



TRINIDAD AND TOBAGO

Act No. 4 of 1965

[L.S.]

AN ACT to provide for the salaries, pensions and other conditions of service of Judges of the Supreme Court of Judicature

[Assented to 16th February, 1965]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment 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 :—

PART I

Preliminary

1. (1) This Act may be cited as the Judges' Salaries and Short title Pensions Act, 1965.

(2) This Act shall be deemed to have come into operation on the 31st day of August, 1962.

Application

2. This Act applies to the office of Judge.

Interpretation

3. (1) In this Act—

“the Commission” means the Judicial and Legal Service Commission established by the Constitution;

“the Constitution” means the Constitution of Trinidad and Tobago;

“Court of Appeal” means the Court of Appeal established by the Constitution;

“High Court” means the High Court established by the Constitution;

“Judge” means a Judge of the High Court or the Court of Appeal and includes the Chief Justice;

“pensionable emoluments” means the salary paid to a judge in respect of his substantive office;

“pensionable service” means service which is pensionable under the Pensions Ordinance.

Ch. 9. No. 6.

(2) Where a Judge has pensionable service, his period of service as a judge is, for the purposes of the Pensions Ordinance, deemed to be other public service within the meaning of that Ordinance.

PART II

Salaries of Judges of Supreme Court of Judicature

Salaries of
Judges

4. There shall be paid—

(a) to the Chief Justice of Trinidad and Tobago, a salary of twenty thousand four hundred dollars a year;

(b) to every Judge of the Court of Appeal, a salary of sixteen thousand eight hundred dollars a year;

(c) to every Judge of the High Court, a salary of fourteen thousand four hundred dollars a year.

PART III

Pensions

5. (1) There shall be paid to a person on his retirement ^{Pensions} from an office to which this Act applies a pension and gratuity in accordance with this Act.

(2) A person, who in accordance with the Constitution, is removed from an office to which this Act applies for inability, arising from infirmity of mind or body, to perform the functions of his office is deemed to have retired from that office.

(3) A person, who in accordance with the Constitution, is removed from an office to which this Act applies for any cause other than inability, arising from infirmity of mind or body, to perform the functions of his office may be granted such pension and gratuity not exceeding one-half of the pension and gratuity to which he would have been entitled had he retired from such office, as the Commission may decide.

6. (1) Subject to this section, the pension that shall be paid to a person who retires from an office to which this Act applies shall be an amount not less than one-third and not more than two-thirds of the annual pensionable emoluments drawn by him at the date of his retirement. ^{Minimum and maximum pensions}

(2) Where a Judge has pensionable service, the amount of pension granted under this Act shall not, when added to the amount of any pension or pensions drawn by him in respect of that pensionable service, exceed two-thirds of the annual pensionable emoluments drawn by him at the date of his retirement.

(3) For the purposes of this section, where a person receives both a gratuity and a pension in respect of the same period of pensionable service or service as a Judge, the amount of such pension is deemed to be four-thirds of its actual amount.

7. A person who at any time retires from the office of Chief Justice shall be granted a pension at the rate of two-thirds of his pensionable emoluments. ^{Rate of pension payable to the Chief Justice}

Rate of pension payable to Judges, other than the Chief Justice

8. A person who at any time retires from an office to which this Act applies, other than the office of Chief Justice, shall be granted in respect of his service as a Judge a pension which is the aggregate of one-third of his pensionable emoluments and one-three hundred and sixtieth of his pensionable emoluments in respect of each completed month of service as such.

Computation of pensions

9. For the purpose of computing the amount of pension of a Judge, other than the Chief Justice, the full period during which he held the office of Judge shall be taken into account.

Gratuity on death of Judge

10. Where a Judge dies, there shall be granted to his legal personal representative a gratuity of an amount equal to the total of the gratuities which would have been payable to that Judge in respect of his pensionable service, if any, and in respect of his service as a Judge if he had retired at the date of his death.

Gratuity and reduced pension

11. (1) A person to whom a pension is payable under this Act shall if he has exercised his option as herein provided, but not otherwise, be paid in lieu of such 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.

(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 such person's retirement; but the Commission may, if 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.

(3) Subject to subsection (2), if such person has exercised the option referred to in subsection (1), his decision shall be irrevocable so far as concerns any pension paid to him under this Act.

(4) If a person who has not exercised the option dies after he has retired but before a pension has been paid under this Act, there shall be granted to his legal personal representative a gratuity and a reduced pension as provided for in subsection (1) 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.

(5) 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 chairman of the Commission.

12. Notwithstanding the provisions of sections 2 and 3 of the Widows' and Orphans' Pensions Ordinance every Judge shall be eligible to be a contributor under that Ordinance and the provisions of that Ordinance in relation to the payment of pensions to widows and orphans of deceased public officers shall apply to the office of Judge.

Widows' and
Orphans' Pensions.
Ch. 9. No. 8

13. 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.

Pension not
assignable or
attachable

PART IV

Miscellaneous

14. (1) The Governor-General may make regulations generally for the carrying out of the provisions of this Act, and, without prejudice to the generality of the foregoing, may make regulations relating to the conditions of service of, and the allowances payable to, a Judge.

Regulations

(2) Whenever the Governor-General is satisfied that it is equitable that any regulation made under subsection (1) should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose.

15. The Judges' Salaries and Pensions Act, 1962 is hereby repealed.

Repeal
Act No. 13
of 1962

Passed in the House of Representatives this 5th day of February, 1965.

G. R. LATOUR

Clerk of the House of Representatives

Passed in the Senate this 9th day of February, 1965.

J. E. CARTER

Acting Clerk of the Senate

