

TEACHERS' PENSIONS ACT

CHAPTER 39:02

Act

22 of 1952

Amended by

3 of 1954

40 of 1955

11 of 1957

8 of 1959

31 of 1964

38 of 1966

5 of 1985

*9 of 1987

*19 of 1989

20 of 1997

17 of 2007

*30 of 2007

*See Note on page 2

Current Authorised Pages

<i>Pages (inclusive)</i>		<i>Authorised by L.R.O.</i>
1-2	..	1/2009
3-8	..	1/2006
9-10	..	1/2009
11-20	..	1/2006
21-22	..	1/2009
23-30	..	1/2006

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

2

Chap. 39:02

Teachers' Pensions

Index of Subsidiary Legislation

	<i>Page</i>
Teachers' Pensions Regulations (22 of 1952)	17

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

See Act No. 9 of 1987 and Act No. 19 of 1989 which amended this Act by implication.

Note on Act No. 30 of 2007

Section 2 of Act No. 30 of 2007 provides that the amendments to section 12(1) shall come into effect from October 1, 2007.

CHAPTER 39:02

TEACHERS' PENSIONS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. President may vary First Schedule.
4. Pension payable on retirement.
President may make Regulations.
5. Pensions to be a charge on the Consolidated Fund.
6. Minimum age for commencement of pensionable service.
7. Age of compulsory retirement.
8. Circumstances in which pensions may be granted. Teacher may be granted pension at 55 years, or earlier on account of ill-health.
Age limit in respect of other public services.
Teachers whose service is terminated in public interest in certain circumstances may be retired.
Teacher may be retired on abolition of office.
9. *(Repealed by Act No. 20 of 1997).*
10. Gratuity and reduced pension.
11. Certain provisions of Pensions Act applicable to teachers.
12. Maximum pension.
13. Pension or other allowance, not of right.
14. Gratuity to legal personal representative when teacher dies in teaching service or shortly after retirement therefrom.
15. Pensions to dependants when teacher is killed on duty.
16. Gratuities to supplementary teachers.
17. Right of election.
18. Application of Act and School Teachers' Pension Ordinance.

FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 39:02

TEACHERS' PENSIONS ACT

1951-53 Ed.
(Vol. 1).
Ch. 14 No. 6.
22 of 1952.

An Act to provide for the payment of superannuation allowances to teachers.

Commencement.

[22ND MAY 1952]

Short title.

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

Interpretation.

2. In this Act—

“other public service” and “public service” have the same meanings as are respectively assigned to these expressions in the Pensions Act;

Ch. 23:52.

“other teaching service” means whole-time service in a teaching capacity in an educational institution in any territory specified in the First Schedule in relation to which the President is satisfied that provision is made by law for the payment of pensions, gratuities or allowances in respect of service in that institution;

First Schedule.

“salary” means—

(a) in the case of a teacher in a Government Primary, Intermediate or Special School within the meaning of the Education Act, annual salary in accordance with the scale of salary prescribed under the said Act; but any seniority allowance of which a headteacher of a Government Primary School was in receipt immediately prior to his retirement shall, for the purposes of the computation of his pension, be deemed to be additional salary;

Ch. 39:01.

(b) in the case of a teacher in an Assisted Primary, Intermediate or Special School within the meaning of the Education Act, in respect of which the aid given by the Government from public funds includes a grant covering full payment of

the salaries of teachers, such annual salary as is prescribed under the said Act; but any seniority allowance of which a headteacher of an Assisted Primary School was in receipt immediately prior to his retirement shall, for the purposes of the computation of his pension, be deemed to be additional salary;

- (c) in the case of a teacher in any school specified in the Second Schedule other than in the first and second paragraphs thereof, so much of such annual salary as may be fixed by the appropriate authority for the office held by the teacher as—
 - (i) shall not exceed such amount as may be approved for the office which the teacher holds by the President; and
 - (ii) shall not be less than the amount of the staff grant paid by the Government in respect of the office which the teacher holds;
- (d) in respect of other teaching service or other public service emoluments which count for pension in accordance with the law or regulations in force in such service;

“school” means any school or institute included in the Second Schedule; Second
Schedule.

“teaching service” means—

- (a) registered service in the capacity of a teacher in full-time employment in a school;
- (b) other teaching service; but where a teacher has had other service under the Government or, with the approval of Government has undergone a course of training at a Training College, the whole of such service or course of training, if continuous with his service in the capacity of a teacher, shall be taken into account. However, where the period of such other service or course of training is paid for from public funds not provided for a specific appointment, only one-half shall be counted for the purposes of this Act;

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

6

Chap. 39:02

Teachers' Pensions

- “teacher” means a person who is registered as such under the former Education Ordinance (now repealed) and the Education Act, and who is or has been employed in full-time service in a teaching capacity in a school.
- Ch. 14 No. 1. (1950 Ed.).
Ch. 39:01.
- President may vary First Schedule. [31 of 1964].
- 3.** (1) The President may by Notification vary the First Schedule by adding thereto any other territory or authority, or by removing therefrom any territory or authority for the time being included therein.
- (2) A notice of variation referred to in subsection (1) shall be laid before both Houses of Parliament.
- Pension payable on retirement.
- 4.** (1) Every teacher shall be granted on his retirement a pension in accordance with this Act.
- (2) The President may make Regulations for the granting of pensions, gratuities and other allowances to teachers and every such regulation when made shall be laid before Parliament.
- (3) Whenever 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 regulation shall have retrospective effect unless it has received the prior approval of Parliament signified by resolution.
- (4) The Teachers' Pensions Regulations (formerly contained in a Schedule to this Act) shall be deemed to be made under subsection (2) and may be amended or revoked under that subsection.
- President may make Regulations.
- Pensions to be a charge on the Consolidated Fund.
- 5.** All such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in accordance with this Act shall be a charge on the Consolidated Fund.
- Minimum age for commencement of pensionable service. [5 of 1985].
- 6.** No teacher shall be entitled to a pension or any retiring allowance in respect of any service performed while under the age of seventeen years.

7. Every teacher in teaching service in Trinidad and Tobago shall, unless the President otherwise determines, retire at the age of sixty years. In special cases, the President may require a teacher in teaching service in Trinidad and Tobago to retire at any time after he attains the age of fifty years.

Age of compulsory retirement.

8. (1) Except in the cases mentioned below, no pension, gratuity or other allowance shall be granted to any teacher who has not attained the age of fifty-five years (in special cases, with the approval of the President, fifty 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 office, and that the infirmity is likely to be permanent. The consent of the President shall be obtained in respect of—

Circumstances in which pensions may be granted. Teacher may be granted pension at 55 years, or earlier on account of ill-health. [38 of 1966].

- (a) a teacher recruited from the United Kingdom;
- (b) a teacher who is a member of a unified branch of the service;
- (c) a teacher occupying any other post of which the initial salary is not less than two thousand dollars a year.

(2) If a teacher is transferred to other public service or other teaching service and ultimately retires at an age less than fifty-five years at which he is permitted by the law or regulations of that service to retire with a pension, the pension which may be granted to him from public funds under this Act shall be payable from the date of retirement of the teacher, notwithstanding that he shall not be fifty-five years of age.

Age limit in respect of other public services.

(3) Where a teacher's service is terminated on the ground that having regard to the conditions of the teaching service, the usefulness of the teacher thereto and all the other circumstances of the case, the termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under this Act the President may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the teaching service by reason of some infirmity of mind or body likely to be permanent in the circumstances described in subsection (1).

Teachers whose service is terminated in public interest in certain circumstances may be retired.

LAWS OF TRINIDAD AND TOBAGO

(4) Subsection (3) shall be deemed to have had effect from 1st January 1965.

Teacher may be retired on abolition of office.

(5) If a teacher in teaching service in Trinidad and Tobago ceases to be a teacher in consequence of the abolition or reorganisation of any office, he may be granted a temporary pension, subject to the condition that he shall hold himself ready to be recalled to service; but if the teacher is not qualified for other employment or if there is no reason, in the opinion of the President, to expect that he can be re-employed, a pension may be granted to him free from the above-mentioned condition.

9. (Repealed by Act No. 20 of 1997).

Gratuity and reduced pension. [40 of 1955]. Ch. 14 No. 5. (1950 Ed.).

10. (1) Every person in teaching service at the commencement of this Act who has exercised or has been deemed to have exercised the option provided for in section 14 of the School Teachers' Pensions Ordinance and who elects under section 17 of this Act to be subject to this Act shall, subject to this Act be granted on his retirement an unreduced pension or a reduced pension and gratuity as the case may be, under this Act in accordance with his decision when exercising the option.

(2) Every person in teaching service at the commencement of this Act and appointed as a teacher before 1st January 1924, who has not exercised and is not deemed to have exercised the option referred to in subsection (1) and who elects under section 17 to be subject to this Act shall, subject to this Act, be granted an unreduced pension under this Act.

(3) Every other person in teaching service at the commencement of this Act who elects under section 17 to be subject to this Act shall, subject to this Act, be granted on his retirement a reduced pension and gratuity under this Act.

Ch. 14 No. 5. (1950 Ed.).

(4) The President may, by Notification, declare that any teacher who has inadvertently omitted to exercise the option provided for in section 14 of the School Teachers' Pensions Ordinance and who elects under section 17 of this Act to be subject to this Act shall be deemed to have duly exercised the option, and

thereupon this section shall apply to such teacher as though he had exercised the option in accordance with section 14 of the School Teachers' Pensions Ordinance.

(5) Every person appointed as a teacher after the commencement of this Act shall, subject to this Act, be granted on his retirement a reduced pension and gratuity under this Act.

(6) Notwithstanding anything contained in this section, every person subject to this Act who continues in the service of the State as a teacher after he attains the age of sixty years at his own request and not for the convenience of the service shall, subject to this Act, be granted on his retirement an unreduced pension under this Act.

(7) In the application of this section to the case of any teacher, reduced pension means three-fourths of the pension, calculated in accordance with this Act, which is appropriate to such case; and gratuity means twelve and one-half times the annual value of the reduction so made in such pension.

11. The following provisions of the Pensions Act, namely section 23 (which protects pensions), section 24 (which enables a pension to be applied towards maintenance of dependants), sections 25 and 26 (which provide for cessation of pension on bankruptcy and on conviction), section 27 (which provides for cessation of pension on acceptance of certain appointments) and section 28 (which empowers the President to decide questions arising under the Act) shall apply to pensions granted under this Act in like manner as they apply to pensions granted under that Act.

Certain provisions of Pensions Act applicable to teachers. Ch. 23:52.

12. (1) The pension granted to a teacher under this Act shall be in the sum of one thousand, six 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].

(2) A teacher who has been granted a pension in respect of other public service or other teaching service shall not at any time draw from public funds an amount of pension, which when added to the amount of any pension or pensions drawn in respect

of other public service or other teaching service, exceeds two-thirds of the highest salary drawn by him at any time in the course of his teaching service. However, 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 this subsection to be four-thirds of its actual amount.

(3) Where the limitation specified in subsection (2) operates, the amount of the pension to be drawn from public funds shall be subject to the approval of the President in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service or other teaching service.

(4) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where the 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.

Pension or other allowance, not of right.

13. (1) No teacher shall have an absolute right to compensation for past services or to pension, gratuity or other allowance under this Act, nor shall anything contained in this Act limit the right of the State to dismiss any teacher without 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 may be reduced or altogether withheld.

Gratuity to legal personal representative when teacher dies in teaching service or shortly after retirement therefrom. [11 of 1957 8 of 1959].

14. (1) Where a teacher dies while in teaching service in Trinidad and Tobago 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; and any gratuity so granted shall be paid to his legal personal representative.

(2) For the purposes of subsection (1) the expression “commuted pension gratuity” means the gratuity, if any, calculated in the manner prescribed 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 instead of an unreduced pension.

(3) Where any teacher to whom either an unreduced pension or a gratuity and reduced pension has been granted under this Act, dies after retirement from teaching service in Trinidad and Tobago and the sums paid or payable to him at his death on account of the unreduced pension or gratuity and reduced pension, as the case may be, 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; and any gratuity so granted shall be paid to his legal personal representative.

(4) Notwithstanding subsections (1), (2) and (3) the President may, in any case where the amount of the gratuity payable thereunder does not exceed the sum of four hundred and eighty dollars, dispense with the production of probate or letters of administration and cause the gratuity to be paid to the dependant or dependants of the teacher and, where there is more than one such dependant, may divide the gratuity among the dependants in such proportion as he may think fit.

(5) Subsections (1), (2) and (3) shall be deemed to have had effect as from 8th August 1953.

15. (1) Where a teacher in teaching service in Trinidad and Tobago dies as a result of injuries received—

- (a) in the actual discharge of his duty;
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty while in teaching service in Trinidad and Tobago, the President may grant in addition to the grant, if

Pensions to dependants when teacher is killed on duty.

any, made to his legal personal representative or to his dependants under section 14—

- (i) if the deceased teacher leaves a widow, a pension to her, while unmarried and of good character at a rate not exceeding ten-sixtieths of his salary at the date of the injury or seventy-two dollars a year, whichever is the greater;
- (ii) if the deceased teacher leaves a widow to whom a pension is granted under subparagraph (i) and a child or children, a pension in respect of each child, until the child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under subparagraph (i);
- (iii) if the deceased teacher leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until the child attains the age of eighteen years, of double the amount prescribed by subparagraph (ii);
- (iv) if the deceased teacher leaves a child or children and a widow to whom a pension is granted under subparagraph (i) and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until the child attains the age of eighteen years, of double the amount prescribed in subparagraph (ii);
- (v) if 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 to the mother, while of good character and without adequate means of

support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

- (A) a pension shall not be payable under this subsection at any time in respect of more than six children;
- (B) in the case of a pension granted under subparagraph (v), if the mother is a widow at the time of the grant of the pension and subsequently remarries the pension shall cease as from the date of remarriage; and 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;
- (C) a pension granted to a female child under this section shall cease upon the marriage of the child under the age of eighteen years.

(2) For the purposes of this section the word “child” includes—

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

(3) If a teacher proceeding by a route approved by the President to or from Trinidad and Tobago at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against the vessel, vehicle or aircraft, and the President is satisfied that the damage or act is attributable to circumstances arising out of any war in which the State may be engaged, the teacher shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1).

LAWS OF TRINIDAD AND TOBAGO

Ch. 88:05. (4) This section shall not apply in the case of the death of any teacher selected for appointment on or after 1st December 1938, if his dependants, as defined in the Workmen's Compensation Act, are entitled to compensation under that Act.

Gratuities to supplementary teachers.

16. (1) A supplementary teacher in teaching service in Trinidad and Tobago may on retirement be granted a gratuity in such circumstances and of such amount as the President may determine; but a gratuity granted under this section shall not exceed an amount equal to three-eighths of a month's salary for each complete six months of service.

(2) For the purposes of this section the expression "supplementary teacher" means a person who is not in full-time service in any one school and who instructs a school in handicraft, music, physical training, agriculture or needlework.

Right of election. [3 of 1954]. Ch. 14 No. 5. (1950 Ed.).

17. (1) Every person in teaching service at the commencement of this Act may within six months of the commencement of this Act elect to remain subject to the School Teachers' Pensions Ordinance or to be subject to this Act.

(2) Such election shall be by written notice addressed to the Chief Education Officer and shall be irrevocable.

(3) Every person in teaching service at the commencement of this Act in respect of whom the Chief Education Officer has received no notice of election under this section shall be deemed to have elected to remain subject to the School Teachers' Pensions Ordinance.

(4) Notwithstanding subsection (3), if a person who has failed to elect under subsection (1) within the time limit prescribed therein wishes to become subject to this Act, he may apply to the President for permission to be allowed to do so; and if the President is satisfied that it would be equitable in the special circumstances of the applicant's case that he should be exempted from the operation of the time limit, he may direct that the application shall be granted, and the applicant shall thereupon be deemed to be subject to this Act.

18. (1) This Act shall apply—

(a) to every person who is appointed as a teacher after the commencement of this Act;

(b) to every person in teaching service in Trinidad and Tobago at the commencement of this Act who elects under section 17 of this Act to be subject to its provisions.

Application of Act and School Teachers' Pensions Ordinance.

(2) The School Teachers' Pensions Ordinance shall, subject to section 10 of this Act apply to—

Ch. 14 No. 5. (1950 Ed.).

(a) every person in teaching service at the commencement of this Act who elects under section 17 of this Act to remain subject to the provisions of that Ordinance;

(b) every person who has retired from teaching service in Trinidad and Tobago before the commencement of this Act.

FIRST SCHEDULE

Sections 2, 3. [31 of 1964].

SCHEDULED TERRITORIES OR AUTHORITY

Bahamas	The Interim Commissioner for the West Indies,
Barbados	with effect from 1st June 1962
Bermuda	
Guyana	The West Indies (meaning thereby the former
Belize	Federation known by that name) with effect
Jamaica	from 2nd January 1958.
Leeward Islands	
Turks and Caicos Islands	
Windward Islands	

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

16

Chap. 39:02

Teachers' Pensions

Section 2.

SECOND SCHEDULE

- Ch. 39:01. 1. Any Government Primary, Intermediate or Special School within the meaning of the Education Act.
 - Ch. 39:01. 2. Any Assisted Primary, Intermediate or Special School, within the meaning of the Education Act.
 - Ch. 46:01. 3. Any Certified School within the meaning of Part III of the Children Act.
 - Ch. 39:01. 4. Any Government or Assisted Training College within the meaning of the Education Act.
 - Ch. 39:54. 5. Any School or Institute for the education of Artisans and Apprentices carried on by the Board of Industrial Training under the Industrial Training Act.
 - Ch. 13:05. 6. The Industrial Institution established under the Young Offenders Detention Act.
 - 14 of 1947. 7. The Institute for the Blind carried on by the Trinidad and Tobago Blind Welfare Association under the Trinidad and Tobago Blind Welfare Association (Incorporation) Ordinance 1947.
 8. Any Institution for the education of the deaf approved by the President.
 9. Any School or Training Centre conducted by the Prisons Service.
-

SUBSIDIARY LEGISLATION

TEACHERS' PENSIONS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

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

3. Application of Part II.
4. Pensions to whom and at what rate to be granted.
5. Gratuities.

PART III

**TEACHERS WITH OTHER TEACHING
SERVICE OR OTHER PUBLIC SERVICE**

6. Application of Part III.
7. Interpretation.
8. Pension for service wholly within the group.
9. *(Repealed by Act No. 20 of 1997).*
10. Pension where other teaching service or other public service both within and not within the group.
11. Gratuity where length of service does not qualify for pension.

PART IV

GENERAL

12. Gratuity to female officer retiring on marriage.
13. Special provision relating to employment of married female teachers. Saving.
14. Service qualifying for pension, gratuity or allowance.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

18

Chap. 39:02

Teachers' Pensions

[Subsidiary]

Teachers' Pensions Regulations

ARRANGEMENT OF REGULATIONS—*Continued*

REGULATION

15. Broken service.
16. *(Revoked by Act No. 20 of 1997).*
17. Computation of pensions and gratuities.
 - Periods of service and absence.
 - Absence on half pay leave.
 - Periods not taken into account.
18. Service in a temporary capacity.
19. Computation of pensions, etc., on what emoluments to be based.
20. Rates of pension or gratuity when office abolished.
21. Officers retiring on account of injuries.
22. Register to be kept.

TEACHERS' PENSIONS REGULATIONS

deemed to be made under section 4

22 of 1952.
[31 of 1964
74/1966
5 of 1985].

PART I

PRELIMINARY

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

2. In these Regulations "scheduled territory" means a territory or authority specified in the First Schedule to the Act. Interpretation. [31 of 1964]. First Schedule to Act.

PART II

TEACHERS WITHOUT OTHER TEACHING SERVICE OR OTHER PUBLIC SERVICE

3. Save where the President in any special case otherwise directs, this Part shall not apply in the case of any teacher with other teaching service 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 Trinidad and Tobago. Application of Part II.

4. Subject to 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 $\frac{1}{600}$ ths 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.

5. 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 4. Gratuities.

PART III

TEACHERS WITH OTHER TEACHING SERVICE OR OTHER PUBLIC SERVICE

6. This Part shall apply only in the case of a teacher with other teaching service or other public service. Application of Part III.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

20

Chap. 39:02

Teachers' Pensions

[Subsidiary]

Teachers' Pensions Regulations

Interpretation.

7. In this Part “pensionable emoluments” means—

- (a) in respect of teaching service in Trinidad and Tobago, salary; and
- (b) in respect of other teaching service or other public service, emoluments which count for pension in accordance with the law or Regulations applicable to such service.

Pension for service wholly within the group.

8. (1) Where the other teaching service or other public service of a teacher to whom this Part applies has been wholly in one or more scheduled territories and his aggregate service would have qualified him had it been wholly in Trinidad and Tobago for a pension under this Act, he may, on his retirement from teaching service or other public service in circumstances in which he is permitted by the law or Regulations of the teaching service or other public service in which he is last employed to retire on pension or gratuity, be granted in respect of his service in Trinidad and Tobago a pension of such an amount as bears the same proportion to the amount of pension for which he would have been eligible had his service been wholly in Trinidad and Tobago, as the aggregate amounts of his pensionable emoluments during his service in Trinidad and Tobago bear to the aggregate amounts of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this regulation the pension for which a teacher would have been eligible if his service had been wholly in Trinidad and Tobago—

- (a) his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him during the last three years of his teaching service or other public service, except that where the teacher is not serving in a scheduled territory at the date of his retirement from teaching service or other public service, his pensionable emoluments during the last three years of his teaching service or other public service in a scheduled territory shall be taken;

- (b) no regard shall be had to any additional pension under regulation 21;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of his highest pensionable emoluments;
- (d) no period of other teaching service or other public service in a scheduled territory in respect of which no pension or gratuity is granted to him shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of a teacher's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay throughout the period of his service in the group subsequent to the attainment of the age of twenty years and prior to the attainment of the age of sixty years; but in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service in a scheduled territory in respect of which no pension or gratuity is granted to him.

9. (Repealed by Act No. 20 of 1997).

10. Where a part only of the other teaching service or other public service of a teacher to whom this Part applies has been in one or more of the scheduled territories, regulation 8 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

Pension where other teaching service or other public service both within and not within the group.

11. Where a teacher to whom this Part applies retires from teaching service or other public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity and has been in teaching service for five years or more but less than ten years, he may be granted in respect of his service in Trinidad and Tobago, 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 8, 9, or 10, as the case may be.

Gratuity where length of service does not qualify for pension.

PART IV

GENERAL

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

12. (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 the Act 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 under the Government or twelve months pensionable emoluments, whichever is the less; or
- (b) a commuted pension gratuity, within the meaning of section 14 of the Act, whichever is the greater.

Special provision relating to employment of married female teachers. [74/1966].

13. (1) Notwithstanding anything contained in these Regulations, but subject to subregulation (2), a married female teacher who—

- (a) has resigned or resigns from the teaching service on or after 19th October 1956, for the reason that she is married or is about to become married; and
- (b) has been subsequently re-employed permanently in such service,

shall, for the purpose of computing the amount of her pension, gratuity and allowance, be entitled to have taken into account as pensionable service both the period of service preceding the resignation from, and the period of subsequent employment in, the teaching service.

*The date of commencement of this Act is 14th August 1997.

(2) In computing the pension, gratuity or other allowance to which a married female teacher is eligible under subregulation (1), there shall be deducted the amount of any gratuity granted under regulation 12.

(3) Nothing contained in this regulation shall affect the rate of pensions being paid or payable to, or the pension, privileges, gratuities or allowances of married female teachers who have retired or resigned from the teaching service at the date of the coming into operation of this regulation (that is, 17th June 1966). Saving.

14. 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. Service qualifying for pension, gratuity or allowance.

15. (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. Broken service. [20 of 1997].

(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.

(3) Where a teacher with the consent of the President serves in time of war for any period or periods with the Armed Forces of a Commonwealth territory or in any other capacity connected with the state of war, any such period or periods may, with the approval of the President, be counted for pension, gratuity or allowance.

(4) Where a teacher is seconded or temporarily transferred for duty in the service of the State, the period during which he shall serve in the office or employment to which he has been seconded or temporarily transferred as aforesaid shall be counted for pension, gratuity or allowance, unless the President shall in any case otherwise decide, as if the teacher had not been seconded or temporarily transferred.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

24

Chap. 39:02

Teachers' Pensions

[Subsidiary]

Teachers' Pensions Regulations

(5) Any period during which a teacher has been absent from duty on leave either on partial pay or without salary, granted on grounds of public policy with the approval of the President and during which he has not qualified for pension, gratuity or allowance in respect of other teaching service or other public service, shall count for pension, gratuity or allowance.

(6) Subregulations (3) to (5) shall be deemed to have been in force from 3rd September 1939.

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

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

17. (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:

- (a) any periods during which he has been on duty;
- (b) any period during which he received half salary from public funds 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 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 other public service.

Absence on half pay leave.

(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 such periods shall be counted for the purpose of determining whether a teacher is eligible for pension. The period during which a teacher has been absent on vacation leave shall, under all circumstances, be counted as service on full pay.

(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.

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

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.

19. For the purpose of computing the amount of a teacher's pension, gratuity, or allowance—

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

- (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 such 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) in other cases one-third of the aggregate salary payable to the teacher in respect of his service during the said three years shall be taken. However—
 - (i) if such one-third is less than the full salary which was payable to him at the date of his transfer within such period of three years the President may grant him a pension calculated on the full salary payable to him at that date; and

LAWS OF TRINIDAD AND TOBAGO

- (ii) 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 such period of three years, and had 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; and
- (iii) for the purposes of calculating salary under this sub-subregulation the officer shall be deemed to have been on duty on full salary throughout the said three years.

Rates of pension or gratuity when office abolished.

20. (1) In the case of a teacher who retires, or is removed from office, in circumstances contemplated by section 8(5) of the Act, and who is otherwise eligible for pension, his pension may be increased at the rate of the number of 720ths of his salary exceeding the pension allowed under regulation 4 by the following numbers:

In the case of a teacher who served—

(a)	20 years and upwards	...	...	60
(b)	less than 20 years, but not less than 17 years	...	...	48
(c)	less than 17 years, but not less than 15 years	...	...	36
(d)	less than 15 years, but not less than 12 years	...	...	24
(e)	less than 12 years, but not less than 10 years	...	...	12

(2) No additional pension shall be granted under subregulation (1) so as to entitle a teacher to a higher total pension than the maximum of two-thirds of his salary at the date he ceased to be a teacher or than the pension for which he would have qualified by length of service on reaching the age of sixty years whichever shall be the lower amount.

(3) If the teacher has been a teacher for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with regulation 4 as if there had been no qualifying period.

- 21.** (1) Where a teacher has been permanently injured—
- (a) in the actual discharge of his duty;
 - (b) without his own default; and
 - (c) 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.

No such allowance shall, together with the pension, exceed $\frac{600}{720}$ ths of his salary at the date of the injury.

(2) If a teacher proceeding by a route approved by the President to or from Trinidad and Tobago at the commencement or termination of his services therein or of a period of leave therefrom is permanently injured as a result of damage to the vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against the vessel, vehicle or aircraft, and the President is satisfied that the damage or act is attributable to circumstances arising out of any war in which the State may be engaged, the teacher shall be deemed, for the purposes of this regulation to have been injured in the circumstances described in subregulation (1).

(3) The allowance shall be less than the above-mentioned maximum by such amount as the President thinks reasonable in the following cases:

- (a) where the injured teacher has continued to serve for not less than one year after the injury in respect of which he retires;
- (b) where the injured officer is fifty years of age or upwards at the date of the injury; or
- (c) where the injury is not the sole cause of retirement, for instance if the retirement is caused partly by age or infirmity not due to the injury.

(4) Where the teacher so injured has less than ten years' service, and he is not eligible for an ordinary pension he may be granted in lieu of a gratuity an annual allowance of so many 720ths as the number of months he has actually served, in addition to the number of 720ths that may be awarded to him under subregulations (1) and (2).

(5) A teacher so injured who is not qualified for either a pension under regulation 4 or a gratuity under regulation 5 may nevertheless be granted an annual allowance of the same amount as the additional allowance which he might have been granted if he had been so qualified.

(6) This regulation shall not apply in the case of a teacher selected for appointment as a teacher on or after 1st December 1938, who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Act.

Ch. 88:05.

Register to be kept.

Ch. 39:01.

22. (1) There shall be entered in the Teachers' Register kept by the Chief Education Officer, under the provisions of the Education Act, in accordance with information supplied by them and subject to such conditions as the President may impose, the following particulars:

- (a) in respect of teaching service in Trinidad and Tobago—
 - (i) the full name and age of every person appointed as a teacher in a school;

- (ii) the date of commencement and termination of every such appointment, and the nature, salary and allowances in respect thereof;
 - (iii) all periods of leave, whether on full, half or no pay;
- (b) in respect of other teaching service—
- (i) the full name and age of every teacher appointed in a teaching capacity in an educational institution approved by the President under the provisions of the Act and the institution to which he is appointed;
 - (ii) the date of the commencement and termination of every such appointment, and the nature, salary and allowances in respect thereof;
 - (iii) all periods of leave, whether on full, half or no pay;
- (c) in respect of public service—
- (i) the full name and age of every teacher appointed to a pensionable office in public service and the office to which he is appointed;
 - (ii) the date of the commencement and termination of every such appointment, and the nature, salary and allowances in respect thereof;
 - (iii) all periods of leave, whether on full, half or no pay.

(2) The Chief Education Officer may require any particulars supplied by a teacher under subregulation (1) to be verified to his satisfaction prior to their entry in the Register.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

30

Chap. 39:02

Teachers' Pensions

[Subsidiary]

Teachers' Pensions Regulations

(3) Where the particulars required to be supplied under subregulation (1) are not so supplied or where they are incorrectly supplied, the Chief Education Officer may with the approval of the President take such action including deletion of the name of any teacher from the Register, as he may consider necessary.