

LEGAL NOTICE NO. 184

REPUBLIC OF TRINIDAD AND TOBAGO

THE OLD AGE PENSIONS ACT, CHAP. 32:02

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 10 OF THE OLD AGE  
PENSIONS ACT

THE OLD AGE PENSIONS (AMENDMENT)  
REGULATIONS, 1997

1. These Regulations may be cited as the Old Age Pensions Citation  
(Amendment) Regulations, 1997.

2. In these Regulations—

(a) “the Act” means the Old Age Pensions Act;

(b) “the Regulations” means the Old Age Pensions Regulations.

Interpreta-  
tion  
Chap. 32:02

3. The Regulations are amended by inserting after regulation 1, the  
following regulation: Regulation 1A  
inserted

“Interpreta-  
tion” 1A. In these Regulations “anniversary date” means  
the date, in each year, corresponding with the date of  
grant appearing on the identification card issued  
pursuant to regulation 11.”

4. Regulation 4 of the Regulations is amended by deleting the  
words “or his baptismal certificate”. Regulation 4  
amended

5. Regulation 6 of the Regulations is amended by deleting the  
words “Public Assistance Officer” and substituting the words “Social  
Welfare Adviser”. Regulation 6  
amended

6. Regulation 7 of the Regulations is amended—

(a) by deleting the words “Public Assistance Officer” and  
substituting the words “Social Welfare Adviser”;

(b) by repealing paragraph (d) and substituting the following  
paragraphs:

“(d) visit the Registrar of Births and Deaths in the  
appropriate Local Public Assistance District within

Regulation 7  
amended

seven days of the end of each month for the purpose of obtaining information on the deaths of all persons over the age of sixty-five years;

- (e) forward the information referred to in paragraph (d) to the Secretary of the Local Board within seven days of the Social Welfare Adviser obtaining the information.”

Regulation 8  
amended

7. Regulation 8 of the Regulations is amended—

- (a) in paragraph (b) by deleting subparagraphs (i), (ii) and (iii) and substituting the following subparagraphs:

- “(i) a schedule in the prescribed form listing the names of all persons to whom pensions have been paid, the rates at which and the dates from which such pensions are payable;
- (ii) a schedule in the prescribed form listing the names of persons whose claims for pensions have been rejected and the reasons for such rejection;
- (iii) a schedule in the prescribed form listing the names of persons, the payments of whose pensions have been discontinued, the dates from which payments were discontinued and the reasons for discontinuance.”;

- (b) by repealing paragraph (d).

Regulation 9  
amended

8. Regulation 9 of the Regulations is amended by deleting the words “Public Assistance Officers” and substituting the words “Social Welfare Advisers”.

Regulation 12  
repealed and  
a regulation  
substituted

9. The Regulations are amended by repealing regulation 12 and substituting the following regulation:

“Pensioner to  
visit Social  
Welfare  
Adviser

12. (1) Every pensioner shall report to the Social Welfare Adviser in the appropriate Local Public Assistance District on his anniversary date and a record of that reporting shall be made in the form approved by the Board.

(2) Where a pensioner is unable to comply with subregulation (1) by reason of illness or incapacity, he or his duly authorised representative shall notify the Local Board in the form approved by the Board.

(3) Where the Local Board, having been notified pursuant to subregulation (2)—

- (a) is satisfied that the pensioner is alive and unable due to illness or incapacity to report to the Social Welfare Adviser in accordance with subregulation (1), it shall cause the pension to continue to be paid or for payments to be resumed as the case may be; or
- (b) is not satisfied that the pensioner is alive, it shall cause a Social Welfare Adviser to interview the pensioner at his place of residence as soon as possible after the anniversary date.

(4) Where a pensioner—

- (a) fails to make the visit referred to in subregulation (1); and
- (b) fails to notify the Local Board in accordance with subregulation (2),

the Board may suspend payment of his pension until it is satisfied that the pensioner is alive and was unable to so visit.”.

10. The Regulations are amended by repealing regulation 13 and substituting the following regulation: Regulation 13  
repealed and  
a regulation  
substituted

13. (1) Pension shall be paid monthly by cheque to a pensioner or his nominee on—

“Payment of  
pension

(a) the presentation of—

- (i) a valid pension cheque; and
- (ii) the identification card referred to in regulation 11 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 pensioner is alive and that he will hand the pension to the pensioner in person.

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

(4) Payment of a pension cheque shall not be made unless the pensioner first endorses his pension cheque

and payment shall not be made to a nominee, unless both the pensioner and nominee endorse the cheque.

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

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

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

(8) No pension cheque shall be encashed at a supermarket, grocery or shop unless the pensioner 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 pensioner 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."

Regulation 14  
repealed and  
a regulation  
substituted

11. The Regulations are amended by repealing regulation 14 and substituting the following regulation:

"Where  
pension is  
payable

14. (1) Pension 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 pensioner decides to change his residence from the district in which his pension 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 pension was so awarded.

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

12. The Regulations are amended by repealing regulation 15 and substituting the following regulation: Regulation 15  
repealed and  
a regulation  
substituted

“Substituted  
cheque

15. (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 pensioner 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 pensioner shall notify the Supervisor of the Local Public Assistance District in which the pensioner 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-dated, lost or stolen cheque.

(5) The pensioner shall—

(a) return the cheque to the Supervisor in the event of the pensioner 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 pensioner 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 pensioner resides."

Regulation  
16 repealed  
and a  
regulation  
substituted

13. The Regulations are amended by repealing regulation 16 and substituting the following regulation:

"Pensioner to  
give notice of  
departure  
and return

16. (1) A pensioner—

(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 Local Board of his return,

in such form as may be approved by the Board.

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

Regulation  
17 repealed  
and a  
regulation  
substituted

14. The Regulations are amended by repealing regulation 17 and substituting the following regulation:

"Suspension  
of pension

17. (1) Where a pensioner—

(a) becomes an inmate of a hospital, including a hospital for the insane or 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 16(1)(a),

for a period in excess of four months, his pension 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 be, payment of his pension shall, subject to the Act, be resumed and he shall be entitled to payment of pension in respect of the period during which his pension was suspended

but not, in any case, in respect of a period longer than four months.

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

15. The Regulations are amended by repealing regulation 25 and substituting the following regulation: Regulation 25 repealed and a regulation substituted

“Registrar to inform Secretary of death of certain persons” 25. (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.”

16. The Regulations are amended by repealing regulation 26 and substituting the following regulation: Regulation 26 repealed and a regulation substituted

“Director to be informed of certain admissions” 26. 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 the admission of any person who has attained or appears to have attained the age of sixty-five years.”

17. Every form prescribed by the Minister or approved by the Board Forms 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*