



## TRINIDAD AND TOBAGO

No. 21—1952

[L.S.]

I ASSENT,

H. E. RANCE,  
*Governor.*

13th May, 1952.

AN ORDINANCE to amend the Widows' and Orphans'  
Pensions Ordinance, Ch. 9. No. 8.

[22nd May, 1952.]

Commence-  
ment

Enactment

ENACTED by the Governor of Trinidad and Tobago with the  
advice and consent of the Legislative Council thereof.

Short title

Ch. 9. No. 8

1. This Ordinance may be cited as the Widows' and Orphans' Pensions (Amendment) Ordinance, 1952, and shall be read as one with the Widows' and Orphans' Pensions Ordinance, hereinafter referred to as the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended—

Section 2 of  
Principal  
Ordinance  
amended

(a) by substituting the following definition for the definition of "public officer" which appears therein:—

"public officer" means any male person for the time being holding a permanent appointment in the public service of the Colony, and includes—

(i) a member of the Trinidad and Tobago Police Force,

(ii) a male teacher;'

(b) by adding the following definitions immediately after the definition of "public officer":—

"public service" has the same meaning as in the Pensions Ordinance and includes service—

Ch. 9. No. 6

(i) as a member of the Trinidad and Tobago Police Force,

(ii) as a male teacher;'

"teacher" has the same meaning as in the School Teachers' Pensions Ordinance;'

Ch. 14. No. 5.

3. (1) Subsection (2) of section 3 of the Principal Ordinance is hereby amended by adding the following paragraph thereto immediately after paragraph (d) thereof:—

Section 3 of  
Principal  
Ordinance  
amended

"(dd) subject to the provisions of paragraph (c) of subsection 3 of this section, male teachers who were teachers on the date of the commencement of this paragraph or who become teachers after that date;"

(2) Subsection (3) of section 3 of the Principal Ordinance is hereby amended—

(a) by substituting the following paragraph for paragraph (c) thereof:—

"(c) any male teacher who was a teacher on the date of the commencement of this paragraph and who elects, at his option exercisable by notice in writing to the Director of Education and received not later than six months from such date, that the provisions of this Ordinance shall not apply to him;";

(b) by substituting the expression "a member of the Trinidad and Tobago Police Force or a male teacher," for the expression "a member of the Police Force," in paragraph (e) thereof.

Substitution of  
"Accountant  
General" for  
"Treasurer"

**4.** The Principal Ordinance is hereby amended by substituting the words "Accountant General" for the word "Treasurer" wherever it occurs in sections 4, 18 and 32.

Section 4 of  
Principal  
Ordinance  
amended

**5.** Section 4 of the Principal Ordinance is hereby amended by adding the following proviso at the end thereof:—

"Provided that of the latter officers one shall be appointed to represent contributors".

Section 6 of  
Principal  
Ordinance  
amended

**6.** Section 6 of the Principal Ordinance is hereby amended by substituting for the expression "a contributor dying on or after that date, but not to any pension payable in respect of a contributor dying before that date" the expression "a person who becomes a contributor on or after that date but not to any pension payable in respect of a person who was a contributor before that date".

Section 14 (1) of  
Principal  
Ordinance  
amended

**7.** Subsection (1) of section 14 of the Principal Ordinance is hereby amended by adding the words "if so required by the Committee" immediately after the words "medical examination".

Section 15 (1) of  
Principal  
Ordinance  
amended

**8.** Subsection (1) of section 15 of the Principal Ordinance is hereby amended by adding the words "if so required by the Committee" immediately after the words "medical examination".

Section 18 (1) of  
Principal  
Ordinance  
repealed and  
replaced

**9.** Subsection (1) of section 18 of the Principal Ordinance is hereby repealed and replaced by the following subsection:—

"(1) All annual contributions shall be paid in monthly instalments to the Accountant General or retained by the Accountant General by monthly abatements from the salaries or pensions of contributors and shall be payable or liable to retention until either the contributor dies, or he has contributed to the scheme for a period of thirty-five years or has attained the age of sixty-five years, whichever event shall first happen".

Section 19 of  
Principal  
Ordinance  
repealed and  
replaced

**10.** Section 19 of the Principal Ordinance is hereby repealed and replaced by the following section:—

"Officers not  
yet eligible for  
privileges under  
Ordinance to  
contribute  
until examined"

**19.** The annual contribution shall be paid in monthly instalments to the Accountant General by, or be retained by the Accountant General by monthly abatements from the salary of, every public officer

who is liable to become compulsorily a contributor, from the date of his becoming so liable. But in the event of such officer not being found eligible to be a contributor, the amount of such instalments or abatements, as the case may be, without deduction shall be returned to him, or to his legal personal representative in case of his death".

**11.** Section 20 of the Principal Ordinance is hereby amended—

Section 20 of  
Principal  
Ordinance  
amended

- (a) by deleting from subsection (2) thereof the words "after medical examination";
- (b) by deleting from subsection (3) thereof the words "submitting himself for medical examination and".

**12.** Section 22 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Section 22 of  
Principal  
Ordinance  
repealed and  
replaced

"Medical  
examination  
of officers  
before accept-  
ance as con-  
tributors

22. (1) Every public officer, before becoming entitled to the privileges and benefits of a contributor, shall have undergone a medical examination to the satisfaction of the Committee.

(2) Any person, before becoming entitled to the privileges and benefits of a contributor, may be required by the Committee to answer in writing and sign his name at the foot of the questions prescribed in the Third Schedule hereto and any other questions which may be from time to time prescribed by the Committee or deemed necessary by a medical examiner, and in reporting on the life of such person a medical examiner shall have regard to the answers to such questions. Such report shall be treated as strictly confidential.

(3) Such questions and answers shall be preserved and shall be deemed the basis of the contract between the Committee and the person signing the same, and in the event of any of the answers to such questions being materially untrue to the knowledge of such person, it shall be held fraudulent, and such person, if living, shall forfeit all contributions, and cease to be a contributor; and if such fraud is discovered after his death, the Committee, on satisfactory proof thereof, may, subject to the approval of the Governor in Council, direct any pension otherwise payable to the widow or children of such person to be forfeited wholly or in part;

Third  
Schedule

(4) No public officer shall be entitled to any of the privileges and benefits of a contributor until he shall have been accepted by the Committee as a contributor, but the annual contribution in this Ordinance provided for shall be made pending his acceptance by the Committee".

Section 23 of  
Principal  
Ordinance  
amended

**13.** Section 23 of the Principal Ordinance is hereby amended—

- (a) by deleting the words "for the purposes of this Ordinance" from subsection (1) and subsection (2) thereof; and
- (b) by substituting the words "a medical examination" for the words "the medical examination prescribed by this Ordinance" in subsection (4) thereof.

Section 26 of  
Principal  
Ordinance  
repealed and  
replaced

**14.** Section 26 of the Principal Ordinance is hereby repealed and replaced by the following section :—

"Bachelor or widower without children of pensionable age to be refunded total contributions in certain events

26. When a contributor who is a bachelor or a widower without any child of pensionable age has contributed for a period of thirty-five years or attained the age of sixty-five years, whichever event shall first happen, the Committee, upon due notice to that effect, shall proceed to pay out to such contributor, if a bachelor, a sum equal to the total amount of his contributions without interest, or, if a widower, without any child of pensionable age, then a sum equal to the total amount of the contributions without interest paid by him since the death of his last wife or since the date his last child ceased to be of pensionable age, whichever event shall have last happened".

Section 27 of  
Principal  
Ordinance  
repealed and  
replaced

**15.** Section 27 of the Principal Ordinance is hereby repealed and replaced by the following section :—

"Bachelor or widower without children of pensionable age dying; refund to legal personal representative

27. (1) In the event of a bachelor dying while in the public service, a sum equal to the total amount of the contributions made by him shall be paid without interest to his legal personal representative.

(2) In the event of a widower, without any child of pensionable age, dying while in the public service, a sum equal to the total amount of the contributions without interest paid by him since the death of his last wife or since the date his last child ceased to be of pensionable age, whichever event shall have last happened, shall be paid to his legal personal representative".

16. Section 28 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Section 28 of  
Principal  
Ordinance  
repealed and  
replaced

"Bachelor or  
widower with-  
out children of  
pensionable age  
retiring from  
local service  
Refund of  
contributions

28. (1) A contributor retiring from the public service of the Colony who is a bachelor or widower without any child of pensionable age, shall, subject to the provisions of sections 29A and 29B of this Ordinance, cease to be a contributor or to enjoy the privileges and benefits of a contributor altogether, but shall be entitled to receive from the Accountant General, if a bachelor, a sum equal to the total amount of his contributions without interest and, if a widower without any child of pensionable age, then a sum equal to the total amount of the contributions without interest paid by him since the death of his last wife, or since the date on which his last child ceased to be of pensionable age, whichever event shall have last happened.

Provisions  
regarding  
members of  
Provident  
Fund

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(2) If a contributor who is a bachelor or a widower without any child of pensionable age, becomes a depositor under the Provident Fund Ordinance, he may elect either—

- (a) to remain a contributor until he has attained the age of sixty-five years or been a contributor for thirty-five years in respect of a monthly sum equal to the instalment paid or the abatement made from his salary, as the case may be, by way of annual contribution, for the last month of his service prior to his becoming a depositor under the Provident Fund Ordinance, or
- (b) to cease to be a contributor on the conditions contained in subsection (1) of this section."

17. Section 29 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Section 29 of  
Principal  
Ordinance  
repealed and  
replaced

"Provisions  
regarding  
retirement of  
married  
contributors

29. (1) A contributor retiring from the public service of the Colony with a wife living or with any child of pensionable age, before he has attained the age of sixty-five years or before he has been a contributor for thirty-five years, whether such retirement

be on pension or not, and not being a person transferred to other public service under the Crown, may elect—

- (a) to remain a contributor until he has attained the age of sixty-five years or been a contributor for thirty-five years, in respect of a monthly sum equal to the instalment paid or the abatement made from his salary, as the case may be, by way of annual contribution, for the last month of his service; or
- (b) if retiring with a pension immediately payable to him, to remain a contributor until he has attained the age of sixty-five years or been a contributor for thirty-five years, in respect of an annual contribution calculated on the basis of his annual pension at the appropriate rate fixed by section 10 of this Ordinance (whenever such annual pension is at least four hundred and eighty dollars) or at the rate of four per centum (whenever such annual pension is less than four hundred and eighty dollars); or
- (c) if retiring without a pension immediately payable to him, to cease to be a contributor, but to enjoy the privileges and benefits of a contributor in respect of past contributions.

(2) A contributor with a wife living or with any child of pensionable age, on becoming a depositor under the Provident Fund Ordinance, may, subject to the provisions of that Ordinance, elect either—

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- (a) to remain a contributor until he has attained the age of sixty-five years, or been a contributor for thirty-five years, in respect of a monthly sum equal to the instalment paid or the abatement made from his salary, as the case may be, by way of annual contribution, for the last month of his service prior to his becoming a depositor under the Provident Fund Ordinance; or
- (b) to cease to be a contributor but to enjoy the privileges and benefits of a contributor in respect of past contributions.

(3) In the event of any contributor failing within six months, or within such further time as the Committee may in any particular case allow, to elect as in this section provided, or in the event of his having elected to continue as a contributor in respect of a contribution equal to his previous instalment or abatement, as the case may be, and of his failing for six months at any time thereafter to pay his contributions as herein provided, he shall be deemed to have elected to continue thenceforth as a contributor in respect of his pension only if in receipt of a pension, or of his past contributions only if not in receipt of any pension”.

**18.** The following sections are hereby added to the Principal Ordinance immediately after section 29 thereof:—

New sections  
29A and 29B  
added to  
Principal  
Ordinance

“Transfer of a contributor to a Colony with approved scheme

29A. If a contributor is transferred from the public service of the Colony to other public service for which there is established an approved scheme, the following provisions shall have effect:—

(1) If the contributor is a bachelor or a widower without any child of pensionable age—

(a) he shall, if he so elect by notice in writing addressed to the Committee not later than six months after the date of transfer, remain a contributor for the purposes of this Ordinance without making further contributions;

(b) section 27 or section 28 of this Ordinance shall not apply before the expiration of the said six months or his earlier death, but shall then apply as from the date of transfer if he shall not have elected as provided in sub-paragraph (a) of this paragraph and not otherwise;

(c) if, having elected as aforesaid, he subsequently dies or leaves the public service without having married or remarried, as the case may be, the provisions of section 27 or section 28, as the case may be, of this Ordinance shall apply;



(d) if, having elected as aforesaid, he subsequently marries or remarries without having left the public service, the provisions of section 28 of this Ordinance shall cease to apply in his case.

(2) If the contributor is married or is a widower with any child of pensionable age—

(a) he shall, if he so elect by notice in writing addressed to the Committee not later than six months after the date of transfer, continue to be a contributor at the rate at which he was contributing at that date;

(b) if he does not so elect he shall cease to be a contributor as from the date of the transfer but shall enjoy the privileges and benefits of a contributor in respect of past contributions.

Transfer of a  
contributor to a  
Colony without  
approved  
scheme

29B. If a contributor is transferred from the public service of the Colony to other public service for which there is not established an approved scheme, the following provisions shall have effect:—

(1) If the contributor is a bachelor or a widower without any child of pensionable age—

(a) he may, if he so elect by notice in writing addressed to the Committee not later than six months after the date of transfer, continue to be a contributor at the rate at which he was contributing at that date;

(b) section 27 or section 28 of this Ordinance shall not apply before the expiration of the said six months or his earlier death, but shall then apply as from the date of transfer if he shall not have elected as provided in sub-paragraph (a) of this paragraph and not otherwise;

(c) if having elected as aforesaid, he shall further elect, by notice in writing addressed to the Committee at any time, to cease to contribute, he shall cease accordingly as from the first day of the month in which such notice is so addressed; and subject to the provisions of this Ordinance, if, being at the time a bachelor or widower without any child of pensionable age, he dies or so

ceases while in the public service or leaves the public service, the provisions of section 27 or section 28 of this Ordinance, as the case may be, shall apply.

(2) If the contributor is married or is a widower with any child of pensionable age—

- (a) he may, at his election, continue to contribute, and thereafter cease to contribute, in the manner prescribed by paragraph (1) of this section;
- (b) if he does not so elect to continue to contribute he shall cease to contribute as from the date of transfer but shall enjoy the privileges and benefits of a contributor in respect of past contributions”.

19. Section 34 of the Principal Ordinance is hereby repealed and replaced by the following section :—

“Provisions consequent upon a contributor being dismissed

Section 34 of Principal Ordinance repealed and replaced

34. Notwithstanding any other provisions of this Ordinance, a contributor who is dismissed from the public service of the Colony or other public service under the Crown shall cease to contribute under this Ordinance, and—

- (a) where such contributor is a bachelor the total amount of his contributions under the Ordinance shall be repaid to him without interest subject to the deduction of any sums due by him to the Government ; and
- (b) where such contributor is a widower without any child of pensionable age the total amount of the contributions paid by him since the death of his last wife or since the date his last child ceased to be of pensionable age, whichever event shall have last happened, shall be repaid to him without interest subject to the deduction of any sums due by him to the Government ; and
- (c) where such contributor is married or is a widower with a child of pensionable age he shall continue to rank for benefit to the extent of such part of the pension registered in his name as his past contributions have earned”.

Calculation transferred to case of rated Central Water has contributed for 35 years or reached the age of 65 years

20. Notwithstanding anything contained in the Principal Ordinance, if the age of an officer has, under the provisions of section 23 of the Principal Ordinance or under any similar provisions of any former Ordinance providing for the payment of pensions to widows and children of public officers, been rated up as a life equal to an older age than his actual age at the date of his first contribution to the Fund or the Scheme and such officer contributes for thirty-five years or reaches the age of sixty-five years, the pension payable to his widow and children shall be calculated as though his age had not been rated up.

Contributor transferred to service with Central Water Distribution Authority permitted to continue to contribute as though still a public officer

21. (1) Notwithstanding anything contained in the Principal Ordinance, it shall be lawful for any contributor who is transferred from service with the Government to the service of the Central Water Distribution Authority constituted under the provisions of the Central Water Distribution Authority Ordinance, 1944, to continue to contribute to the Scheme as though he had continued to be in the service of the Government and the remuneration payable to him by the Central Water Distribution Authority were salary attached to a permanent office in the service of the Government; and the provisions of the Principal Ordinance shall, subject to the provisions hereinafter contained, apply to the case of such contributor.

(2) The monthly instalments of the annual contribution of every such contributor shall be deducted by the Central Water Distribution Authority from the remuneration payable by the Authority to such contributor and paid into general revenue or by the Accountant General from the pension payable to such contributor.

(3) This section shall be deemed to have been in operation as from the 1st July, 1944.

(4) The amount by which the aggregate of the monthly instalments of the annual contribution of every such contributor, in respect of the period between the 1st July, 1944 and the date on which this section would have come into force if subsection (3) hereof had not been enacted, exceeds the amount already contributed by him to the Scheme in respect of the said period shall be paid by him to the Accountant General within six months of such date.

Passed in Council this twenty-fifth day of April in the year of Our Lord one thousand nine hundred and fifty-two.

T. F. FARRELL

*Clerk of the Council.*