

Fifth Session Third Parliament Trinidad and Tobago  
25 Elizabeth II



TRINIDAD AND TOBAGO

**Act No. 40 of 1976**

[L.S.]

P  
Amended V 441  
" (ES) " V 4  
Am. No. V 268

AN ACT to provide for the emoluments and superannuation benefits of the President and for matters incidental thereto.

*[Assented to 18th June, 1976]*

BE IT ENACTED by the Queen's Most Excellent Majesty, <sup>Enactment</sup> by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the President's Emolu-<sup>Short title</sup>ments Act, 1976.

Emoluments of  
the President of  
the Republic

2. (1) The emoluments attaching to the office of President of the Republic of Trinidad and Tobago shall consist of—

- (a) a salary at the rate of four thousand, five hundred and fifty dollars per month; and
- (b) a duty allowance at the rate of one thousand, three hundred dollars per month payable during the period of performance in Trinidad and Tobago of the functions of the office.

(2) Where the office of President is vacant or the holder of the office is absent from Trinidad and Tobago or is for any reason unable to perform the duties of the office, the person performing the functions of the President shall be paid the same salary and duty allowance as a President.

Gratuity and  
pension payable  
to President

3. (1) Every person who having been elected President ceases at any time after such election to be President, other than on his removal from office under section 35(a) to (c) of the Constitution of the Republic of Trinidad and Tobago, shall be paid an annual pension equivalent to the full amount of the annual salary received by him at the date he ceased to be President.

(2) A person to whom a pension is payable under this Act shall, where he has exercised his option as herein provided, but not otherwise, be paid in lieu of such pension, pension at the rate of three-fourths of such pension, together with a gratuity equal to twelve and a half times the amount of the annual reduction so made in the pension.

(3) The option referred to in subsection (2) shall be exercisable, and where it has been exercised, may be revoked, not later than the day immediately preceding the date of such person ceasing to be President; but the Cabinet may, where it appears equitable so to do, allow him to exercise the option or revoke an option previously exercised at any time between that date and the actual date of the first payment of any pension under this Act.

(4) Subject to subsection (3), where such person has exercised the option referred to in subsection (2), his decision shall be irrevocable so far as concerns any pension paid to him under this Act.

(5) Where a person who has not exercised the option dies after he has ceased to be President but before a pension has been paid under this Act, there shall be granted to his legal personal representatives a gratuity and a reduced pension as provided for in subsection (2) as if such person before his death had exercised the option therein referred to, so, however, that such pension shall not be paid in respect of any period later than the date of the death of such person and shall not exceed in the aggregate the total amount due and payable to him on the said date.

(6) The date of the exercise of the option by such person shall be deemed to be the date of the receipt of his written notification addressed to the Secretary of the Cabinet.

(7) A person in receipt of a pension under this Act who again becomes President or who is acting temporarily as President as the case may be, shall not be entitled to receive and shall not be paid pension under this Act—

- (a) during such time as he is President or is acting temporarily as President; and
- (b) in respect of any period during which he became or again became President or acted temporarily as President, respectively.

4. (1) Where the President dies while he is holding office and does not leave a widow a gratuity of an amount equivalent to twelve and a half times one-quarter of the highest salary paid to him at any time as President shall be paid to his legal personal representatives on account of the deceased person's estate. Gratuity payable to legal personal representatives

(2) Notwithstanding anything contained in any law, a gratuity payable under subsection (1) is exempt from the payment of estate duty under the Estate and Succession Duties Ordinance. Ch. 33. No. 5

Pension payable  
to surviving  
widow of a  
President

5. (1) Where a person dies while holding the office of President and he leaves a widow, the widow shall be paid—

- (a) a gratuity of an amount equivalent to twelve and a half times one-quarter of his pensionable emoluments at the date of his death; and
- (b) a pension at an annual rate equivalent to one-half of his pensionable emoluments at the date of his death.

(2) Where a person dies after having retired from the office of President, there shall be granted to his widow an annual pension equivalent to two-thirds of the annual pension to which such person was entitled.

(3) Pension granted under this section shall cease upon the remarriage of the recipient.

Duty free  
goods  
Ch. 32. No. 2

6. Notwithstanding anything to the contrary contained in the Customs Ordinance all goods as defined in section 2 thereof imported for use in the residence of the President shall be exempt from the payment of import duties of customs.

Payments to be  
made from  
Consolidated  
Fund

7. The payment of the emoluments, pensions and gratuities made in pursuance of this Act shall be made from the Consolidated Fund.

Construction of  
reference to  
"widow"

8. Without prejudice to section 34(1) of the Interpretation Act, 1962 a reference in this Act to "widow" includes a reference to "widower".

Section 8 of  
Income tax  
Ordinance  
amended.  
Ch. 33. No. 1

9. Section 8 of the Income Tax Ordinance is amended by substituting for paragraph (a) of subsection (1) thereof the following—

- “(a) the official emoluments received by the President or a person performing the functions of President temporarily, the pension received by a retired President and by the widow of a President or retired President.”.

Passed in the House of Representatives this 11th day  
of June, 1976.

**J. E. CARTER**  
*Clerk of the House*

Passed in the Senate this 15th day of June, 1976.

**R. L. GRIFFITH**  
*Clerk of the Senate*

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