upon being satisfied that such report has been made in good faith and that the person making such report is a person entitled to hold such pension voucher and identification card, to authorise the issue of either a duplicate pension voucher or identification card or both as the case may be, provided that no duplicate pension voucher or identification card shall be issued less than one month from the date of such report, and such person shall not be deprived of any payment due to him in respect of the period which preceded the issue of either a duplicate pension voucher or duplicate identification card or both; and
- (iii) in all cases in which the issue of either duplicate pension vouchers or identification cards or both have been authorised, to notify the issue of either such duplicate pension vouchers or identification cards or both as the case may be to every other Local Board of Trinidad and Tobago and to the Director (Social Welfare) and the person or persons responsible for the payment of pensions.

(3) Where it has become necessary under this regulation to issue either a duplicate pension voucher or identification card or both, the original pension voucher or identification card or both as the case may be shall for all purposes whatsoever immediately become null and void and no payment whatever may be made thereafter in respect of any pension except on presentation of either such duplicate pension voucher or identification card or both as the case may be.

Pension to be paid monthly.

**15.** A pension voucher shall be regarded as an acquittance for the sum paid, and pension shall be paid in each month on such date, at such place and in such manner as the Local Board in each district shall determine with the approval of Director (Social Welfare).

Paying Officer to send vouchers to Director (Social Welfare).

**16.** Within ten (10) days of the date on which pension is paid in any area of a Local Public Assistance District of Trinidad and Tobago the relevant pension vouchers shall be forwarded to the Director (Social Welfare) by the Paying Officer.

17. Subject to the provisions of the Act or of any amendments thereof for the time being in force, any pension may, on review by a Local Board, be continued, increased, decreased or discontinued.

Pension may be increased, decreased or discontinued.

18. A person whose claim has been rejected by a Local Board, may within thirty (30) days of the receipt by him of the notification of the grounds upon which his claim is rejected, request the Local Board in writing to submit his claim for the final decision of the Board.

Unsuccessful applicant may appeal to Board.

19. The Board shall consider all such claims as are referred to it under the preceding regulation and all relevant documents and may require the attendance of the claimant and of such other persons as may assist the Board in arriving at a just decision. The Board shall communicate (through its Secretary) its findings to the Local Board whose Secretary shall in turn notify the claimant of the Board's decision.

Board to consider all appeals against Local Board.

20. (1) A pension shall normally be paid within the district of the Local Board by whom such pension has been awarded. The Director (Social Welfare) may, however, in his discretion authorise any paying officer to make payment of a pension to a person not resident within such district.

Pension payable in district of Local Board.

(2) When a pensioner desires to transfer his residence from the district in which pension was last awarded to the district of any other Local Board, he shall give notice thereof to the Chairman of the Local Board by which such pension was awarded and surrender all pension vouchers in his possession.

(3) Subject to the provisions of the Act, such vouchers shall be re-issued to the pensioner by the Local Board of the District to which the pensioner has transferred his residence after such transfer has been recorded in a manner approved by the Director (Social Welfare).

(4) The Local Board of the district to which the pensioner has transferred his residence shall as soon as possible after such transfer takes effect consider a report by an investigating officer regarding the circumstances of such pensioner.

21. The Director (Social Welfare) shall keep in such form as may from time to time be approved by the Board a General Register of all claims filed, and a register, sub-divided into districts, of all rejected claims.

Director (Social Welfare) to keep General Register of all claims.

Director (Social Welfare) to keep record of amount paid to each pensioner.

**22.** The Director (Social Welfare) shall keep a record, subdivided into districts, of the amount of pension paid to each pensioner as well as of the rate at which and the date from which such pension is payable.

Auditor General to be supplied with names etc., of pensioners.

**23.** The Director (Social Welfare) shall furnish the Auditor General with a list of persons to whom a pension has been granted, together with the rate at which and the date from which such pension is payable; and from time to time shall notify him of the addition or deletion of any name to or from such list and the reasons therefor, and of any change in the rate at which a pension is payable to any person, together with the date from which addition or deletion or change of rate takes effect.

Registrar General to supply date of birth, etc. death of pensioner.

**24.** The Registrar General, the Superintendent Registrar, or the Registrar of Births and Deaths of a district shall verify, free of charge, any information as regards the date of birth or death of a pensioner on request of the Director (Social Welfare), any Local Board or any investigating officer.

Registrar General to inform Secretary of death of pensioner.

**25.** The Registrar of Births and Deaths shall report to the Secretary of the Local Board in his district, within three (3) days of the registration thereof, the date and place of death of every person of the age of sixty-five (65) and over, whose death has been registered by him.

Director (Social Welfare) to be informed of persons admitted to institutions.

**26.** The Superintendent of the St. James Infirmary, the St. Ann's Hospital, the Prisons, the Leper Settlement or of any other public or charitable institution shall notify the Director (Social Welfare) immediately upon admission of any inmate of, or appearing to be of the age of, sixty-five (65) and over, and of any blind person of, or appearing to be of the age of, forty (40) and over, in such institution.