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**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 17 of 2000

[L.S.]

AN ACT to amend the Prison Service Act to introduce a different retirement age for prison officers and to provide for the enhancement of superannuation benefits and for related matters.

[Assented to 25th July, 2000]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

1. This Act may be cited as the Short title Prison Service (Amendment) Act, 2000.

- Interpretation
Chap. 13:02
- 2. In this Act, “the Act” means the Prison Service Act.**
- Commencement
- 3. Sections 9 and 15 shall be deemed to have come into operation on 1st July, 1989.**
- Section 2
amended
- 4. Section 2 of the Act is amended by—**
- (a) deleting the definitions of “grade”, “office” and “pay” and substituting the following new definitions:
- “office” means an office in the Prison Service as specified in the Second Schedule;
- “pay” means the amount payable to an officer at a rate prescribed in respect of his substantive office and for the purposes of the Fifth Schedule may include certain prescribed allowances;
- (b) inserting in the appropriate alphabetical sequence the following definitions:
- “Commissioner of Prisons” and “Deputy Commissioner of Prisons” mean respectively the persons occupying or performing the duties of the offices of Commissioner of Prisons and Deputy Commissioner of Prisons, offices specified in Part A of the Second Schedule;
- “institution” means an Industrial Institution as proclaimed by the Minister in accordance with section 2 of the Young Offenders Detention Act;
- “prison” has the meaning assigned to it by section 2 of the Prisons Act.
- Second Schedule
- Chap. 13:05
- Chap. 13:01

5. Section 3 of the Act is amended by—Section 3
amended

(a) inserting after subsection (1) the following new subsection:

“ (1A.) The Prison Service shall consist of two Divisions—

(a) the First Division, comprising certain offices specified in Part A of the Second Schedule and such other offices as the President may, from time to time, by Order prescribe in accordance with section 30 (2); and

(b) the Second Division, comprising certain offices specified in Part B of the Second Schedule and such other offices as the President may, from time to time, by Order prescribe in accordance with section 30 (2).”; and

(b) inserting after subsection (4) the following new subsection:

“ (5) The Minister may approve, in writing, such administrative or operational units, including prisons and institutions comprising offices of the First and Second Divisions, as are necessary to provide an efficient Prison Service.”.

6. Section 5 of the Act is amended by—Section 5
amended

(a) deleting subsection (1) and substituting the following:

“ (1) The President may by Order specify the pay in respect of any office

and the allowances that may be granted in respect of that office in addition to the pay.”;

(b) deleting the words “(a) and (b)” in subsection (2); and

(c) inserting the following new subsection:

“ (3) Notwithstanding subsection (1), an Order made under subsection (1) of the Act that was in force immediately prior to the commencement of the Prison Service (Amendment) Act, 2000 shall continue to be in force.”.

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Section 13
amended

7. The Act is amended in section 13(2) (a) and (b), by inserting immediately after the word “in”, wherever it occurs, the words “Part A of”.

Section 14
amended

8. Section 14 of the Act is amended—

(a) in paragraph (h), by deleting the full stop and substituting the words “;”;

(b) by inserting immediately after paragraph (h), the following new paragraphs:

“(i) on being retired in the public interest;

(j) on abandonment of office.”.

New sections
inserted

9. The Act is amended by inserting immediately after section 14 the following new sections:

^{“Age of retirement of prison officers} 14A. (1) A prison officer holding an office in the Second Division shall retire from the Prison Service on attaining the age of fifty-five years but may with the approval of the Public Service Commission be permitted to retire on or after attaining the age of fifty years.

(2) A prison officer holding an office in the First Division shall retire from the Prison Service on attaining the age of sixty years, but may—

- (a) retire voluntarily at any time on or after attaining the age of fifty-five years; or
- (b) subject to the approval of the Public Service Commission, retire at any time, on or after attaining the age of fifty years.

(3) Where, at the date of assent of this Act, a prison officer holding an office in the Second Division attains or has attained the age of fifty-five years, such officer shall retire from the Prison Service with immediate effect.

Saving of
years of
service

14B. (1) Where a prison officer holding an office in the Second Division retires in accordance with section 14A.(3), any period of pensionable service which may have accrued to him after the age of fifty-five years and up to the date of retirement shall be taken into consideration for the purpose of calculating his superannuation benefits, but such benefits shall not exceed the maximum benefits payable under the Rules specified in the Fifth Schedule and the officer shall be required to pay contributions in respect of any such period.

(2) Where a prison officer referred to in section 14C(2) exercises the option to receive superannuation benefits under the Rules specified in the Fifth Schedule, any

period of pensionable service which may have accrued to that officer after the age of fifty-five years and up to the date of retirement shall be taken into consideration for the purpose of calculating his superannuation benefits, but such benefits shall not exceed the maximum benefits payable under the Rules specified in the Fifth Schedule and the officer shall be required to pay arrears of contribution in respect of any such period.

Pension to be granted to prison officers

14c. (1) A prison officer who retires after the commencement of the Prison Service (Amendment) Act, 2000 may be granted a pension, gratuity or other allowance in accordance with the Rules specified in the Fifth Schedule.

Chap. 23:52

(2) A prison officer who retired or resigned from the Prison Service on or after 1st July, 1989 but before the date of assent of the Prison Service (Amendment) Act, 2000 and is eligible for, or is in receipt of a pension, gratuity or other allowance under the Pensions Act, may exercise an option to receive or to continue to receive a pension, gratuity or other allowance in accordance with that Act, or to receive a pension, gratuity or other allowance in accordance with the Rules specified in the Fifth Schedule.

(3) Where a prison officer exercises an option under subsection (2), that option shall not be revoked.

(4) Pensions, gratuities and other allowances granted under this Act, shall be a charge on the Consolidated Fund.

(5) The President may by Order amend the Fifth Schedule.

Application of certain sections of Law Reform (Pensions) Act, 1997 Act No. 20 of 1997

14D. Sections 5 and 9 of the Law Reform (Pensions) Act, 1997 shall, from 1st July, 1989, apply to superannuation benefits granted under the Prison Service (Amendment) Act, 2000 as they apply to superannuation benefits granted under the Law Reform (Pensions) Act, 1997.”.

10. Section 25 of the Act is repealed. Section 25 repealed

11. Section 26 of the Act is amended— Section 26 amended

(a) in subsection (1), by deleting all of the words occurring after the word “officers” in line 6; and

(b) by deleting subsection (2).

12. Section 30 of the Act is amended in paragraph (c) Section 30 amended of subsection (1), by substituting for the words “and for the reduction of such period”, the words “or subsequent appointment and for the waiver or reduction of such probationary period;”.

13. The First Schedule to the Act is amended by— First Schedule amended

(a) substituting for the heading “CLASSIFICATION OF OFFICERS IN THE PRISON SERVICE” the words “CLASSIFICATION OF OFFICES IN THE PRISON SERVICE”; and

(b) deleting the words—

(i) “RANGE 67” appearing immediately above the words “Commissioner of Prisons” in the Second Column and substituting the words “UNDER THE SALARIES REVIEW COMMISSION”; and

- (ii) “1.1.74” appearing adjacent to the words “Commissioner of Prisons” in the Third Column and substituting the words “6.9.91”.

Second Schedule
repealed

14. The Second Schedule to the Act is repealed and the following Schedule is substituted:

“SECOND SCHEDULE

(Section 3)

PART A

OFFICES IN THE FIRST DIVISION OF THE PRISON
SERVICE

Commissioner of Prisons
Deputy Commissioner of Prisons
Assistant Commissioner of Prisons
Senior Superintendent of Prisons
Superintendent of Prisons
Assistant Superintendent of Prisons
Chief Prisons Welfare Officer
Prisons Cadet Officer

PART B

OFFICES IN THE SECOND DIVISION OF THE
PRISON SERVICE

Prisons Supervisor
Prisons Welfare Officer II
Prisons Welfare Officer I
Prisons Officer II
Prisons Officer I
Prisons Service Driver.”.

15. The Act is amended by inserting the following ^{Fifth Schedule inserted} Schedule immediately after the Fourth Schedule:

“FIFTH SCHEDULE

(Section 14c)

THE PRISON SERVICE (PENSION AND GRATUITY)
RULES

1. For the purposes of these Rules— Interpretation
 - (a) “effective date” means 1st July, 1989;
 - (b) “officer” means a prison officer;
 - (c) “other public service” has the meaning assigned to it in the Pensions Act; Chap. 23:52
 - (d) “public service” has the meaning assigned to it in the Pensions Act and includes service in the Fire Service established under the Fire Service Act, in the Police Service established by the Police Service Act and service as a member of the Special Reserve Police established by the Special Reserve Police Act; Chap. 35:50
Chap. 15:01
Chap. 15:03
 - (e) “Service” means the Prison Service established under section 3 of the Act.

2. Nothing in these Rules shall be construed as granting to any officer an absolute entitlement to any pension or to prevent his being dismissed without a pension. Rules not to be construed as granting entitlement

3. (1) As a contribution towards the superannuation allowances payable to an officer in accordance with these Rules, there shall be deducted from the pay of every officer, a sum at a rate of one and a quarter per cent per annum of such pay, and all sums so deducted shall be paid to the Comptroller of Accounts on or before the eighth day of the month immediately following the month in which the deduction is made. Contribution to superannuation allowances

- (2) In addition to the contribution payable under subrule (1), any outstanding arrears of contribution shall be deducted from the pay of an officer in respect of all of his full-time service in a permanent and pensionable office in the Service, in the public service or in respect of any service which may be pensionable under the Law Reform (Pensions) Act, 1997, including Act No. 20 of 1997

any period of full-time service in a non-pensionable office in the Service that is immediately followed by service in a pensionable office in the Service, as follows:

- (a) in the case of an officer who is in the Service on the date of assent of the Prison Service (Amendment) Act, 2000 and who has ten years service or more before reaching the age of compulsory retirement, arrears of contribution shall be cleared by a lump sum payment or deducted by equal monthly instalments over the ten-year period immediately following the date of assent of the Act;
- (b) in the case of an officer who is in the Service on the date of assent of the Prison Service (Amendment) Act, 2000 and who has ten years service or more before reaching the age of compulsory retirement, but who retires before the expiration of the ten-year period, outstanding arrears of contribution shall be deducted by a lump sum payment from the gratuity payable to the officer;
- (c) in the case of an officer who resigns after the date of assent of the Prison Service (Amendment) Act, 2000 but before the expiration of ten years thereafter and who is eligible to have his service preserved in accordance with the provisions of the Law Reform (Pensions) Act, 1997, outstanding arrears of contribution shall be deducted by a lump sum payment from the deferred superannuation benefits payable to the officer at the age of fifty-five years or from the death benefit payable under these Rules, in the event that the officer dies before attaining the age of fifty-five years;
- (d) in the case of an officer who dies after the date of assent of the Prison Service (Amendment) Act, 2000 but before the expiration of ten years thereafter, outstanding arrears of contribution shall be deducted by a lump sum payment from the death benefit payable to the officer under these Rules;
- (e) in the case of an officer who retired within the period between the effective date and the date of assent of the Prison Service (Amendment) Act, 2000, and who has exercised the option at section 14c(2) of the Act to receive a pension, gratuity or other allowance in accordance with these Rules, arrears of contribution

shall be deducted by a lump sum payment from the gratuity payable to the officer, where practicable, or from his pension in equal monthly instalments, over a period to be determined by the Comptroller of Accounts;

(f) in the case of an officer who —

- (i) resigned from the Service on or after 1st December, 1991 and prior to the date of assent of the Prison Service (Amendment) Act, 2000;
- (ii) resigned before attaining the age of fifty years; and
- (iii) is eligible to have his service preserved in accordance with the provisions of the Law Reform (Pensions) Act, 1997 and who has exercised the option under section 14c(2) of the Prison Service (Amendment) Act, 2000 to receive superannuation benefits in accordance with these Rules,

arrears of contribution shall be deducted from the deferred superannuation benefits payable to the officer at the age of fifty-five years or from the death benefit payable under these Rules, in the event that the officer dies before attaining the age of fifty-five years.

(3) Notwithstanding the provisions of subrules (1) and (2), arrears of contribution may also be deducted, in whole or in part, from any arrears of emoluments owed to the officer by the State as defined in the Public Sector (Arrears of Emoluments) Act, 1995. Act No. 7 of 1995

(4) In the event that an officer leaves the Service after the date of assent of the Prison Service (Amendment) Act, 2000 without being eligible for a pension, gratuity or other allowance under these Rules and without being eligible to have his service preserved in accordance with the provisions of the Law Reform (Pensions) Act, 1997, he shall be entitled to the return, in full, of all deductions made from his pay under subrule (1) or (2), where applicable, but the President may direct that any amount due to the State in respect of any liability or defalcation be deducted from the amount due to be returned to the officer.

(5) The arrears of contribution payable under subrule (2) shall be determined on the basis of the actual pay received by the officer for each year in respect of which the arrears are payable.

(6) Where an officer who retired within the period between the effective date and the date of assent of the Prison Service

(Amendment) Act, 2000 exercises the option at section 14c(2) of the Act to receive or to continue to receive a pension, gratuity or other allowance under the Pensions Act, no arrears of contribution shall be payable.

Computation of
period of service

4. (1) For the purpose of computing the amount of pension, gratuity or other allowance payable to an officer, the following periods shall be taken into account as pensionable service:

- (a) any period of full-time service in a permanent and pensionable office, in the Service, in the public service or in any service which may be pensionable under the Law Reform (Pensions) Act, 1997;
- (b) any period of full-time service in a non-pensionable office in the Service that is immediately followed by service in a pensionable office in the Service;
- (c) subject to subrule (3), any periods during which the officer was absent from duty on leave, either on partial pay or without pay, granted on the grounds of public policy and during which he has not qualified for a pension, gratuity or other allowance in respect of other public service.

(2) In this rule “full-time service” means service remunerated at a monthly paid rate in the Service and includes any period of absence from duty on full pay.

(3) The periods during which an officer was absent on leave on partial pay shall, for the purpose of computing the amount of pension, gratuity or other allowance payable to the officer, be counted—

- (a) at the rate of one month for every two months of such periods where the officer has been on leave with half pay; and
- (b) in appropriate proportions where the officer has been on leave with three-quarter pay,

but the whole of such periods shall be counted for the purpose of determining whether the officer is eligible for a pension.

(4) Any periods during which an officer was absent from duty other than those specified in subrule (1), shall be deducted from the officer’s total service in order to arrive at his period of pensionable service.

(5) Where however an officer’s service was interrupted other than for reasons of suspension, dismissal or removal in consequence of disciplinary proceedings, such service may be

linked to subsequent service in accordance with the provisions of the Law Reform (Pensions) Act, 1997, subject to the conditions contained in subrule (6).

- (6) The conditions referred to in subrule (5) are as follows:
- (a) any pension paid to the officer in respect of service before the interruption, shall cease to be paid; and
 - (b) if the President so requires, any gratuity received in respect of the earlier period of service or such part as the President may determine, shall be deducted from the gratuity which the officer is to be paid on the basis of the final computation.

(7) Where an officer is granted maternity leave in accordance with the Maternity Protection Act, 1998 the whole period of maternity leave shall be counted for the purpose of computing the amount of pension, gratuity or other allowance payable to the officer. Act No. 4 of 1998

5. (1) Subject to subrule (2), an officer who is disabled by infirmity of mind or body, may be retired for medical reasons, and if such officer has completed ten years of satisfactory service, he may thereupon be granted a monthly pension not exceeding $\frac{1}{480}$ ths of a month's pay for each completed month of service. Pension in case of disability

(2) A pension shall not be granted under subrule (1), unless the officer submits a medical report issued by a Medical Board in which it is stated that the officer to whom the report refers, is incapable, because of infirmity of mind or body, of performing the duties of his office and that such infirmity is likely to be permanent.

(3) Where an officer has been retired in accordance with subrule (1), and subrule (2) has been satisfied, but he has not worked in the Service for ten years, he may be granted, by way of gratuity, a sum not exceeding one-twelfth of a month's pay for each completed month of service.

6. An officer who is not disabled within the meaning of rule 5, and who has— Pension on attaining the age of fifty

- (a) attained the age of fifty years;
- (b) served in the Service for not less than ten years; and
- (c) retired from the Service,

may be granted a monthly pension not exceeding $\frac{1}{480}$ ths of a month's pay for each completed month of service.

Service for less than
ten years

6A. An officer who is not disabled within the meaning of rule 5 and who has—

- (a) attained the age of fifty years;
- (b) served in the Service for more than five years and less than ten years; and
- (c) retired from the Service,

may be granted a gratuity not exceeding $\frac{1}{24}$ ths of a month's pay for each completed month of service.

Pension payable to
an officer and
exercise of option

7. (1) The amount of any pension payable to an officer under these Rules shall not exceed eighty-five per cent of his final pay for the year in which he retires.

(2) An officer may exercise an option in writing addressed to the Commissioner of Prisons to receive, in lieu of any pension for which he is eligible, a pension at the rate of three-fourths of his eligibility together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

- (3) The option referred to in subrule (2), may be revoked—
 - (a) not later than one month after the retirement of the officer, in the case of a pension awarded under rule 5 (1) or (2); or
 - (b) not later than the day immediately preceding the date of the retirement of the officer, in the case of a pension awarded under rule 6 or, of his retirement from other public service, in the case of a pension awarded under rule 8,

but the President may, if it appears to him equitable in all the circumstances to do so, allow any such officer to exercise the option or to revoke an option previously exercised, at any time between the dates specified in paragraphs (a) and (b) of this subrule and the actual date of award of the pension.

(4) The date of the exercise of the option by an officer shall be deemed to be the date of the receipt of the written notice addressed to the Commissioner of Prisons in accordance with subrule (2).

(5) Where an officer who has not exercised the option, dies after he has finally retired but before a pension has been awarded in accordance with these Rules, the President may grant a gratuity and a reduced pension as provided for in rule 7(2), as if the officer had exercised the option before his death.

8. (1) Where an officer has worked in the Service for a period that is immediately followed by service in a pensionable office in other public service, such officer shall, notwithstanding rule 6, be entitled to a monthly pension not exceeding $\frac{1}{480}$ ths of a month's pay for each completed month of service, if he—

Officer transferred to other public service

(a) has worked in the Service for not less than ten years; and

(b) ultimately retires from such other public service at an age that is less than fifty years, but at which he is permitted by the Act, Regulations or Rules governing that service to retire with a pension.

(2) The pension which may be granted to an officer under these Rules shall be payable from the date of such retirement, notwithstanding that he shall not be fifty years old.

9. (1) Where an Order for maintenance is made against an officer to whom a pension has been granted in accordance with these Rules, the President may, upon proof to him that there is no reasonable probability of such Order being satisfied, cause to be deducted from the moneys payable to such person, such sum or sums as the President may consider expedient and may cause the same to be applied to satisfy the said Order, in whole or in part.

Maintenance payment out of pensions

(2) Where an officer to whom a pension has been granted in accordance with these Rules has left Trinidad and Tobago and has deserted, leaving his wife or child in Trinidad and Tobago without sufficient means of support and, by reason of such person's absence from Trinidad and Tobago, the wife or child is unable to obtain an Order for maintenance, the President may cause to be deducted from the moneys payable to such officer by way of pension, such sum or sums as the President may consider expedient and apply the same for the maintenance and support of the wife or child.

10. (1) Subject to subrule (3), where the President is satisfied that an officer has been permanently injured—

Computation of pension for permanent injury

(a) in the actual discharge of his duty;

(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 accelerated, such officer may be granted, in respect of such injury, in addition to any pension or gratuity granted to him, an allowance in proportion to his injury, of such monthly amount as the President may direct.

(2) The monthly amount referred to in subrule (1), shall be in proportion to the impairment of the officer's capacity to contribute to his support as follows:

- (a) slightly impaired— $\frac{40}{480}$ ths of a month's pay;
- (b) impaired— $\frac{80}{480}$ ths of a month's pay;
- (c) materially impaired— $\frac{120}{480}$ ths of a month's pay;
- (d) totally impaired $\frac{160}{480}$ ths of a month's pay.

(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 specified in subrule (1)(a) and (c) and in any such case, if the provisions of subrule (1)(b) are also satisfied, the rates of allowances specified in subrule (2), shall be substituted respectively by the following rates namely, $\frac{60}{480}$ ths, $\frac{120}{480}$ ths, $\frac{180}{480}$ ths and $\frac{240}{480}$ ths of a month's pay.

(4) The allowance referred to in subrule (1)—

- (a) shall not, together with any pension granted hereunder, exceed $\frac{400}{480}$ ths of a month's pay as at the date of injury and, for the purposes of this subrule, any exercise of the option conferred by rule 7(2), shall be ignored in calculating the pension;
- (b) shall be less than the maximum amount payable under subrule (2), by an amount that the President thinks reasonable in the following cases:
 - (i) where the injured officer has continued in the Service for not less than one year after the injury in respect of which he retires;
 - (ii) where the injured officer is forty-five years or more at the date of the injury; or
 - (iii) where the injury is not the sole cause of the retirement.

(5) Before granting an allowance under subrule (1) the President shall be furnished with the report of a Medical Board so far as may be possible on the matters relevant to his decision, and shall be guided by such report.

(6) Where the injured officer does not qualify for any pension under these Rules but is entitled to a gratuity under rule 5(3), he may be granted, in lieu of such gratuity, a further allowance of such monthly sum, not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served, as the President may direct.

11. (1) Where an officer 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,

Benefits to widows and dependants of officers who die in the Service or after retiring from the Service

the President may, subject to subrule (2), award in addition to any allowances paid under rule 10, the following benefits:

- (i) where the deceased officer leaves a widow, a pension shall be paid to her while unmarried, according to such scale as may from time to time be fixed by the President;
- (ii) where the deceased officer leaves a widow to whom a pension is granted under subparagraph (i) and a child or children, a pension in an amount not exceeding one-eighth of the pension payable under that subparagraph shall be paid in respect of each child, until such child attains the age of eighteen years;
- (iii) where the deceased officer leaves a child or children, but does not leave a widow, or where no pension is granted to the widow, a pension shall be paid in respect of each child, in an amount not exceeding one-quarter of the pension payable under subparagraph (i), until such child attains the age of eighteen years;
- (iv) where the deceased officer leaves a child or children and a widow to whom a pension is granted under subparagraph (i), and the widow subsequently dies, a pension shall be paid in respect of each child, in an amount not exceeding one-quarter of the pension payable under subparagraph (i) as from the date of the death of the widow until such child attains the age of eighteen years;
- (v) where the deceased officer does not leave a widow, or where no pension is granted to the widow and his mother was wholly or mainly dependent on him for her support, a pension shall be paid to the mother, while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

(2) A pension shall not be payable under subrule (1) in respect of more than six children and where there are more than six children in respect of whom, but for this subrule, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of an age that qualifies them for receipt of the pension.

(3) In the case of a pension granted under subrule (1)(v), where the mother is a widow at the time of the grant of such pension and subsequently remarries, such pension shall cease as from the date of the remarriage, and if it appears to the President at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the President may determine.

(4) A pension granted to a female child under subrule (1), shall cease upon the marriage of such child under the age of eighteen years.

(5) Where an officer dies while in the Service, the President may grant to his widow or to his children or to any of his dependants a gratuity of an amount not exceeding one year's salary of such officer, or his commuted pension, gratuity, if any, whichever is the greater.

(6) Where an officer to whom either an unreduced pension or gratuity and reduced pension has been granted, dies after retirement from the Service, and the sums paid or payable to him at his death on account of such unreduced pension or gratuity and reduced pension, as the case may be, are less than the amount of the annual salary enjoyed by him at the date of his retirement, the President may grant to his widow or to his children or to any of his dependants a gratuity equal to the deficiency.

(7) For the purposes of this Rule—

“child” includes—

- (a) a posthumous child;
- (b) a step-child or child born out of wedlock before the date of the injury and wholly or mainly dependent upon the deceased officer for support; or
- (c) a child adopted in accordance with the Adoption of Children Act before the date of the injury, and wholly or mainly dependent upon the deceased officer for support;

“commuted pension gratuity” means the gratuity, if any, calculated in the manner prescribed in rule 7(2), which might have been granted to the officer if he had retired immediately before his death, in the circumstances rendering him eligible to receive a gratuity and reduced pension instead of an unreduced pension;

“dependants” has the same meaning as in the Workmen’s Compensation Act.

Chap. 88:05

12. (1) Subject to subrules (2) and (3), where a person to whom a pension has been granted in accordance with these Rules—

- (a) is sentenced to a term of imprisonment by any competent Court in Trinidad and Tobago or elsewhere for any offence; or
- (b) leaves Trinidad and Tobago after having reason to know that a charge for an indictable or summary offence has been laid against him, and before such charge has been heard and determined,

the President, subject to section 134 of the Constitution, may direct that such pension shall cease to be paid to him forthwith.

(2) A person whose pension was stopped in pursuance of subrule (1)(a), and who at any time receives a pardon in respect of the offence for which he had been convicted, shall be entitled to have such pension restored to him with effect from the date on which such pension was stopped.

(3) The President may, where a pension ceases for the reasons set out in subrule (1), cause all or any part of the moneys to which the pensioner would have been entitled by way of pension, to be paid to, or applied for the benefit of the wife or children of the pensioner, or, after the expiration of his sentence, for the benefit of the pensioner himself, in such proportions and manner as the President thinks proper.”.

Passed in the House of Representatives this 7th day of April, 2000.

J. SAMPSON-JACENT

Clerk of the House

Passed in the Senate this 18th day of April, 2000.

D. DOLLY
Acting Clerk of the Senate

Senate amendments agreed to by the House of
Representatives this 4th day of May, 2000.

J. SAMPSON-JACENT
Clerk of the House