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No. 18 of 2013

Fourth Session Tenth Parliament Republic of Trinidad and Tobago

HOUSE OF REPRESENTATIVES

# BILL

AN ACT to amend the Judges Salaries and Pensions Act, Chap. 6:02.

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REPUBLIC OF TRINIDAD AND TOBAGO—2014

THE JUDGES SALARIES AND PENSIONS (AMENDMENT) BILL, 2013

**Explanatory Note**

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

The purpose of the Judges Salaries and Pensions (Amendment) Bill, 2013 is to amend the Judges Salaries and Pensions Act, Chap. 6:02 to provide for the periodic revision of the pension paid to retired Judges of the Supreme Court as well as a more favourable computation of pensions payable to retired Judges of the Supreme Court or their widows.

Clause 1 provides the short title of the Act, for which this is the Bill.

Clause 2 provides the interpretation provision.

Clause 3 seeks to amend section 3 of the Act to provide a new definition of "pensionable emoluments" to include salary and only specified allowances, and to insert some new definitions.

Clause 4 seeks to amend section 8 of the Act by substituting the words "one-three hundredths" for the words "one-three hundredths and sixtieth".

Clause 5 seeks to insert a new section 8A to the Act to treat with the adjustment of pensions to which retired Judges are entitled in accordance with the amended section 8 of the Act as well as to provide for the periodic review of such pensions.

Clause 6 seeks to amend section 12 of the Act to provide for consequential amendments.

Clause 7 seeks to amend section 13 of the Act to provide for consequential amendments.

Clause 8 seeks to amend the Act to insert three new sections (14A, 14B and 14C) which seek to increase the amount of pension payable to the widow of a Judge and the widow of a Chief Justice, and to provide for the periodic review of such pension.

THE JUDGES SALARIES AND PENSIONS (AMENDMENT) BILL, 2013

**Arrangement of Clauses**

*Clause*

1. Short title
2. Interpretation
3. Section 3 amended
4. Section 8 amended
5. Section 8A inserted
6. Section 11A inserted
7. Section 12 amended
8. Sections 14A, 14B and 14C inserted

# BILL

AN ACT to amend the Judges Salaries and Pensions Act, Chap. 6:02

*[ , 2013]*

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

**1.** This Act may be cited as the Judges Salaries and Pensions (Amendment) Act, 2013. Short title

**2.** In this Act, "the Act" means the Judges Salaries and Pensions Act. Interpretation Chap. 6:02

Section 3 amended

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

*(a)* inserting in the appropriate alphabetical sequence the following definitions:

" "amending Act" means the Judges Salaries and Pensions (Amendment) Act, 2013;

"pensionable allowances" means the following allowances payable to a Judge:

*(a)* judicial contact allowance;

*(b)* housing allowance; and

*(c)* transport allowance;

"widow" includes widower;" and

*(b)* deleting the definition of "pensionable emoluments" and substituting the following definition:

" "pensionable emoluments" means the salary paid to a Judge in respect of his substantive office and his pensionable allowances;".

Section 8 amended

**4.** Section 8 of the Act is amended by deleting the words "one-three hundred and sixtieth" and substituting the words "one three-hundredths".

Section 8A inserted

**5.** The Act is amended by inserting after section 8 the following new section:

"Adjustment of pension for Judge

8A.(1) Notwithstanding section 6(1) and (2), whenever the salary or pensionable allowances of Judges are increased, the pensionable emoluments of a retired Judge, if he is still living on the date on which such an increase takes effect, is deemed as from that date to have been the

same as those payable to a Judge occupying the office from which he retired and the pension of the retired Judge shall be adjusted accordingly as from that date.

(2) Notwithstanding section 6(1) and (2), Judges who retired before the amending Act came into force and who were still living on the date when the amending Act came into force, are entitled to have their pensions computed and adjusted as from that date by taking into account in determining their pensionable emoluments—

*(a)* the definition of "pensionable emoluments" contained in the amending Act; and

*(b)* any increase in the salary or pensionable allowances of Judges that took effect after their retirement.".

**6.** Section 12 of the Act is amended— Section 12 amended

*(a)* in subsection (1)—

(i) by deleting the word "Where" and substituting the words "Subject to sections 8A and 8B, where"; and

(ii) by deleting the words "two-thirds" and substituting the words "eighty-five per cent";

*(b)* in subsection (2)*(b)*, by deleting the words "one-half" and substituting the words "eighty-five per cent"; and

*(c)* by repealing subsection (5).

Section 13 amended

**7.** Section 13 of the Act is amended—

*(a)* in subsection (1)—

(i) by deleting the word "Where" and substituting the words "Subject to section 8A, where"; and

(ii) by deleting the words "one-half" and substituting the words "eighty-five per cent";

*(b)* in subsection (2)*(b),* by deleting the words "one-quarter" and substituting the words "eighty-five per cent"; and

*(c)* by repealing subsection (6) and substituting the following subsection:

" (6) In this section, "Judge" does not include the Chief Justice.";

*(d)* by repealing subsection (7).

Sections 14A, 14B and 14C inserted

**8.** The Act is amended by inserting after section 14 the following new sections:

"Date of adjustment of pension

14A. Notwithstanding sections 12(1) and (2) and 13(1) and (2), whenever the salary or pensionable allowances of Judges are increased, the pension payable to the widow of a Judge (including the Chief Justice) if the widow is still living and entitled to a pension on the date when such increase takes effect, shall be recomputed as from that date by treating the pensionable emoluments of the Judge as the same for the purpose of the re-computation as they would have been

had he on that date been still in office from which he retired or in which he died, as the case may be.

Adjustment of pension for widow of Chief Justice

14B. (1) If the widow of a Chief Justice was still living and entitled to a pension under section 12(1) on the date when the amending Act came into force, the widow is entitled to have her pension adjusted as from that date by taking into account for that purpose—

*(a)* the amendment of section 12(1) made by the amending Act; and

*(b)* any increase in his pension to which the Chief Justice would have been entitled if he had been still living on the date when the amending Act came into force.

(2) If the widow of a Chief Justice was still living and entitled to a pension under section 12(2)*(b)* on the date when the amending Act came into force, the widow is entitled to have her pension adjusted as from that date by treating the pensionable emoluments of the Chief Justice as the same for the purpose of the adjustment as they would have been had the Chief Justice been living and in receipt of a pension on the date when the amending Act came into force.

Adjustment of pension for widow of Judge

14C. (1) If the widow of a Judge was still living and entitled to a pension under section 13(1) on the date when the amending Act came into force, the widow is

entitled to have her pension adjusted as from that date by taking into account for that purpose—

*(a)* the amendment of section 13(1) made by the amending Act; and

*(b)* any increase in his pension to which the Judge would have been entitled if he had been living on the date when the amending Act came into force.

(2) If the widow of a Judge was still living and entitled to a pension under section 13(2) on the date when the amending Act came into force, the widow is entitled to have her pension adjusted as from that date by treating the pensionable emoluments of the Judge as the same for the purpose of the adjustment as they would have been had the Judge been living and in receipt of a pension on the date when the amending Act came into force.".

Passed in the House of Representatives this day of , 2013.

*Clerk of the House*

I confirm the above and certify that this is a Money Bill.

*Speaker*

Passed in the Senate this day of , 2013.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*

No. 18 of 2013

FOURTH SESSION

**TENTH PARLIAMENT**

REPUBLIC OF
TRINIDAD AND TOBAGO

# BILL

AN ACT to amend the Judges Salaries and Pensions Act, Chap. 6:02.

Received and read the

First time .....

Second time .....

Third time .....