

LAWS OF TRINIDAD AND TOBAGO

PENSIONS ACT

CHAPTER 23:52

Act

16 of 1934

Amended by

21 of 1938	37 of 1961
16 of 1940	16 of 1962
33 of 1943	9 of 1968
8 of 1944	37 of 1968
55 of 1946	38 of 1973
17 of 1950	32 of 1974
28 of 1950	44 of 1976
10 of 1952	22 of 1977
1 of 1953	*14 of 1980
1 of 1954	98/1981
5 of 1955	*9 of 1987
20 of 1955	*19 of 1989
39 of 1955	*5 of 1994
43 of 1956	*4 of 1995
14 of 1958	20 of 1997

*See Note on Amendment Acts on page 2

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Note on Subsidiary Legislation

Notifications made under sections 2 and 3 in respect of “pensionable offices” and “pensionable services” have been omitted, as they are numerous and frequent and of limited interest to the general public. For reference to these Notifications—*See* the Current Edition of the Consolidated Index of Acts and Subsidiary Legislation.

Note on Amendment Acts**A. Note on Act No. 14 of 1980**

Section 4 of Act No. 14 of 1980 provides as follows:

“This Act is deemed to have come into operation on 1st January 1977, and in its application it shall extend to persons who on that day were serving officers or in receipt of pension or eligible to receive pension under the Ordinance” (now the Pensions Act).

B. Note on Act No. 9 of 1987

See section 4 of, and the First Schedule to, Act No. 9 of 1987 with respect to the application of this Act.

C. Note on Act No. 19 of 1989

See section 13 of, and the First Schedule to, Act No. 19 of 1987 with respect to the application of this Act.

D. Note on Act No. 5 of 1994

See section 30 of Act No. 5 of 1994 for the preservation of the pension of an officer who is transferred to an Authority.

E. Note on Act No. 4 of 1995

See section 10 of Act No. 4 of 1995 for the continuation of the pension rights of officers of the defunct Tourist Board.

CHAPTER 23:52

PENSIONS ACT

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FIRST SCHEDULE.

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CHAPTER 23:52

PENSIONS ACT

An Act to regulate pensions, gratuities and other allowances to be granted in respect of the public service of Officers in Trinidad and Tobago.

1950 Ed.
Ch. 9 No. 6.
16 of 1934.

[1ST AUGUST 1934]

Commencement.

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

Short title.

2. In this Act—

Interpretation.
[17 of 1950
20 of 1955
39 of 1955
16 of 1962
37 of 1968
38 of 1973
98/1981].
Ch. 35:50.

“Fire Officer” has the meaning assigned to that expression by section 2 of the Fire Service Act;

“Grade I pensionable office” and “Grade II pensionable office” mean offices heretofore respectively declared as such under the original section 4 of this enactment (Ch. 9 No. 6, 1940 Edition);

“inducement allowance” means the inducement allowance referred to in paragraph (a) of clause 3 of the Overseas Service (Trinidad and Tobago) Agreement 1961;

“non-pensionable office” means an office of a civil nature under the Government other than an office—

- (a) which is a pensionable office for the purposes of this Act or of any other law; or
- (b) the holder of which is ordinarily required to be a depositor under the Provident Fund Act;

Ch. 23:57.

“officer” or “public officer” means a person substantively appointed to an office in the public service;

“pensionable emoluments” in respect of service under the Government of Trinidad and Tobago includes salary, personal allowance, inducement allowance, house allowance or the estimated value of free quarters and any fees paid out of the Treasury by way of salary except that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth, nor the amount to be allowed for fees one-fourth, of the actual salary of the office;

“pensionable emoluments” in respect of other public service means emoluments which count for pension in accordance with the law or Regulations in force in the service;

“pensionable office” means—

- (a) in respect of service under the Government of Trinidad and Tobago, an office which, by virtue of provision for the time being in force in a Notification made by the President is declared to be a pensionable office; and any such Notification may from time to time be amended, added to, or revoked by a Notification so made; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;
- (b) in respect of other public service, an office which is for the time being a pensionable office under the law or Regulations in force in the service;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office;

“police officer” has the meaning assigned to that expression by section 2 of the Police Service Act;

Ch. 15:01.

“public service” or “service” means service in a civil capacity under the Government of Trinidad and Tobago or the Government of India, Pakistan or a Commonwealth country or territory or Protectorate, or a territory under a British Mandate, and any such other service as the Minister may determine by Notification to be “public service” for the purpose of any provision of this Act or the Regulations made thereunder:

Service as a Governor or High Commissioner of a Commonwealth country or Protectorate, or a territory under British Mandate, or as a Governor in India, or Pakistan shall be deemed to be public service except for the purposes of computation of pension or gratuity and of section 18;

“other public service” means public service not under the Government of Trinidad and Tobago;

“salary” means the actual salary attached to an office except that in the case of an officer retiring on or after 1st July 1920, the term salary includes seventy-five per cent of the additional salary being drawn by the officer at the time of his retirement from Trinidad and Tobago, under the authority of the resolution of 15th October 1920 of the legislature, or any subsequent resolution of similar import;

“Scheduled Government” means the Government of any place or any Authority which is for the time being included in the First Schedule, and includes the Government of Sri Lanka, in respect of any officer appointed to the service of that Government prior to 4th February 1948, and the Government of Palestine, in respect of any officer appointed to the service of that Government prior to 15th May 1948;

“service in the group” means public service under the Government of Trinidad and Tobago and under a Scheduled Government or Governments;

“teacher” has the meaning assigned to it in the Teachers’ Pensions Act.

3. (1) The President in any Notification made by him under section 2 that an office is declared to be a pensionable office may direct in the Notification that the office is pensionable with effect from such past or future date as may be specified therein.

Declaration of pensionable offices with retroactive effect.
[37 of 1961].

(2) Where the President in any Notification made by him under section 2 before the commencement of this section, has declared an office to be a pensionable office, the office is pensionable with effect from the date specified in the Notification.

4. Nothing in this Act shall apply to a public officer to whom the Retiring Allowances (Diplomatic Service) Act applies.

Public officers not eligible for pension.
[44 of 1976].
Ch. 17:04.

5. (1) Where a civil servant has service as a Head of Mission, that service shall be taken into account in computing his pensionable service upon his retirement.

Pensionable service of civil servant who has service as Head of Mission.
[44 of 1976].

(2) In this section—

Ch. 23:01. “civil servant” has the same meaning as in section 3(2) of the Civil Service Act;

Ch. 17:04. “Head of Mission” has the same meaning as in section 2 of the Retiring Allowances (Diplomatic Service) Act.

President may vary First Schedule. [39 of 1955].

6. The President may by Notification vary the First Schedule by adding thereto any other Government or Authority or removing therefrom any Government or Authority for the time being included therein. Any such variation shall be laid before Parliament.

President may make Regulations. [28 of 1950 10 of 1952].

7. (1) The President may make Regulations for the granting of pensions, gratuities, and other allowances to officers who have been in the public service of Trinidad and Tobago and such Regulations when made shall be laid before Parliament.

(2) Subject to this Act or of any other law, any pension or gratuity granted under this Act shall be computed in accordance with the provisions of the law in force at the actual date of an officer’s retirement.

(3) Whenever the President is satisfied that it is equitable that any Regulations made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person those Regulations may be given retrospective effect for that purpose but no such Regulations shall have retrospective effect unless they have received the prior approval of Parliament signified by resolution.

Sub. Leg.

(4) The Pensions Regulations (formerly contained in the Second Schedule to this Act) shall be deemed to be made under subsection (1) and may be varied or revoked under that subsection.

Pensions to be charged on Consolidated Fund.

8. There shall be charged on and paid out of the Consolidated Fund 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 to officers who have been in the public service of Trinidad and Tobago.

9. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity or other allowance under this Act, nor shall anything herein or in the Regulations contained limit the right of the State to dismiss any officer without compensation.

Pension or other allowance, not of right.

(2) Where it is established to the satisfaction of the President that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

***10.** (1) Subject to subsection (3A), no pension, gratuity or other allowance shall be granted to any officer in respect of any service—

Service for pension. [20 of 1955 43 of 1956 14 of 1980].

(a) while on probation or agreement, unless without break of service he is confirmed in a pensionable office under the Government of Trinidad and Tobago or in an office in other public service which is at the time of confirmation pensionable under the pension law applicable to the service; or

(b) while under the age of seventeen years.

(2) Only service in a pensionable office shall be taken into account as pensionable service except that—

Pensionable service.

(a) where a period of service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office, such period may with the approval of the President be so taken into account;

Part of non-pensionable service that may be taken into account.

(b) any break in service which may be disregarded for the purpose of any provisions of this Act or of the Regulations thereunder may likewise be disregarded in determining for the purpose of this section whether one period of service immediately follows another period of service.

(3) Where an officer is seconded or temporarily transferred for duty in the service of Trinidad and Tobago from a pensionable office to an office or employment which would not

Reservation of rights in case of temporary transfer. [20 of 1997].

*Subsection 3A has been repealed by Act No. 20 of 1997.

entitle him to pension under this Act, the period during which he serves in the office or employment shall count for pension as if the officer had not been seconded or temporarily transferred unless the President in any case otherwise decides.

(3A) (*Repealed by Act No. 20 of 1997*).

War service to
count for
pension
purposes.

(4) Where an officer has served with the armed forces of a Commonwealth territory in time of war, with the approval of the government of the territory in the service of which he was last employed before so serving the following provisions have effect:

- (a) during the period of the service in the armed forces of a Commonwealth territory including any period after the termination of the war (in this subsection referred to as “military service”), he shall be deemed, for the purposes of this Act, to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to military service;
- (b) during any period between his leaving the public service for the purpose of serving in the armed forces of a Commonwealth territory and the date of his commencing military service, he shall, for the purposes of this Act, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to military service; and during any period between the termination of his military service and the date of his re-entering the public service he shall, for the said purposes, be deemed to be on leave as aforesaid from the service, and to have held the substantive office, in which he is re-employed;

except that—

- (i) this subsection shall not apply when either period mentioned in paragraph (b) exceeds three months, or such longer period as the

President may in any special case determine; or if the officer fails, after serving with the armed forces of a Commonwealth territory, to re-enter the public service otherwise than in circumstances in which he would be permitted, under the law applicable to the public service in which he is last employed prior to military service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military service;

- (ii) if during any period mentioned in paragraph (a) the officer has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (a) shall, as respects that period, have effect as if the words “leave without salary not granted on grounds of public policy” were substituted for the words “leave on full salary”;
- (iii) if during his military service the officer is injured or killed, he shall not, for the purposes of section 22 and of regulation 13 of the Pensions Regulations be deemed to have been injured or killed in the discharge of his duty;
- (iv) the provisions of this subsection which require that the officer shall be deemed to have held a specified office and to have been on leave from a specified service shall not apply in respect of any period during which he actually has held any other substantive office and has been on leave from any public service;

(v) save where in any particular case the President otherwise directs, this subsection shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.

Saving of rights under regulation 9(3) in the Pensions Regulations. Sub. Leg.

(5) Nothing in subsection (4) shall affect the application or operation of regulation 9(3) of the Pensions Regulations in respect of service with the armed forces of a Commonwealth territory during the war which begun on 4th August 1914.

Pensionable service of officers who have previously served in Police Service or as teachers. [17 of 1950 20 of 1955 43 of 1956 9 of 1968 38 of 1973].

11. (1) Where a period of service as a teacher or as a police officer or a fire officer is or has been immediately followed by service in a pensionable office under the Government of Trinidad and Tobago, the whole of the period may, with the approval of the President, be taken into account as pensionable service.

(2) Any break in service which may be disregarded for the purpose of this Act or of the Regulations thereunder may likewise be disregarded in determining for the purposes of this section whether one period of service immediately follows another period of service.

Ch. 39:02.

(3) In this section the expression “service as a teacher” means all service, including service (if any) under the Government otherwise than as a teacher, which by virtue of the Teachers’ Pensions Act is pensionable service for the purposes of that Act except that of the period of any such service under the Government otherwise than as a teacher, being service paid for from public funds not provided for a specific appointment, only one-half is counted as pensionable service for the purposes of this Act.

Saving the rights of officers who join the Police Service. [17 of 1950 20 of 1955 38 of 1973].

12. (1) Notwithstanding anything contained in section 15, where a period of service of an officer in a pensionable or non-pensionable office under the Government of Trinidad and Tobago is immediately followed by service as a police officer or a fire officer, the officer may, in the circumstances contemplated by this

section (as hereinafter set forth), be granted, in addition to any pension or gratuity to which he may be entitled under the repealed Police Ordinance, such pension or gratuity as would have been appropriate under this Act and the Regulations thereunder if he had retired on reaching the retiring age on the date on which his service prior to becoming a police officer or a fire officer terminated but any break in service which may be disregarded for the purpose of any provisions of this Act or of the Regulations thereunder may likewise be disregarded in determining for the purposes of this section whether one period of service immediately follows another period of service.

Ch. 11 No. 1.
(1950 Ed.).

(2) The circumstances contemplated by this section are that—

- (a) the officer has retired from the Police Service as a police officer or a fire officer on attaining the age of fifty years; or
- (b) a pension under section 49(1) of the repealed Police Ordinance or under any similar provision of any law relating to the grant of pensions to members of the Police Service which was in force prior to the commencement of the said Ordinance has been granted to the officer;
- (c) a gratuity under section 51(1) of the repealed Police Ordinance or under any similar provision of any law relating to the grant of gratuities to members of the Police Service which was in force prior to the commencement of the said Ordinance has been granted to the officer.

Ch. 11 No. 1.
(1950 Ed.).

13. (1) An officer who has served as a non-commissioned officer or constable and who is eligible for a pension under section 11 may, with the approval of the President, be granted in lieu thereof either—

Pension to officers who have served as non-commissioned officers or constables. [17 of 1950].

- (a) such pension as would have been appropriate under the relevant provisions of the repealed Police Ordinance, or of any appropriate law relating to the grant of pensions to members of

Ch. 11 No. 1.
(1950 Ed.).

the Police Force which was in force prior to the commencement of the said Ordinance if he had continued to serve as an inspector, subordinate police officer or constable and had continued to be paid at the rate at which he was in fact last paid as an inspector, subordinate police officer or constable before his appointment to a pensionable office; or

- (b) a pension of such amount as results when his service as an inspector, subordinate police officer or constable is computed for pension in accordance with the relevant provisions of the repealed Police Ordinance, or of any appropriate law relating to the grant of pensions to members of the Police Force which was in force prior to the commencement of the said Ordinance and his service as a pensionable officer is computed in accordance with this Act and the Regulations made thereunder and the results of the two computations are added together.

Ch. 11 No. 1.
(1950 Ed.).

(2) The relevant provisions of the repealed Police Ordinance or of any appropriate law relating to the grant of pensions to members of the Police Force which was in force prior to the commencement of the said Ordinance shall apply to any pension which is granted under subsection (1)(a) and to such part of any pension, which is granted under subsection (1)(b), as is the result of computing the officer's service as an inspector, subordinate police officer or constable.

(3) This Act and the Regulations made thereunder shall apply to such part of any pension, which is granted under subsection (1)(b), as is the result of computing the officer's service as a pensionable officer.

Age of
compulsory
retirement.

14. The Service Commission may require an officer to retire from the service of Trinidad and Tobago at any time after he attains the age of sixty years or, in special cases, at any time after he attains the age of fifty years.

15. (1) Subject to section 16 and except in the cases hereinafter provided, no pension, gratuity, or other allowance shall be granted to any officer who has not attained the age of fifty-five years (in special cases 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, except that the consent of the Minister shall be obtained in respect of—
- (a) an officer recruited from the United Kingdom;
- (b) an officer who is a member of a unified branch of the service;
- (c) an officer occupying any other post, appointment to which requires the approval of the Minister.
- (2) If an officer is transferred to other public 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 the Consolidated Fund under this Act shall be payable from the date of retirement of the officer, notwithstanding that he shall not be fifty-five years of age.
- (3) Where an officer's service is terminated on the ground that having regard to the conditions of the public service, the usefulness of the officer 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 public service by reason of some infirmity of mind or body likely to be permanent in the circumstances described in subsection (1).
- (4) If any officer holding a pensionable office retires or is removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency and economy can be effected, he may be granted

Circumstances in which pensions may be granted. Officer may be granted pension at 55 years or, earlier on account of ill health. [10 of 1952 1 of 1954 32 of 1974].

Age limit in respect of other public service.

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

Officer may be retired on abolition of office.

a temporary pension, subject to the condition that he holds himself ready to be recalled to service except that if the officer 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.

Pension to Governors of Dominions, etc. 19 & 20 Geo. 5 c. 16.

(5) If an officer on retirement in any circumstances is eligible for a pension under the Pensions (Governors of Dominions, etc.) Act of the United Kingdom or any Act replacing or amending the same, he is eligible for a pension under this Act notwithstanding that the officer has not attained the age of fifty-five years.

Gratuity to female officer retiring on account of her marriage.

(6) Notwithstanding the preceding provisions of this section a gratuity may be granted to a female officer, in accordance with this Act, who retires for the reason that she is married or is about to marry, notwithstanding that she is not otherwise eligible under the section for the grant of any pension, gratuity or other allowance.

Officer may be granted pension, etc., on appointment to approved post. [*32 of 1974].

16. (1) An officer holding a pensionable office in the public service who, by reason only of his being appointed to an approved post, leaves that service in circumstances other than as are provided for in section 15(1) may be granted a pension, gratuity or other allowance by the President in respect of his public service.

(2) In this section “approved post” means a post not in the public service, approved for the purposes of subsection (1) by the President by Order.

Liability of pensioners to be called upon to take further employment. [32 of 1974].

17. Every pension granted to an officer other than a pension granted under section 16 shall be subject to the following conditions:

- (a) unless or until he has attained the age of fifty-five years, he may, if physically fit for service, be called upon by the appropriate Service Commission to accept, in lieu of his pension, an

*Deemed to have come into operation on 1st April 1965.

office, whether in the service of Trinidad and Tobago or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he held at the date of the grant of his pension;

- (b) if a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of fifty-five years.

18. (1) Except in cases provided for in subsection (2), no pension granted to an officer under this Act shall exceed two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his service.

Maximum pension. [20 of 1955].

(2) Where an officer has been or is granted a pension or pensions in respect of other public service, he may be granted the full pension for which he is eligible in respect of his service under the Government of Trinidad and Tobago, but no officer may at any time draw from the funds of Trinidad and Tobago an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his service in Trinidad and Tobago or in other public service but, where such an officer receives, in respect of some period of public service, both a gratuity and a pension, the amount of the pension shall be deemed, for the purpose of this subsection, to be four-thirds of its actual amount.

Maximum pension when officer entitled to pension from other public service.

(3) In a case falling under the limitation laid down by subsection (2) the amount of pension to be drawn from the funds of Trinidad and Tobago shall be subject to the approval of the Minister in order that it may be determined with due regard to the amount of any pension or pensions similarly to be drawn in respect of other public service.

(4) For the purpose of subsections (2) and (3) an allowance granted in respect of injury shall not be taken into account; but, where the officer is granted such an allowance, the amount of the

allowance which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from the allowance, falls short of two-thirds of such highest pensionable emoluments.

Gratuity and
reduced
pension.
[1 of 1953
39 of 1955
16 of 1962].

19. (1) An officer to whom a pension is granted under this Act shall, if he has exercised his option as hereinafter provided, but not otherwise, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

(2) The option referred to in subsection (1) shall be exercisable, and if it has been exercised may be revoked, not later than the day immediately preceding the date of the officer's retirement but the President may, if it appears to him equitable in all the circumstances to do so, allow him to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under this Act.

(3) Subject to subsection (2) if an officer has exercised the option his decision shall be irrevocable so far as concerns any pension to be granted to him under this Act.

(4) If an officer who has not exercised the option dies after he has finally retired but before a pension has been awarded under this Act, the President may grant a gratuity and a reduced pension as provided for in subsection (1) as if the officer before his death had exercised the option.

(5) The date of the exercise of the option by an officer shall be deemed to be the date of the receipt of his written notification addressed either to the Minister or to the Crown Agents.

(6) A re-employed officer or pensioner shall be deemed to have exercised, or not to have exercised, in respect of his service subsequent to re-employment, the option, according as he exercised, or did not exercise, the option in respect of his previous service even if, in respect of such previous service, the option was not available to him.

(7) Notwithstanding anything contained in the preceding subsections an officer who is permitted to continue in the public service 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 an unreduced pension in lieu of reduced pension and gratuity.

20. If an officer to whom a pension has been granted under this Act is appointed to another office, in the public service, the payment of his pension may, if the President thinks fit, be suspended during the period of his re-employment. Pension payable to officer after re-employment.

21. (1) Where an officer holding a pensionable office, who is not serving on probation or agreement, dies while in the service of Trinidad and Tobago, the President may grant a gratuity of an amount not exceeding one year's pensionable emoluments of the officer, or his commuted pension gratuity if any, whichever is the greater; and any gratuity so granted shall be paid to his legal personal representative. Gratuity to dependants when officer dies in service of Trinidad and Tobago or shortly after retirement therefrom. [5 of 1955 39 of 1955].

(2) For the purposes of subsection (1) the expression "commuted pension gratuity" means the gratuity, if any, calculated in the manner prescribed in section 19, which might have been granted to the officer 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 officer to whom either an unreduced pension or a gratuity and reduced pension has been granted under this Act, dies after retirement from the service of 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 amount of the annual pensionable emoluments enjoyed by him 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) When an officer holding a non-pensionable office who is not serving on probation or agreement dies while in the service

of Trinidad and Tobago and a gratuity would have been payable to him in accordance with any Regulations made under this Act if he had been retired as medically unfit on the day on which he died, the President may grant a gratuity not exceeding the amount of the gratuity which would have been so payable under the Regulations or the amount of nine months' pay of the officer, whichever shall be the greater, and the gratuity shall be payable to his legal personal representatives. For the purposes of this subsection the pay of the officer shall be ascertained in such manner as the President may generally or specially direct.

(5) Notwithstanding the preceding provisions of this section 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 officer and, where there is more than one such dependant, may divide the gratuity among the dependants in such proportion as he may think fit.

Pensions to dependants when an officer is killed on duty. [28 of 1950].

22. (1) Where an officer holding either a pensionable or a non-pensionable office 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 the service of the Government of Trinidad and Tobago, the President may grant, in addition to the grant, if any, made to his legal personal representative or to his dependants under section 21—

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or seventy-two dollars a year, whichever is the greater;

- (ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (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 paragraph (i);
- (iii) if the deceased officer 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 paragraph (ii);
- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (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 paragraph (ii);
- (v) if the deceased officer 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;

except that—

- (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 paragraph (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 re-marriage; and if it appears to the Minister at any time that the mother is adequately provided with other means of support, the pension shall cease as from such date as the Minister may determine;

- (C) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(2) In the case of an officer holding a non-pensionable office, the amount of his pensionable emoluments for the purposes of subsection (1) shall be ascertained in such manner as the President may generally or specially direct.

(3) 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 officer for support; and
- (c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid.

(4) If an officer 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 the 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 officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1).

(5) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in subsection (1)(a) and (c) provided that in such a case and if the provisions of subsection (1)(b) thereof are also satisfied the rates of pension prescribed in paragraphs (i) and (ii) of that subsection shall be fifteen-sixtieths and one-sixth respectively.

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

23. No pension, gratuity or other allowance granted under this Act shall be assignable or transferable, or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatsoever other than a debt due to the Government and except as provided for in section 24. Pensions not assignable or attachable.

24. (1) Where an order of maintenance has been made by a Court of competent jurisdiction against any person to whom a pension has been granted, it shall be lawful for the President on its being proved to him that there is no reasonable probability of the order being satisfied, from time to time to deduct from the moneys payable to such person by way of pension, such sum or sums as the President may think expedient, and to apply the same to satisfy wholly or in part the order. President may apply part of a person's pension towards the maintenance of his wife or children.

(2) Where any person to whom a pension has been granted has left Trinidad and Tobago and deserted and left his wife or child within Trinidad and Tobago without sufficient means of support, the President, on being satisfied that the wife or child is by reason of such person's absence from Trinidad and Tobago unable, and would but for the absence be able, to obtain an order of maintenance, may from time to time deduct from the moneys payable to such person by way of pension such sum or sums as the President may think expedient, and may apply the same for the maintenance and support of the wife or child.

(3) Where any person to whom a pension has been granted has been adjudicated a person of unsound mind, and has a wife or a child or children living, the President may deduct from the moneys payable to such person by way of pension such sum or sums as he may think expedient and apply the same for the maintenance and support of the wife or any child or children of such person.

Pensions, etc., to
cease on
bankruptcy.

25. If any officer to whom a pension or other allowance has been granted under this Act is adjudicated a bankrupt or is declared insolvent by judgment of the Court, then the pension or allowance shall forthwith cease except that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner, the President may from time to time during the remainder of the pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the President thinks fit, to cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance, had he not become a bankrupt or insolvent, to be paid to or applied for the maintenance and personal support or benefit of all or any, to the exclusion of the other or others, of the following persons, namely, the pensioner and any wife, child or children of his, in such proportions and manner as the President thinks proper, and such moneys shall be paid or applied accordingly.

Pensions, etc., to
cease on
conviction.

26. If any officer to whom a pension or other allowance has been granted under this Act is sentenced to a term of imprisonment by any competent Court whether within or without Trinidad and Tobago for any crime or offence, then in every such case, the President may direct that the pension or allowance shall forthwith cease but—

- (a) where a person after conviction at any time receives a free pardon the pension or allowance shall be restored with retrospective effect;
- (b) where a pension or allowance ceases for the reason mentioned above the President may cause all or any part of the moneys to which the

pensioner would have been entitled by way of pension or allowance to be paid to or applied for the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy provided in section 25.

27. If any officer to whom a pension or other allowance has been granted under this Act becomes either a director of any company the principal part of whose business is in any way directly concerned with Trinidad and Tobago, or an officer or servant employed in Trinidad and Tobago by any such company, without in every such case the permission of the President in writing first had and obtained, then in every such case the President may direct that the pension or allowance shall forthwith cease.

Pensions, etc., to cease on accepting certain appointments.

However, the President, on being satisfied that the person in respect of whose pension or allowance any such direction has been given has ceased to be a director of the company or to be employed as an officer or servant of the company in Trinidad and Tobago, as the case may be, may give directions for the restoration of the pension or allowance, with retrospective effect, if he sees fit, to such a date as he shall specify.

28. In any case in which doubt arises, the President shall have full power and authority to determine who shall be considered public officers within the meaning of this Act, and to decide all questions which may arise in respect to the period of service to be allowed in computing the claims of officers, and likewise all questions that may arise in respect to the pension, gratuity or other allowance to be granted to any officer whose official emoluments may have been derived partly from salary and partly from fees or other allowances; and also all other questions of whatever nature which may arise in connection with this Act and of the Regulations made hereunder.

President to decide questions arising under the Act.

Application of the Act.

29. (1) This Act shall apply—

- (a) to all officers appointed to the public service of Trinidad and Tobago after 1st August 1934; and
- (b) to all officers in the service of Trinidad and Tobago on 1st August 1934, and to all officers who, having been in the service of Trinidad and Tobago, have before that date been transferred to other public service, and are still serving at that date, unless within one year of such date or such longer period as the then Governor may in any special case allow any such officer has given notice in writing to the then Colonial Secretary of his desire that the provisions of the Ordinances and Regulations repealed by this Act shall continue to apply to him.

Limitation of application.

(2) This Act shall not have effect in relation to any case in which pension privileges, gratuities or other allowances fall to be awarded or have been awarded thereunder by reason of the officer in question having ceased to be in the public service before 18th November 1943 except that—

- (a) section 12 shall apply in the case of all Inspectors, subordinate police officers or constables to whom the circumstances contemplated by subsection (2) of that section become applicable hereafter or have become applicable since 29th November 1942;

Sub. Leg.

- (b) section 15 and regulation 4 of the Pensions Regulations shall apply in the case of all female officers who hereafter retire, or who have retired since 1st June 1941, from the service of the Government in the circumstances contemplated by those provisions.

Saving existing rights to pensioners.

(3) The repeal of the Ordinances and Regulations by this Act shall not, nor shall anything in this Act affect the pensions granted to any persons who have retired from the public service before 1st August 1934.

30. (1) Subject to subsection (2), in computing the pension or gratuity of an officer who, on his retirement from the public service or on his death, holds an office to which section 111 of the Constitution applies, five years shall be added to his period of service.

Added years for judicial and legal officers. [22 of 1977].

(2) No addition shall be made which, together with the number of years of added service, amounts to more than thirty-five years.

(3) An officer who received the benefits under this section shall not be entitled to benefits under section 31.

(4) This section shall be deemed to have come into operation on 1st January 1977.

31. The regulations numbered 11, 12 and 17, as set out in the Second Schedule, which formed part of the Pensions Regulations 1934, have been revoked with effect from 1st January 1939.

Idem.
Pensions Regulations, 1938. [20 of 1955].
Second Schedule.

However, for the purpose of computing the pension of an officer who has held any office mentioned in the said regulation 11(2) prior to 1st January 1939, the said regulations 11, 12 and 17 shall be deemed to continue in force in respect of his tenure of that office, but no service subsequent to his appointment on or after that date to any other office whether under the Government of Trinidad and Tobago or in other public service shall be taken into account as service in an office mentioned in the said regulation 11(2) in computing an addition to his pension under those Regulations.

32. The Pensions (Amendment) Ordinance 1933,* shall continue in force and be read as one with this Act, and the reference therein to section 8(a) of the Principal Ordinance shall be read as a reference to section 19(1) of this Act.

Ordinance No. 38 of 1933 to continue in force.

*For amendments to the Schedule of that Ordinance see GN 68/1951, 105/1951.

Regulations in Third Schedule.

33. The Pensions Regulations appearing in the Third Schedule shall be deemed always to have had effect.

Service of officers transferred to Trinidad and Tobago from offices under the Government of Palestine deemed to be continuous with service under the Government of Trinidad and Tobago.

34. For the purposes of this Act any person who was holding office in the service of the Government of Palestine on 14th May 1948, and who thereafter has been or is appointed to the service of the Government of Trinidad and Tobago shall be deemed to have continued in the service of the Government of Palestine until he has been or is so appointed to the service of the Government of Trinidad and Tobago.

Sections 2 and 6.

***FIRST SCHEDULE**
SCHEDULED GOVERNMENTS

Aden.	Employing Authorities under the Overseas Service Act 1958.
Antigua.	Employing Authorities under the Overseas Superannuation Scheme.
Bahamas.	Falkland Islands.
Barbados.	Federated Malay States.
Basutoland.	Federation of Malaya.
Bechuanaland.	Federation of Nigeria.
Bermuda.	Federal Republic of Nigeria.
British Antarctic Territory.	Federation of Rhodesia and Nyasaland.
British Guiana.	Fiji.
British Honduras.	Gambia.
British Solomon Islands Protectorate.	Ghana.
Crown Agents for Overseas Governments and Administrations.	Gibraltar.
Cyprus.	Gilbert and Ellice Islands Colony.
Dominica.	Gold Coast.
East African Common Services Organisation.	Grenada.
East Africa High Commission.	Great Britain and Northern Ireland
East African Railways and Harbours Administration.	Guyana.
Eastern Nigeria.	Hong Kong.
	Interim Commission for the West Indies.

*The First Schedule has been amended by the following:
G. 1935, p. 209; G. 1936, pp. 914 and 1055; G. 1938, p. 1060; and 10 of 1952 and 39 of 1955; and GN 175/1955, 54/1956, 79/1957, 41/1958, 159/1959, 179/1959, 88/1964 and 80/1968.

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Jamaica.	Sabha.
Kenya.	Sarawak.
Kenya and Uganda Railways and Harbour Administration.	Service under the Overseas Service Act 1958 (6 & 7 Eliz. 2 Ch. 14).
Kingdom of Lesotho.	Seychelles.
Leeward Islands (before 1st July 1956).	Sierra Leone.
Malawi.	Singapore.
Malayan Establishment.	Somaliland.
Malayan Union.	St. Christopher, Nevis and Anguilla.
Malaysia.	St. Helena.
Malta.	St. Lucia.
Mauritius.	St. Vincent.
Mid-West Nigeria.	Straits Settlements.
Montserrat.	Swaziland.
New Hebrides.	Tanganyika Territory.
Nigeria.	The West Indies (Federation).
Nigerian College of Arts, Science and Technology.	Tonga.
North Borneo.	Turks and Caicos Islands.
Northern Nigeria.	Uganda.
Northern Region of Nigeria.	Unfederated Malay States.
Northern Rhodesia.	United Republic of Tanzania.
Nyasaland.	Virgin Islands.
Overseas Audit Department (Home Establishment).	West African Cocoa Research Institute.
Republic of Botswana.	Western Nigeria.
Republic of Zambia.	Western Pacific High Commission.
	Western Region of Nigeria.
	Zanzibar.

Section 31.

SECOND SCHEDULE

EXTRACT FROM THE REPEALED PENSIONS REGULATIONS 1934

.

Professional qualifications.

11. (1) In computing the pension of an officer who, on retirement from the service, holds one of the offices mentioned in paragraph (2) hereunder, the additions therein mentioned may be made to his period of service—

Provided that—

- (a) no addition shall be made which, together with the number of years of actual service shall amount to more than thirty-five years; and
- (b) no addition of years shall be made in excess of the number of years by which the officer's age at the date of his entering the pensionable service of the Crown exceeded twenty years;
- (c) the full addition shall not be made unless he has served ten years in the office from which he retires, or in an office of the same class; if, however, he has served less than ten years in such an office or in an office of the same class, an addition may be made which shall have the like proportion to the full addition which the number of months he has served in such capacity bears to ten years.

(2) The number of years to be added to the period of service, under the preceding paragraph (1), for the purpose of computing pensions is as follows:

For the First Class	...	...	...	...	Ten years.
For the Second Class	...	...	...	...	Five years.
For the Third Class	...	...	...	...	Three years.

The First Class comprises—
Judges of the Supreme Court.

The Second Class comprises—
Attorney General.
Surgeon General (or Director of Medical Services).
Director of Public Works (or Director of Works and Transport or Director of Works and Hydraulics), when a member of the Institute of Civil Engineers.

The Third Class comprises—
Solicitor General.
Assistant Law Officer (or Crown Counsel).
Medical Officers.
Magistrates, when Barristers-at-Law or Advocates of the Scotch Bar.

Director of Public Works (or Director of Works and Transport or Director of Works and Hydraulics), not a member of the Institute of Civil Engineers.

Registrar of the Supreme Court.

For the purpose of computing the officer's pension each year added shall be equivalent to 12/720ths, and each month to 1/720ths.

12. If a pension is granted to any officer who, during any portion of the ten years preceding his retirement, has been allowed the private practice of his profession, the full addition for professional or peculiar qualifications referred to in the preceding regulations shall not be made; he may nevertheless be granted such proportion of the full addition as the Governor in Council with the approval of the Secretary of State may determine.

Private practice.

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17. Where an officer has been transferred to or from the service of the Colony from or to other public service and held at the date of his transfer or retirement, as the case may be, from the service of the Colony, one of the offices mentioned in regulation No. 11, he may on his ultimate retirement from the 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, be granted, in addition to the pension granted to him under regulation No. 14, 15 or 16, as the case may be, an addition to pension which shall bear to the addition to pension which he might have received under regulation No. 11 if he had had no other public service, the same proportion which the length of his pensionable service in the Colony bears to the length of his total pensionable service in the public service—

Additional pension in respect of professional qualifications.

Provided that—

- (a) he shall not be disqualified from receiving an addition to pension by reason of the fact that his service in the Colony would not by itself have rendered him eligible for a pension; and
- (b) in determining the addition to pension which he might have received if he had had no other public service, regard shall be had to his age at the date of his first entering the public service, but regard shall not be had, save for the purposes of the following proviso, to proviso (c) to regulation No. 11 (1);
- (c) the addition to pension actually granted under this Regulation shall not be greater than that which might have been granted under regulation No. 11 if he had had no other public service.

THIRD SCHEDULE

Section 33.
[G. 26.10.33
20 of 1955
16 of 1962].

Pensionable
offices to be two
Grades, I and II.
[20 of 1955].

1. Pensionable offices in respect of Service under the Government of Trinidad and Tobago shall be of two Grades to be designated as Grade I and Grade II. The offices in the respective Grades are enumerated in the Schedule* to these Regulations.

Privileges of
officers in the
different Grades.
(Cap. 83
1925 Ed.).

2. Officers serving in offices in Grade I shall be eligible for full pension privileges, gratuities or other allowances subject to the provisions of the Pensions Ordinance (1925 Edition) and the Regulations made thereunder. Officers serving in offices in Grade II shall be eligible for pension, gratuity or other allowance at three-fourths the rate for which they would have been eligible if they had served in an office in Grade I: Provided that where service in an office in Grade I has been immediately preceded by an unbroken period of service in an office in Grade II, the whole period of service may be taken into account as though it were service in an office in Grade I.

Non-
pensionable
offices.

3. Non-pensionable offices shall be those which have not been declared to be pensionable under section 2 of the Pensions (Amendment) Ordinance 1927.

Transfers.
Reservation of
rights.

4. Where a pensionable office has been transferred from one Grade to another, or a pensionable office has been declared to be no longer pensionable, and the rights of the holder of such office have been preserved, such rights shall be preserved so long as the officer continued in that office (whether his salary has been increased or not) but immediately he is transferred to another office the conditions set out in regulations 5 and 6 following shall apply.

Transfers from
Grade I to
Grade II.
[16 of 1962].

5. (1) An officer who has been transferred from an office of a higher Grade to one of a lower grade may by notice in writing to the Minister within one month of his transfer, elect either—

- (a) to count the whole of his service under the Government of Trinidad and Tobago as service in the higher Grade but only on the basis of the salary which he received immediately prior to his transfer, or
- (b) to count the whole of his service under the Government of Trinidad and Tobago as service in the lower Grade on the basis of the salary which he will have drawn in that Grade at the time of his retirement.

*Schedule not printed. For offices, see G. 26.10.1933, and subsequent *Gazettes*.

(2) In the event of an officer failing within the time appointed, or within such further time as the then Governor in Executive Council may in any particular case allow, to elect as in this section provided, he shall be deemed to have elected to count the whole of his service under the Government of Trinidad and Tobago as service in the lower grade.

6. Where an officer has been transferred from a pensionable office to an office as holder of which he is required to become a depositor under the Provident Fund Ordinance 1930, or any Ordinance amending or replacing the same, the provisions of that Ordinance shall apply. Officer transferred.

7. The definition of the term “non-pensionable office” in No. 3 of the Pensions Regulations 1932, and the Regulations made by the then Governor in Executive Council on 22nd December 1932, further defining the said term are hereby revoked. Revocation.

8. (1) For the purposes of this Regulation the expression “non-pensionable office” means an office, other than a pensionable office, which would have been a non-pensionable office within the meaning of the Pensions Regulations 1932, as from time to time amended, if regulations 3 and 7 of these Regulations had not been made. Non-pensionable office.

(2) Regulations 21 and 22 of the Pensions Regulations 1932, shall be deemed always to have had effect as though the expression “non-pensionable office” where used therein had the meaning assigned to it by subregulation (1).

SUBSIDIARY LEGISLATION

PENSIONS REGULATIONS

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REGULATION

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[Subsidiary]

REGULATION

18. Service with non-scheduled Governments.
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 23. Gratuity on retirement of transferred female officers on account of marriage.
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[Subsidiary]

*Section 7(4).

PENSIONS REGULATIONS

deemed to be made under section 7(4)

PART I

REGULATIONS OF GENERAL APPLICATION

Citation. **1.** These Regulations may be cited as the Pensions Regulations.

Pensions to whom and at what rate to be granted. [44/1955]. **2.** Subject to the Act and to these Regulations, every officer holding a pensionable office in the service of Trinidad and Tobago who has been in such service for ten years or upwards may be granted on his retirement a pension at the rate of 1/600ths of his pensionable emoluments in respect of each complete month of service.

Gratuities. **3.** An officer, otherwise qualified for a pension, who has not completed ten years' 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 2.

Gratuity to female officer retiring on marriage. [14 of 1980 20 of 1997]. **4.** (1) Subject to subregulation (2), where a female officer, having held a pensionable office or offices under the Government for not less than five years and having been confirmed in a pensionable office, retires from the service of the Government 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 this Part, 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

*These Regulations have been amended by the following: G. 1.12. 38, Ordinance 10 of 1952, 20 of 1955 and GN 44/1955, and Ordinance 43 of 1956, 14 of 1958 and GN 81/1963 and 89/1964, Act No. 14 of 1980 and Act No. 20 of 1997.

twelve months pensionable emoluments
whichever is the less; or

(b) a commuted pensionable gratuity, within the
meaning of section 21(2) whichever is the greater.

(2) This regulation only applies to a female officer who
held a pensionable office immediately before the commencement
of the Law Reform (Pensions) Act.

Ch. 23:59.

5. Subject to section 10 of the Act and of these Regulations,
service qualifying for pension, gratuity or allowance, as the case
may be, shall be the inclusive period between the date on which an
officer begins to draw salary or half salary from the funds of
Trinidad and Tobago and the date of his leaving the service of
Trinidad and Tobago.

Period of
service in
Trinidad and
Tobago
qualifying for
pension or
gratuity defined.

6. (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.

7. An officer—

- (a) whose pension has been suspended under
section 20 of the Act or under a corresponding
provision in any law or regulation relating to the
grant of pensions in respect of public service;
- (b) who has retired from the public service without
pension on account of ill-health, abolition of
office, or re-organisation designed to effect
greater efficiency and economy, and has
subsequently been re-employed in the public
service; or

Special
provisions
relating to
employment
after break of
service.
[20 of 1997].

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[Subsidiary]

Pensions Regulations

15 & 16
Geo. 5 c. 59.

- (c) who has left service pensionable under the Teachers (Superannuation) Act 1925 of the United Kingdom, with a view to entering public service not being service pensionable under the said Act, and has, not later than three months after leaving such first mentioned service, received any salary in respect of employment in public service not so pensionable,

may, if the President thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his public service immediately prior to the suspension, re-employment or employment had not occurred; such pension to be in lieu of—

- (i) any pension previously granted to him from the funds of Trinidad and Tobago, and
- (ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation,

but additional to any gratuity so granted which is not required to be refunded as aforesaid provided that in calculating a pension granted in pursuance of this regulation, no account shall be taken for any purposes of the period during which he was not in public service.

Special provision relating to employment of married female officers after break of service. [81/1963 20 of 1997].

8. Married female officers whose resignation from the public service became effective on or after 1st January 1957, on the grounds of marriage or intended marriage shall for the purposes of computing the amount of their pension, gratuity or allowance have taken into account as pensionable service the period of their permanent employment in the public service before and the period of their employment in the public service after their resignation where such married female officers have subsequently been given permanent employment in the public service.

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

9. (1) For the purpose of computing the amount of an officer'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 the funds of Trinidad and Tobago 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 periods during which he has been absent from duty on leave either on partial pay or without salary, granted on grounds of public policy and during which he has not qualified for pension or gratuity in respect of other public service.

(2) The periods during which an officer has been absent on leave on half pay shall, for the purpose of computing the amount of an officer'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 an officer is eligible for pension.

Absence on half-pay leave.

(3) Any period during which an officer absent on leave from Trinidad and Tobago has, with the consent of the Government served with the armed forces of a Commonwealth country during the war (1914-1918), or in any other capacity connected with the state of war, may be counted as service on full pay.

War service.

(4) Any periods during which he has been absent on leave, other than those specified above, shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

Periods not taken into account.

10. Where an officer has performed service in a temporary capacity in a pensionable office in Trinidad and Tobago, 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 Trinidad and Tobago

in a substantive capacity in a pensionable office or, subject to section 10(2) of the Act, in a non-pensionable office.

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

11. For the purpose of computing the amount of an officer's pension, gratuity, or allowance—

- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full pensionable emoluments payable to him at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of the transfer or transfers, the full pensionable emoluments 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 pensionable emoluments payable to the officer in respect of his service during the said three years shall be taken except that—
 - (i) if such one-third is less than the full pensionable emoluments which were 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 pensionable emoluments payable to him at that date; and
 - (ii) if such one-third is less than the full pensionable emoluments 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 pensionable emoluments which would have been so payable to him shall be taken; and

- (iii) for the purposes of calculating pensionable emoluments under this paragraph the officer shall be deemed to have been on duty on full pensionable emoluments throughout the said three years.

12. (1) In the case of an officer who retires, or is removed from office, in circumstances contemplated by section 15(4) 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 pensionable emoluments exceeding the pension allowed under regulation 2 by the numbers following:

Rates of pension or gratuity when office abolished.

In the case of an officer who has served—

- (a) 20 years and upwards60
- (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 an officer to a higher total pension than the maximum of two-thirds of his pensionable emoluments at the date he ceased to be in the service of Trinidad and Tobago 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 officer has been in the service of Trinidad and Tobago for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with regulation 2 as if there had been no qualifying period.

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Officers retiring on account of injuries. [20 of 1955].

13. (1) Where an officer holding either a pensionable or a non-pensionable office under the Government of Trinidad and Tobago has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated, he may be granted in respect of such 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 his support is—

slightly impaired	...	...	...	...	60/720ths.
impaired	...	...	...	...	120/720ths.
materially impaired	...	...	...	...	180/720ths.
totally destroyed	...	...	...	...	240/720ths.

However, no such allowance shall, together with the pension, exceed 600/720ths of his pensionable emoluments at the date of the injury.

(2) If an officer 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 such damage or act is attributable to circumstances arising out of any war in which the State may be engaged, such officer shall be deemed, for the purposes of this regulation to have been injured in the circumstances described in subregulation (1).

(3) An officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in subregulation (1)(a) and (c).

However, in such a case and if the provisions of subregulation (1)(b) are also satisfied the rates of pension prescribed in that subregulation shall be 90/720ths; 180/720ths; 270/720ths and 360/720ths respectively.

(4) 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 officer 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.

(5) When the officer so injured is a pensionable officer but 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 (4).

(6) An officer so injured who is not qualified for either a pension under regulation 2 or a gratuity under regulation 3 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.

(7) This regulation shall not apply in the case of any officer selected for appointment to the service of Trinidad and Tobago on or after 1st December 1938, who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Act.

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14. (1) An officer holding a non-pensionable office may, in the circumstances contemplated by this regulation as hereinafter set forth, be granted, unless the President otherwise directs, a compassionate gratuity not exceeding twelve days pay for each year of his service under the Government.

Gratuities in case of certain holders of non-pensionable office. [10 of 1952 14 of 1958].

(2) The circumstances contemplated by this regulation are that the service of the officer under the Government is terminated in consequence of the abolition of his office, or because his services through no fault of his own are no longer required, or for the purpose of facilitating improvements in the organisation of the department to which he belongs by which economy can be effected, or on his being found to the satisfaction of the President to be medically unfit for further service, or on or after he has attained the retiring age of sixty years, and that in any such case he has been in the service of the Government for not less than seven years.

(3) For the purposes of this regulation—

- (a) “pay” includes the value of free quarters and any allowance which the President may generally or specially direct to be included;
- (b) regulations 6 and 7 may be disregarded, but directions may be given by the President, either generally or in any particular case, for disregarding periods of service prior to breaks of three years or more, or prior to dismissal for misconduct or to voluntary resignation, or periods during which any such person has worked less than a number of days prescribed in the directions, and such directions shall have effect as if they were contained in this regulation;
- (c) an officer who, having held a non-pensionable office, is serving on probation in a pensionable office, shall be deemed to hold a non-pensionable office and his pay shall be deemed to be the pensionable emoluments of a pensionable office or the pay last received by him in respect of his service in a non-pensionable office, whichever shall be the greater.

(4) For the purposes of this regulation—

- (a) no calendar year in which the officer has worked

less than one hundred and fifty-six days (hereinafter called a non-effective year) shall be reckoned for gratuity;

- (b) three consecutive non-effective years shall be a bar to the inclusion of any previous service, unless the President shall, in the special circumstances of any particular case, otherwise direct;
- (c) an aggregate of seven non-effective years shall be a bar to the inclusion of any year prior to the earliest of the years making up such aggregate.

PART II

SPECIAL REGULATIONS FOR TRANSFERRED OFFICERS

15. Subject to the succeeding regulations, sections 19 and 20 of the Act shall apply to the case of an officer who has been transferred to or from the service of Trinidad and Tobago from or to other public service, and section 10(2) of the Act and regulations 4 to 11 shall apply to the case of an officer so transferred as if his whole service had been under the Government of Trinidad and Tobago. However, in the application of section 19 of the Act to cases falling under the limitation of section 18 of the Act, the words “such pension” in section 19 shall be taken to mean the amount of pension which he might have drawn from the funds of Trinidad and Tobago if he had not elected for a gratuity and reduced pension.

Application of certain sections of the Act and of Regulations in Part I. [20 of 1955].

16. (1) Where the other public service of an officer has been wholly under one or more of the Scheduled Governments, and his aggregate service would have qualified him had he been wholly under the Government of Trinidad and Tobago for a pension under the Act, he may, on his retirement from the 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, be granted a pension from the funds of Trinidad and Tobago of such an amount, as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly under the Government of Trinidad and

Pensions for service wholly within the group. [20 of 1955 43 of 1956 89/1964].

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Tobago, as the aggregate amount of his pensionable emoluments during his service under the Government of Trinidad and Tobago shall bear to the aggregate amount of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly under the Government of Trinidad and Tobago—

- (a) the final pensionable emoluments shall be taken to be those of his last period of service in the group;
- (b) no regard shall be had to section 15(4) of the Act, or to regulations 12 and 13;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the highest pensionable emoluments;
- (d) no period of other public service under any Scheduled Government which does not grant a pension or gratuity to the officer shall be taken into account,

except that where an officer entered the public service prior to 1st January 1930, his pension in respect of his service under the Government of Trinidad and Tobago may be calculated as though any Scheduled Government under which he has served had not been included in the First Schedule to the Act if this should be to his advantage.

First Schedule.

*(3) Subject to subregulation (4), the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of twenty years.

*Deemed to have had effect from 1st January 1964—GN 89/1964.

*(4) In calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under the Government of Trinidad and Tobago or a Scheduled Government in respect of which no pension or gratuity is granted to him by that Government or Scheduled Government, as the case may be.

17. Where a part only of the other public service of an officer has been under one or more of the Scheduled Governments, the provisions of regulation 16 shall apply; but in calculating the amount of pension regard shall be had only to service in the group.

Pension where other service both within and not within the group.

18. Where the other public service of an officer has not been wholly under one or more of the Scheduled Governments and his aggregate service would have rendered him eligible, had it been wholly under the Government of Trinidad and Tobago, for a pension under these Regulations, he may, on his ultimate retirement from the 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, be granted, in lieu of the pension which might be granted under regulation 17, a pension from the funds of Trinidad and Tobago of an amount equal to the arithmetic mean between the pension which he could have been granted from the funds of Trinidad and Tobago if his service had been wholly under one or more of the Scheduled Governments and the pension which he would receive from the funds of Trinidad and Tobago in the absence of this regulation.

Service with non-scheduled Governments. [20 of 1955].

However, the pension which may be granted under this regulation shall not exceed the pension which the officer would receive from the funds of Trinidad and Tobago in the absence of this regulation by more than one-third of the latter.

19. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible, had it been wholly under the Government of Trinidad

Additional pension in respect of abolition or re-organisation of office. [20 of 1955].

*Deemed to have had effect from 1st January 1964—GN 89/1964.

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and Tobago, for a pension under these Regulations, is compulsorily retired from the public service in circumstances mentioned in section 15(4) of the Act he may, if at the time he is in the service of Trinidad and Tobago, be granted from the funds of Trinidad and Tobago, in addition to the pension granted to him under regulation 16, 17 or 18, as the case may be, an addition to pension equal to the addition to pension which might have been granted to him if his total pensionable service had been under the Government of Trinidad and Tobago.

Additional pension to officer retiring on account of injury. [20 of 1955].

20. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible, had it been wholly under the Government of Trinidad and Tobago, for a pension under these Regulations, is compulsorily retired from the public service in circumstances mentioned in regulation 13, he may, if at the time he is in the service of Trinidad and Tobago, be granted from the funds of Trinidad and Tobago the addition to pension allowed by that regulation as well as the pension granted under regulations 16, 17 or 18, as the case may be.

Gratuities where length of service does not qualify for pension.

21. (1) Where an officer who has been transferred to or from the service of Trinidad and Tobago from or to other public service retires from the 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, but has not completed in the aggregate the minimum period of service qualifying him for a pension, he may be granted from the funds of 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 if his case had fallen under regulations 16, 17 or 18, as the case may be.

In cases of abolition or re-organisation of office.

(2) Where such an officer is compulsorily retired from the public service, in circumstances mentioned in section 15(4) of the Act, he may, if at the time he is in the service of Trinidad and Tobago, be granted, in lieu of a gratuity as contemplated in subregulation (1) a pension calculated in accordance with

regulations 16, 17 or 18, as the case may be, as if there had been no qualifying period prescribed in those regulations or in regulation 2.

(3) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation 13, he may, if at the time he is in the service of Trinidad and Tobago, be treated as if he had no other public service, but he shall not be granted in addition the gratuity for which he is eligible under subregulation (1).

In cases of injury.

22. Where an officer who is transferred to other public service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely by reason of the fact that he has not completed twelve months' service therein, he shall not, on that account, be disqualified from receiving a pension or gratuity from the funds of Trinidad and Tobago, if otherwise eligible therefor.

Officers transferred to other public service and retiring after less than twelve months' employment in last service.

23. A female officer who has been transferred to or from the service of Trinidad and Tobago, and who retires for the reason that she has married, or is about to marry, and is in consequence eligible for a gratuity under regulation 4 or corresponding provisions of the law or Regulations of other public service in which she is last employed, may be granted a gratuity which bears to the gratuity for which she would be eligible if her public service had been wholly in the service in which she is last employed the proportion which her service under the Government of Trinidad and Tobago bears to her total public service, provided that, for the purpose of computing such an officer's total public service under this regulation, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

Gratuity on retirement of transferred female officers on account of marriage. [20 of 1955].

[Subsidiary]

PENSIONS (APPROVED POST) ORDER

made under section 16

Citation. **1.** This Order may be cited as the Pensions (Approved Post) Order.

Posts approved. **2.** The posts specified in the first column of the Schedule
Schedule. are hereby approved with effect from the date specified in the
 second column of that Schedule for the purposes of section 16(1)
 of the Act.

SCHEDULE

[139/1976].	Posts Approved Manager, National Commercial Bank of Trinidad and Tobago	With effect from 1st July 1970.
[176/1976].	General Manager, Trinidad and Tobago Development Finance Company Limited	23rd February 1971.
