

PRISON SERVICE (AMENDMENT) BILL, 2008

EXPLANATORY NOTE

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

Clause 1 of the Bill would provide for the short title and the commencement date of different provisions.

Clause 2 of the Bill would amend the Fifth Schedule in the Act by deleting rule 4(1) (d) and substituting a new paragraph (d) which would provide for an officer who has acted for a continuous period of three years to have his pension, gratuity and other allowances calculated as if he were substantively appointed to that higher office.

In this clause a new rule 4A would also be inserted which would provide for a prison officer in the Second Division to be paid a Qualifying Examination Allowance where such prison officer has passed a qualifying examination for promotion in the Prison Service. Where the officer continues to receive the Qualifying Examination Allowance for a continuous period of three years, the allowance would be regarded as part of the officer's salary for the purpose of computing his pension, gratuity or other allowance.

A BILL

An Act to amend the Prison Service Act, Chap. 13:02

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Prison Service (Amendment) Act, 2008.
Fifth Schedule amended	<p>2. The Prison Service Act is amended in the Fifth Schedule –</p> <p>(a) in rule 4(1) by deleting paragraph (d) and substituting the following paragraph:</p> <p style="margin-left: 40px;">“(d) where an officer-</p> <p style="margin-left: 80px;">(i) prior to the date of his compulsory retirement; or</p> <p style="margin-left: 80px;">(ii) prior to the date on which he proceeds on annual leave before the date of his compulsory retirement,</p> <p style="margin-left: 40px;">has acted in the higher office for a continuous period of at least three years, that officer shall be eligible to have his pension, gratuity or other allowance calculated as if he were substantively appointed to that higher office; and</p> <p>(b) by inserting after subrule (1), the following subrules:</p> <p style="margin-left: 40px;">“(1A) Where an officer satisfies the requirements in rule 4(1)(d), he shall be required to pay in addition to the contribution payable under rule 3(1), arrears of contribution calculated on the basis of the salary which he would have received in that higher office had he been substantively appointed.</p> <p style="margin-left: 40px;">(1B) The arrears of contribution payable by an officer under subrule (1A) shall be -</p> <p style="margin-left: 80px;">(a) determined on the basis of the salary</p>

which the officer would have received in that higher office for each year in respect of which he acted continuously; and

- (b) deducted as a lump sum from the gratuity payable to the officer where practicable or from the officer's pension in equal monthly installments over a period to be determined by the Comptroller of Accounts.

(1C) Subrules (1)(d), (1A) and (1B) are deemed to have come into effect from January 1, 2007. ”; and

(c) by inserting after rule 4 the following rule:

“Payment of a qualifying examination allowance

4A. (1) Where an officer in the Second Division has passed a qualifying examination for promotion in the Prison Service and is not promoted within three years of passing the qualifying examination, such officer shall be paid a Qualifying Examination Allowance from the third anniversary of the date of the qualifying examination.

(2) A Qualifying Examination Allowance under subrule (1) shall be equal to the value of the first increment payable in the officer's salary grade.

(3) An officer shall not be paid more than one Qualifying Examination Allowance at any time.

(4) Payment of a Qualifying Examination Allowance to an officer in the Second Division shall cease from the date the officer is promoted.

(5) Where an officer in the Second Division is in receipt of a Qualifying Examination Allowance on the date of his retirement and has been receiving the Qualifying Examination Allowance for a continuous period of not less than three years, the Qualifying Examination Allowance shall become part of his salary for the purpose of computing his pension, gratuity or other allowance.

(6) This rule is deemed to have come into effect from October 1, 2006.

(7) Notwithstanding subrule (6), where an officer in the Second Division has passed a qualifying examination for promotion in the Second Division-

(a) three years or more prior to October 1, 2006, and had not been promoted, that officer shall also qualify for the payment of a Qualifying Examination Allowance with effect from October 1, 2006; or

(b) for any period less than three years, prior to October 1, 2006, that period shall be counted as part of the three-year period required to qualify for the payment of a Qualification Examination Allowance.”.

Passed in the House of Representatives this.....day of 2008.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate thisday of, 2008.

Clerk of the Senate

I confirm the above.

President of the Senate