

LAWS OF TRINIDAD AND TOBAGO

**RETIRING ALLOWANCES
(LEGISLATIVE SERVICE) ACT**

CHAPTER 2:03

Act
24 of 1969
Amended by
44 of 1976

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
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Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 2:03

**RETIRING ALLOWANCES
(LEGISLATIVE SERVICE) ACT**

ARRANGEMENT OF SECTIONS

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SCHEDULE.

CHAPTER 2:03

RETIRING ALLOWANCES (LEGISLATIVE SERVICE) ACT

24 of 1969.

An Act to provide retiring allowances, on a contributory basis, to persons who have served as members of the House of Representatives, or in certain parliamentary offices to provide allowances for the widows and children of such persons and to provide for matters connected with or incidental to the foregoing purposes.

Commencement.

[1ST JANUARY 1969]

Short title.

1. This Act may be cited as the Retiring Allowances (Legislative Service) Act.

Interpretation.
[44 of 1976].

2. In this Act—

“appropriate Minister” means the Minister of Finance, but in respect of any matter relating to an award for the person for the time being holding the office of Minister of Finance, the appropriate Minister shall be such other Minister as the Prime Minister may designate;

“award” means any amount payable out of the Consolidated Fund to any person pursuant to this Act;

“contributions” means contributions payable pursuant to section 4;

“contributor” means any legislator who by virtue of section 3 becomes a contributor under this Act;

“elected member” means a member of the House of Representatives;

“Executive Council” and “Legislative Council” refer to the bodies which under either of those names were constituted pursuant to provisions in the Trinidad and Tobago (Constitution) Orders in Council, 1950 to 1959;

S.I. 1959/1044
(U.K.).

“former legislative service” means service prior to the date of the commencement of this Act but subsequent to the 26th day of October 1956 as—

(a) a member of the House of Representatives; or

(b) a Minister or a member (other than an official member) of the Executive Council or the Legislative Council;

“full parliamentary term” means the period commencing on the date of the first sitting of Parliament after a general election and expiring at the date of the next ensuing dissolution of Parliament;

“Head of Mission” has the same meaning as in section 2 of the Retiring Allowances (Diplomatic Service) Act;

Ch. 17:04.

“legislator” means a person who—

- (a) is an elected member; or
- (b) not being an elected member, is the holder of a specified legislative office;

“Minister”, when not preceded by the word “appropriate”, means a legislator appointed a Minister pursuant to the Trinidad and Tobago (Constitution) Order-in-Council 1959, or to the Constitution in the Annex to the Trinidad and Tobago (Constitution) Order-in-Council 1961, or to the Constitution in the Second Schedule to the Trinidad and Tobago (Constitution) Order-in-Council 1962, or to the Constitution in the Schedule to the Constitution of the Republic of Trinidad and Tobago Act;

S.I. 1961/1192
(U.K.).

S.I. 1962/1875
(U.K.).

Ch. 1:01.

“retiring allowance” means a retiring allowance payable pursuant to section 5;

“salary” means—

- (a) in respect of former legislative service—
 - (i) the basic salary paid to a person by virtue of his being a member of the House of Representatives during the period of such service or where during that period any such member held a specified legislative office, the basic salary paid in respect of the office so held; and
 - (ii) the basic salary paid to a person [not being a person referred to in subparagraph (i)], by

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virtue of his being a Minister or a member (other than an official member) of the Executive Council or the Legislative Council during the period of such service; and

- (b) as respects a legislator, the basic salary payable to him as such but in relation to a legislator holding any specified legislative office means the basic salary payable to him in respect of the office so held; and

for the purposes of this definition, “basic salary” means the emoluments provided in the Estimates of Revenue and Expenditure of Trinidad and Tobago exclusive of duty allowance, entertainment allowance or any other allowance whatever;

Schedule. “specified legislative office” means any of the offices specified in the Schedule or any office prescribed as such by the Minister of Finance by Notification.

Contributors. **3.** (1) Subject to subsection (2), every person who, at the commencement of this Act, is a legislator, and every person who, after the commencement of this Act becomes a legislator shall, by virtue of being a legislator, become a contributor under this Act.

(2) This section does not apply to any legislator while he holds the office of Prime Minister.

Contributions. **4.** (1) Contributions are payable under this Act by every person who becomes a contributor and such contributions shall—

(a) be at the rate of six per cent of the basic salary payable to the contributor;

(b) be payable in respect of the basic salary of the contributor from the commencement of this Act, or from any later date on which the person concerned becomes a contributor, until he ceases to be a legislator;

(c) accrue daily and be deducted monthly from the salary of each contributor and be paid to the Comptroller of Accounts.

(2) All contributions made pursuant to this section shall be paid into the Consolidated Fund.

5. (1) Subject to the provisions of this Act, a retiring allowance shall be paid to any person who—

Circumstances in which retiring allowances shall be paid. [44 of 1976].

- (a) has served as a legislator for periods amounting in the aggregate to not less than eight years; and
- (b) has ceased to be a legislator; and
- (c) either—
 - (i) has attained the age of fifty-five years; or
 - (ii) not having attained the age of fifty-five years, has produced medical evidence to the satisfaction of the appropriate Minister, that he is incapable by reason of infirmity of mind or body of discharging the duties of a legislator and that such infirmity is likely to be permanent.

(2) In determining for the purposes of this Act the length of Service of any person as a legislator there shall be taken into account—

- (a) any former legislative service although no contributions in respect thereof is payable under this Act; and
 - (b) any service as a Head of Mission.
- (3) For the purpose of this section—
- (a) a person does not cease to be a legislator by reason only of the dissolution of Parliament;
 - (b) a person who immediately before the dissolution of Parliament was a member of the House of Representatives shall cease to be a member of that House if he is not elected as a member thereof at the general election next following the

dissolution, and if he so ceases shall be deemed to have ceased to be a legislator from the date of the dissolution aforesaid;

- (c) a person who holds a specified legislative office shall cease to be a legislator from the date on which he ceases to hold such office whether he is an elected member or not.

Ch. 2:51. (4) No retiring allowance may be paid under this Act to any person who is in receipt of or is entitled to receive a Prime Minister's Pension under the Prime Minister's Pensions Act.

(5) Where a person ceases to be a legislator but is not eligible for a retiring allowance under this Act because of subsection (1)(i)(c), then, notwithstanding subsection (1), the retiring allowance for which he would have been eligible at the date when he ceased to be a legislator shall be paid to him with effect from the date on which he attains the age specified in subsection (1)(i)(c), if at that date he is not otherwise disqualified for the payment of a retiring allowance under this Act.

Rate of retiring allowance. [44 of 1976].

- 6.** (1) The retiring allowance payable to any person shall—
- (a) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than eight years, be at an annual rate equal to one-quarter of one year's salary of that person;
 - (b) in the case of a person who has served as a legislator for two consecutive full parliamentary terms extending over a period of not less than nine years or for periods amounting in the aggregate to not less than ten years, be at an annual rate equal to one-third of one year's salary of that person;
 - (c) in the case of a person who has served as a legislator for three full parliamentary terms extending over a period of not less than thirteen and a half years or for periods amounting in the

aggregate to not less than fifteen years, be at an annual rate equal to one-half of one year's salary of that person;

- (d) in the case of a person who has served as a legislator for four full parliamentary terms extending over a period of not less than eighteen years or for periods amounting in the aggregate to not less than twenty years, be at an annual rate equal to two-thirds of one year's salary of that person.

(2) For the purpose of subsection (1), "one year's salary" means the highest annual rate of basic salary payable at any time to any person as a legislator.

(3) Where service as a Head of Mission is taken into account in determining the length of service of a person as a legislator—

- (a) the retiring allowance payable to him under subsection (1) shall not be less than he would have received had the retiring allowance payable to him in respect of his service as a Head of Mission been calculated under the Retiring Allowances (Diplomatic Service) Act, but subject nevertheless to the maximum retiring allowances payable under subsection (1)(d); Ch. 17:04.
- (b) any entitlement to a retiring allowance under the Retiring Allowances (Diplomatic Service) Act shall be extinguished. Ch. 17:04.

(4) The retiring allowance payable to any person under this section—

- (a) shall be paid with effect from the date on which that person becomes entitled thereto pursuant to section 5 and, subject to the provisions of this Act, shall continue to be paid during the lifetime of that person; and
- (b) shall be paid monthly in arrears in equal instalments.

Cessation of retiring allowance if person in receipt thereof again becomes a legislator. [44 of 1976].

7. (1) A retiring allowance payable under this Act shall, if the person in receipt thereof becomes a Head of Mission or again becomes a legislator, cease to be payable during the period in which that person is in receipt of salary as a Head of Mission or a legislator; but where the rate of such retiring allowance exceeds the rate of such salary, nothing in this subsection shall prevent the payment of retiring allowance to the extent of such excess.

(2) At the expiration of the period referred to in subsection (1)—

Ch. 17:04.

(a) during which a person has service as a Head of Mission, the rate of retiring allowance shall be recalculated in accordance with section 8 of the Retiring Allowances (Diplomatic Service) Act; and

(b) during which a person has further service as a legislator the rate of retiring allowance shall be recalculated in accordance with section 6.

(3) A retiring allowance recalculated in accordance with subsection (2)(b) shall be paid at the recalculated rate with effect from the date of cessation of the period of service as a legislator which gave rise to the recalculation.

Gratuity.

8. (1) Where a person—

(a) ceases to be a legislator but is not eligible for a retiring allowance under this Act because of section (5)(i)(c);

(b) ceases to be a legislator but is not eligible for a retiring allowance under this Act; or

(c) ceases to be a legislator and is eligible for a retiring allowance under this Act,

he shall be paid a gratuity equal to one-tenth of the total salary received during his period of service as a legislator except that in the case of a legislator to whom paragraph (a) or (c) refers the gratuity shall not exceed three years' salary at the highest annual rate of basic salary payable at any time to such person as a legislator.

(2) Where a person dies while he is a legislator, any gratuity for which he may be eligible under subsection (1) shall be paid to his legal personal representative.

9. (1) Subject to the provisions of this Act, where a person who— Widow's allowance. [44 of 1976].

- (a) is in receipt of a retiring allowance; or
- (b) has served as a legislator for periods amounting in the aggregate to not less than eight years,

dies leaving a widow, there shall be paid to the widow during her lifetime and while unmarried, a widow's allowance at an annual rate equivalent to one-half of the retiring allowance which—

- (c) in the case of a person mentioned in paragraph (a), was being paid to him; or
- (d) in the case of a person mentioned in paragraph (b), would have been payable to him with effect from the date of his death if he had not died but had satisfied the requirements of section 5 for the award of a retiring allowance and had been awarded a retiring allowance computed in accordance with section 6.

(2) A widow's allowance under this section—

- (a) shall be paid monthly in arrears in equal instalments as far as possible;
- (b) shall, subject to subsection (3), if the widow is in receipt of a retiring allowance by virtue of having been herself a contributor under this Act or the Retiring Allowances (Diplomatic Service) Act, Ch. 17:04. cease to be payable;
- (c) shall, subject to subsection (3), if the widow is in receipt of salary as a legislator or Head of Mission, cease to be payable during the period in which the widow is in receipt of such salary.

(3) Where the rate of widow's allowance exceeds the rate of retiring allowance or the rate of salary, as the case may be, nothing in subsection (2)(b) shall prevent the payment of the widow's allowance to the extent of such excess.

(4) Where a person who is serving as a legislator dies before he has served the required minimum period as a legislator to permit his widow to qualify for a widow's allowance under subsection (1), there shall be paid to the widow a gratuity equal to the amount to which the legislator would have been entitled to under section 8.

Children's
allowance.

10. (1) Subject to this Act, where a person who comes within section 9(1)(a) or (b) (hereinafter in this section referred to as the "deceased legislator") dies leaving one or more children, a children's allowance shall be payable in respect of such child or children while under the age of twenty-one years.

(2) Only one children's allowance is payable in respect of the service of any one person as a legislator, but—

- (a) the rate thereof may vary according to the number of children entitled thereto, and the aggregate rate of pension payable shall not exceed the rate specified in subsection (3)(a) or subsection (4)(a), as the case may be;
- (b) it shall be paid to such person or persons as the appropriate Minister may from time to time direct, and different parts thereof may be directed to be paid to different persons;
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him without distinction for the benefit of all the children for the time being entitled thereto or for the benefit of such of them as the appropriate Minister may from time to time direct;
- (d) the allowance shall be paid monthly in arrears in equal instalments as far as possible.

(3) Where the deceased legislator leaves a widow, the annual rate of the children's allowance during her lifetime shall be—

- (a) one-third of the rate of the retiring allowance where there are two or more children entitled to the children's allowance; and

(b) one-sixth of the rate of the retiring allowance where there is only one child entitled to the children's allowance.

(4) Where the deceased legislator leaves no widow, or where he leaves a widow, then, after her death, or after any allowance payable to her ceases to be paid before her death, the annual rate of the children's allowance shall be—

(a) one-half of the rate of the retiring allowance where there are two or more children entitled to the children's allowance;

(b) one-quarter of the rate of the retiring allowance where there is only one child entitled to the children's allowance.

(5) Notwithstanding subsection (1), a female child who marries while under the age of twenty-one years shall cease to be entitled to a children's allowance.

(6) For the purposes of this section the expression "child" includes—

(a) a posthumous child;

(b) an adopted child, adopted in a manner recognised by law, and in the case of a person referred to in section 9(1)(a) before such person last ceased to be a legislator.

11. (1) In this section—

"award" does not include an amount payable under section 8;

"former legislator" means a person who not being a legislator at the commencement of this Act has former legislative service in respect of which, were he a legislator under the Act, he would be eligible for a retiring allowance;

"special contribution" means an amount calculated at the rate of six per cent of the total salary paid to a former legislator in respect of all periods of his former legislative service.

Retiring allowance to former legislators on payment of special contribution.

(2) A former legislator may, notwithstanding anything to the contrary contained in this Act, by notice in writing to the

Minister of Finance within twelve months after the commencement of this Act or such longer period as the Minister of Finance may in any case allow, elect to make a special contribution under this section for the purpose of qualifying for a retiring allowance under this Act.

(3) If a former legislator entitled to make an election under this section omits to make the election within the time specified in subsection (2), he shall be deemed to have elected not to make a special contribution.

(4) A former legislator shall not be eligible for a retiring allowance unless he has paid the special contribution referred to in subsection (2) in a lump sum to the Comptroller of Accounts and on payment of such special contribution, the former legislative service of the former legislator shall be deemed to be service as a legislator for the purposes of determining the award payable in respect of such former legislative service.

(5) The provisions of section 5(1) and (5), section 6, section 7, section 9(1)(a), (2) and (3) and section 10 apply in respect of a former legislator who, by virtue of this section, is eligible for a retiring allowance, but in applying section 10(1), section 10(1) shall be construed as if there were no reference therein to section 9(1)(b).

Awards to be charged on the Consolidated Fund.

12. All awards payable under this Act shall be a charge on the Consolidated Fund.

Awards not to be assignable.

13. Any award payable under this Act shall not be assignable or transferable except for the purpose of satisfying—

- (a) a debt to the State; or
- (b) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife, former wife or child, being a minor, of the person to whom the award is payable,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the State or any sum recoverable pursuant to any such order of a Court aforesaid.

- 14.** (1) The Minister of Finance may make Regulations— Power to make Regulations.
- (a) prescribing, in the case of an allowance payable under this Act, the days on which the payments of allowance shall be made;
 - (b) prescribing, where a recipient of an allowance under this Act is incapable of managing his affairs, that the allowance may be paid to another person on his behalf;
 - (c) prescribing anything which may be required by this Act to be prescribed including any forms he considers necessary for the administration of this Act;
 - (d) prescribing the manner in which, and the person by whom, accounts of contributions and awards under this Act shall be kept and recorded; and
 - (e) for any other purposes, whether similar to the above or not, considered necessary to give effect to this Act.

(2) All Regulations made under this section shall be subject to affirmative resolution of Parliament.

15. (1) Contributions shall, in accordance with section 4, be paid by every person to whom section 3(1) applies in respect of the period beginning on 1st January 1969 and ending on the last day of the last month in respect of which salary was paid to such person without deduction of any contributions under section 4(1)(c). Payment of contributions for period between 1st January 1969 and passing of this Act.

(2) Contributions payable under this section may, at the option of the contributor, be payable either in a lump sum or by deductions made monthly from his salary over a period not exceeding one year.

Section 2.

SCHEDULE

SPECIFIED LEGISLATIVE OFFICES

Minister.

Member of the Executive Council.

Member of the Legislative Council.

President of the Senate.

Parliamentary Secretary.

Speaker of the House of Representatives.

Deputy Speaker.

Leader of the Opposition.

SUBSIDIARY LEGISLATION

**RETIRING ALLOWANCES
(LEGISLATIVE SERVICE) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Contributions.
4. Keeping and recording of accounts.
5. Awards.
6. Date of payment.
7. Allowance may be collected by nominee.
8. Life Certificate.

SCHEDULE.

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Chap. 2:03 *Retiring Allowances (Legislative Service)*

[Subsidiary]

234/1971.

**RETIRING ALLOWANCES
(LEGISLATIVE SERVICE) REGULATIONS**

made under section 14

Citation. **1.** These Regulations may be cited as the Retiring Allowances (Legislative Service) Regulations.

PRELIMINARY

Interpretation. **2.** In these Regulations—
“allowance” means retiring allowance awarded under section 5 of the Act and includes a widow’s allowance and a children’s allowance under sections 9 and 10 of the Act respectively;
“Minister” means the member of the Cabinet to whom responsibility for Finance is assigned.

Contributions. **3.** Separate ledger accounts shall be kept in the name of each contributor for recording contributions and special contributions.

Keeping and recording of accounts. **4.** The Minister may designate a person or persons to be responsible for the keeping and recording of accounts of contributions, special contributions and awards.

Awards. **5.** A record of awards made to each legislator shall be kept and allowances paid monthly to the recipient.

Date of payment. **6.** Payment of allowances shall be made on the last full working day of the month.

Allowance may be collected by nominee. Schedule. **7.** The recipient of an allowance may, if incapacitated, authorise another person in writing in the form set out as Form 1 in the Schedule to receive the allowance on his behalf.

Life Certificate. **8.** The Life Certificate in respect of—
(a) retiring allowance and children’s allowance; and
(b) widow’s allowance,

Schedule. of a former legislator shall be in the form set out as Form 2 and 3 respectively, in the Schedule.

LAWS OF TRINIDAD AND TOBAGO

SCHEDULE

Regulation 7.

FORM 1

FORM OF AUTHORISATION

For use by persons other than Civil Servants

50c. Stamp to be affixed here

The Treasury, Trinidad

..... 20

The

You are hereby notified that, until further notice M whose signature is affixed hereto, is authorised to receive all moneys due and owing to me or my firm and to give effectual receipts for same.

Name (in Block Letters) of Person Authorising Agent Signature of Person Authorising Agent

Name, Occupation, Address of Witness (in Block Letters)* Signature of Witness

Name (in Block Letters) of Authorised Agent Signature of Authorised Agent

Name, Occupation, Address of Witness (in Block Letters)* Signature of Witness

*To be witnessed by a Justice of the Peace, Notary Public, Commissioner of Oaths, Minister of Religion, Medical Practitioner, Superintendent of Police, Non-Commissioned Officer, Head or Deputy Head of Department, or Clerk of the Peace, a Manager of a Bank or Branch Bank.

Persons resident in a Foreign Country to be attested by a Trinidad and Tobago Consular Officer.

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[Subsidiary] *Retiring Allowances (Legislative Service) Regulations*

Regulation 8.

FORM 2

LIFE CERTIFICATE

Date

**RETIRING ALLOWANCE/CHILDREN'S ALLOWANCE PAYABLE TO
FORMER LEGISLATORS OR THEIR CHILDREN**

Claim in respect of retiring allowance as—

This form must be left one day for examination if presented through a Bank.

Full sum

*(a) a former Legislator; or \$

*(b) children's allowance in respect of former Legislator \$

This allowance cannot be assigned as a security for a loan of money.

for the period ended \$

..... 20

Net Sum Payable \$

.....
Signature of former Legislator

.....
Signature of Child of former Legislator

CERTIFICATE

I HEREBY CERTIFY that M, whose signature is affixed above, is living, and to the best of my knowledge and belief is the person entitled to the payment.

Pensioners resident in a Commonwealth territory.

To be signed by a Justice of the Peace, Notary Public, Commissioner for Oaths, Minister of Religion, Medical Practitioner or by a Superintendent of Police, Non-Commissioned Officer, Head or Deputy Head of Department, or Clerk of the Peace before being presented for payment or by a Manager of a Bank or Branch Bank when presenting for payment.

Pensioners resident in a foreign country to be attested by a Trinidad and Tobago Consular Officer.

Address

Qualification Date.....

*Delete which is not applicable.

LAWS OF TRINIDAD AND TOBAGO

FORM 3

Regulation 8.

LIFE CERTIFICATE

Date

WIDOW'S ALLOWANCE PAYABLE TO THE WIDOW OF A FORMER LEGISLATOR

Claim in respect of widow's allowance payable to me as widow of the late for the period ended

This form must be left one hour for examination if presented in person and one day if presented through a Bank.

Net sum payable \$

This allowance cannot be assigned as a security for a loan of money.

Examined \$

Signature and date (across a ten cents stamp when the payment amounts to \$5.00 and upward).

If presented in person this form must be signed in the presence of the Paying Cashier.

I solemnly declare that during this period I have not remarried.

Accountant

CERTIFICATE

I HEREBY CERTIFY that M whose signature is affixed above, is living, and to the best of my knowledge and belief is the person entitled to the payment.

To be signed by a Justice of the Peace, Notary Public, Commissioner for Oaths, Minister of Religion, Medical Practitioner or by a Superintendent of Police, Non-Commissioned Officer, or Clerk of the Peace before being passed for payment or by a Manager of a Bank or Branch Bank when passing on for payment.

Widow resident in a Commonwealth territory.

To be attested by a Trinidad and Tobago Consular Officer

Widow resident in a foreign country.

Address

Qualifications

Date