

First Session Ninth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 23 of 2008

[L.S.]

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

[Assented to 7th November, 2008]

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

1. This Act may be cited as the Prison Service Short title
(Amendment) Act, 2008.

Fifth Schedule
amended

2. The Prison Service Act is amended in the Fifth Schedule—

(a) in rule 4(1), by deleting paragraph (d) and substituting the following paragraph:

“(d) where an officer—

- (i) prior to the date of his compulsory retirement; or
- (ii) prior to the date on which he proceeds on annual leave before the date of his compulsory retirement,

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;”;

(b) by inserting after subrule (1), the following subrules:

“(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.

(1B) The arrears of contribution payable by an officer under subrule (1A) shall be—

- (a) determined on the basis of the salary 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 Qualifying Examination Allowance.”.

Passed in the House of Representatives this 5th day
of September, 2008.

J. SAMPSON
Clerk of the House

Passed in the Senate this 4th day of November, 2008.

N. JAGGASSAR
Clerk of the Senate