

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 38,
No. 95, 21st May, 1999*

No. 21 of 1999

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

SENATE

BILL

**AN ACT to amend the Regional Health Authorities Act,
1994**

THE REGIONAL HEALTH AUTHORITIES (AMENDMENT)
BILL, 1999

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of the Bill is to amend the Regional Health Authorities Act in order to ensure that—

- (a) Government's existing policy on the payment of preserved superannuation benefits be maintained, so that a Pension Plan operated by a Regional Health Authority (RHA) would provide a level of pension which, when taken together with the preserved Government benefits would realise a total pension based on pensionable public service before and service after transfer to the RHA and on final salary earned in an RHA at retirement;
- (b) where a former public officer dies or retires in a non-pensionable RHA position before the establishment of a Pension Plan operated by a RHA and where such former public officer was in receipt of a higher salary than that at the time of his transfer, his superannuation benefits would be based on the higher salary and the difference in superannuation benefits due would be met by the RHA.

BILL

AN ACT to amend the Regional Health Authorities Act,
1994

[, 1999]

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

1. This Act may be cited as the Regional Health ^{Citation}
Authorities (Amendment) Act, 1999.

- Interpretation Act No. 5 of 1994 **2.** In this Act, the Regional Health Authorities Act is referred to as “the Act”.
- Section 2 amended **3.** Section 2 of the Act is amended by inserting after the definition of “municipality”, the following definition:
 “ “pension law” has the meaning assigned to it by the Law Reform (Pensions) Act, 1997 except for the reference to the Defence Act;”.
- Act No. 20 of 1997
- Chap. 14:01
- Section 26 amended **4.** Section 26 of the Act is amended in subsection (1) by deleting the words “salary in excess of one hundred and thirty thousand dollars per annum” and inserting the words “salaries and allowances in excess of one hundred thousand dollars per annum in the aggregate”.
- Section 30 amended **5.** Section 30 of the Act is amended by deleting subsection (2).
- Act amended **6.** The Act is amended by inserting after section 30, the following sections:
- “Preservation and accrual of superannuation benefits **30A.** The superannuation benefits which have accrued to a person who transfers in accordance with section 27(1) or exercises the option referred to in section 29(1)(a) shall be preserved at the date of his employment by the authority and that person shall continue to accrue superannuation benefits under the relevant pension law up to the date of the establishment of the pension scheme referred to in section 30, on the basis of the pay, pensionable emoluments or salary, as the case may be, applicable to the office which he held immediately prior to his employment by the Authority.

"Payment of superannuation benefits by the Authority prior to the establishment of the pension scheme

30B. (1) Where a person who transfers in accordance with section 27(1) or exercises the option referred to in section 29(1)(a) dies or retires prior to the establishment of the pension scheme referred to in section 30 and at the date of his death or retirement was in receipt of salary higher than the pay, pensionable emoluments or salary referred to in section 30A, the superannuation benefits payable to his estate or to him, as the case may be, shall be based on the higher salary.

(2) The difference between the superannuation benefits payable on the basis of the higher salary referred to in subsection (1) and those payable under a pension law on the basis of the pay, pensionable emoluments or salary referred to on section 30A shall be paid by the Authority.

"Payment of superannuation benefits by pension scheme

30C. (1) Where a person who transfers in accordance with section 27(1) or exercises the option referred to in section 29(1)(a) retires or dies while being a member of the pension scheme, he shall be paid superannuation benefits by the pension scheme at the amount which when combined with the superannuation benefits payable under section 30A, is equivalent to the benefits based on his pensionable service in the public service or in a Statutory Authority combined with his service in the Authority and calculated at the final salary applicable to him on the date of his retirement or death as the case may be.

(2) For the purposes of subsection (1), "final salary" has the meaning given to it by the pension scheme referred to in section 30."

Amendment to other legislation

7. The enactment specified in the first column of the Schedule is amended in the manner specified in the Second Schedule thereof.

SCHEDULE

FIRST COLUMN
Enactment

SECOND COLUMN
Extent of Enactment

Chap. 23:53

The Pensions Extension Act

Delete section 4(2)

Passed in the Senate this day of ,
1999.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day of
, 1999.

Clerk of the House

I confirm the above.

Speaker

No. 21 of 1999

FOURTH SESSION

FIFTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Regional Health
Authorities Act, 1994

Received and read the

First time.....

Second time.....

Third time.....
