

No. 9043

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
TRINIDAD AND TOBAGO**

**Exchange of letters constituting an agreement amending the
Public Officers Agreement signed at London in 1960.
Port of Spain, 22 November 1963 and 9 May 1964**

Official text : English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
21 March 1968.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
TRINITÉ-ET-TOBAGO**

**Échange de lettres constituant un avenant à l'Accord signé à
Londres en 1960 relatif aux fonctionnaires. Port of
Spain, 22 novembre 1963 et 9 mai 1964**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 21 mars
1968.*

No. 9043. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF TRINIDAD AND TOBAGO AMENDING THE PUBLIC OFFICERS AGREEMENT SIGNED AT LONDON IN 1960.² PORT OF SPAIN, 22 NOVEMBER 1963 AND 9 MAY 1964

I

The United Kingdom High Commissioner at Port of Spain to the Trinidad and Tobago Prime Minister and Minister of External Affairs

BRITISH HIGH COMMISSION

Port of Spain, 22 November 1963

Sir,

I am instructed by the Secretary of State for Commonwealth Relations to refer to the Public Officers Agreement between the United Kingdom Government and the Trinidad and Tobago Government and to propose on behalf of the United Kingdom of Great Britain and Northern Ireland the following amendments :

Article 1 (I) (b) and (c). For the words “ any such office ” substitute the words “ an office in such public service ”.

Article 1 (I) (d). Delete the full stop at the end and continue “ or is or has been a designated officer for the purpose of the Overseas Service (Trinidad and Tobago) Agreement, 1961 ”.

Article 5. Substitute for the words “ the Federation ” where they occur the words “ Trinidad and Tobago ” and delete paragraph 5 (8) (a) of the Article. Renumber existing paragraph 5 (8) (b) as 5 (8).

If the foregoing proposals are acceptable to your Government, I have the honour to suggest that the present Note and your reply to that effect should be regarded as constituting an Agreement between the two Governments.

I am, Sir, Your obedient Servant,

N. E. COSTAR

¹ Came into force on 9 May 1964 by the exchange of the said letters.

² The text of the 1960 Agreement is published for reference purposes on p. 330 of this volume.

II

*The Trinidad and Tobago Prime Minister and Minister of External Affairs
to the United Kingdom High Commissioner at Port of Spain*

OFFICE OF THE PRIME MINISTER

WHITEHALL, PORT OF SPAIN, TRINIDAD, TRINIDAD AND TOBAGO

9 May 1964

My Dear High Commissioner,

I refer to your letter of 22nd November, 1963 the text of which is as follows :

[See note I]

I confirm that the proposals contained in your letter, quoted above, are acceptable to the Government of Trinidad and Tobago and agree that your letter and this reply shall constitute an Agreement between the Government of Trinidad and Tobago and the United Kingdom Government.

Yours sincerely,

Eric WILLIAMS

p. 336 *1960, 6 Oct/14 NW*
AGREEMENT DATED 1960 BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF TRINIDAD AND TOBAGO REFERRED TO IN THE EXCHANGE OF LETTERS BETWEEN THE TWO GOVERNMENTS SIGNED AT PORT OF SPAIN, 22 NOVEMBER, 1963 AND 9 MAY, 1964

*UNITED KINGDOM-TRINIDAD AND TOBAGO
PUBLIC OFFICERS AGREEMENT*

Her Majesty's Government in the United Kingdom and the Government of Trinidad and Tobago have agreed as follows :

INTERPRETATION

1. (1) References in this Agreement to an officer are references to a person who before the appointed day was the substantive holder of a pensionable office in the public service of Trinidad and Tobago, being a person—
 - (a) who was selected for or offered appointment to an office in such public service by a Secretary of State; or
 - (b) whose appointment to any such office was approved by a Secretary of State; or
 - (c) who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to serve in any such office; or
 - (d) who (although he is not a person falling within paragraph (a), (b) or (c) of this Article) is or has been a member of Her Majesty's Overseas Civil Service or Her

Majesty's Overseas Judiciary or has been a member of a former Colonial Unified Service.

(2) In this Agreement :

“ the appointed day ” means the 2nd day of December, 1960.

“ pension ” means

- (a) any pension, gratuity, compensation, retiring benefit or other like benefit payable by the Government of Trinidad and Tobago to or in respect of any officer, including any increase of pension;
- (b) any pension, including any increase of pension, payable to the widow or child of an officer and any contributions repayable by that Government and interest thereon under any law providing for the payment of pension to the widows and children of officers;

“ substantive holder ” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

CONDITIONS OF SERVICE

2. (1) (a) Subject to the provisions of Article 3 of this Agreement an officer who does not cease to be in the public service of Trinidad and Tobago before the appointed day shall be entitled to conditions of service not less favourable than those applicable to him immediately before that date.

(b) In this Article the expression “ conditions of service ” means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an officer, including (without prejudice to the generality of the foregoing) provisions regulating his tenure of office, transfer, promotion, disciplinary control, remuneration, leave and passages.

RETIREMENT AND PENSIONS OF OFFICERS, ETC.

3. The entitlement of an officer who does not cease to be in the public service of Trinidad and Tobago before the appointed day to retire and his eligibility and that of his widow, children, dependants and personal representatives to receive a pension shall be governed by the laws, regulations and administrative directions in force immediately before that day or by such other laws, regulations or administrative directions made thereafter that are not less favourable; and pensions shall be granted and paid to such officers and other persons accordingly.

PRESERVATION OF PENSIONS

4. (1) Pensions to officers who have been, or have ceased to be, in the public service of Trinidad and Tobago before the appointed day, or to their widows, children, dependants or personal representatives, shall be granted and paid or, if granted before that date, shall continue to be paid, in accordance with the laws, regulations and administrative directions governing those pensions on the relevant day or in accordance with such other laws, regulations or administrative directions made thereafter that are not less favourable.

(2) For the purposes of this Article, “ the relevant day ” means :

- (a) in relation to a pension granted before the appointed day, the day on which the pension was granted; and
- (b) in relation to a pension granted on or after the appointed day, the day immediately before that day.

PAYMENT OF PENSION

5. (1) Pensions paid outside the Federation after the appointed day shall be paid in sterling, and shall be calculated at the official rate of exchange prevailing on that date between the pound sterling and the currency in use in Trinidad and Tobago notwithstanding any variation in that rate :

Provided that if there is a general revision of salaries consequent upon a revaluation of the currency of Trinidad and Tobago as a result of which the pensionable emoluments of an officer may be increased the Government of Trinidad and Tobago may require that officer to agree that any pension that may be granted to him shall be calculated at the rate of exchange prevailing at the date of the revision of salaries before granting him the benefit of the increase of pensionable emoluments :

Provided further that in the event of a change in the monetary unit of currency in use in Trinidad and Tobago, such change shall not affect the calculations of any pension payable under this Article outside the Federation, so as to reduce the amount of the pension in terms of the pound sterling.

(2) Every pensioner who is being paid a pension on the appointed day shall exercise within six months of that date an option as to whether his pension and any pension that may become payable to his widow, children, dependants or personal representatives shall be paid in the Federation or outside the Federation :

Provided that where no option is exercised within six months after the appointed day an option shall be deemed to have been exercised for the payment of the pension either in the Federation or outside the Federation, as the case may be, according to where it was being paid on that date.

(3) In every other case an officer eligible for a pension shall exercise before the award of his pension an option as to whether his pension and any pension that may become payable to his widow, children, dependants or personal representatives, shall be paid in the Federation or outside the Federation.

(4) Where, in consequence of the death of any person, a pension becomes payable after the appointed day to his widow, children or any dependant, or to his personal representatives, an option as to whether the pension shall be paid in the Federation or outside the Federation—

- (a) may be exercised within one year of the death of the pensioner; and
- (b) shall, if so exercised, be substituted for the option (if any) exercised by that person under paragraph (2) or paragraph (3) of this Article.

(5) Where an option is exercised in accordance with this Article for the payment of a pension in the Federation, the option may be revoked, and a fresh option may be exercised by the pensioner for the payment of the pension outside the Federation, if the pensioner ceases to reside in the Federation.

(6) Where an option is exercised in accordance with this Article for the payment of a pension outside the Federation the pension may be paid in any country outside the Federation according as the pensioner by notice in writing may from time to time request, or, if the pensioner becomes resident in the Federation and so requests by notice in writing, may be paid in the Federation.

(7) An option exercised or revoked in accordance with this Article—

(a) shall be exercised or revoked by notice in writing; and

(b) shall be deemed to have been exercised or revoked on the date on which the notice is received.

(8) For the purposes of this Article

(a) “the Federation” means the territory of the Federation of The West Indies; and

(b) “Pensioner” means the person entitled to the payment of a pension or, if that person is a minor, his or her lawful guardian.

OPTIONS

6. For the purposes of this Agreement, in so far as the law, regulations, or administrative directions applicable to the grant of a pension depends on the option of the person to or in respect of whom it is granted or to be granted, the law, regulations, or administrative directions for which he opts shall be taken to be more favourable to him than any other law, regulation, or administrative direction for which he might have opted.

OFFICERS IN H.M.O.C.S. AND H.M.O.J.

7. (1) Officers who are members of Her Majesty's Overseas Civil Service or of Her Majesty's Overseas Judiciary shall continue to be eligible for consideration by Her Majesty's Government in the United Kingdom for transfer or promotion to employment in the public service of some other territory.

(2) The Government of Trinidad and Tobago shall comply with any reasonable request that may at any time be made by Her Majesty's Government in the United Kingdom for the release of an officer for transfer or promotion in pursuance of paragraph (1) of this Article and shall take any action that may be necessary to preserve his pension rights when he is so transferred or promoted.

8. This Agreement may be cited as the Public Officers' (Trinidad and Tobago) Agreement, 1960, and shall come into operation on the 2nd day of December, 1960.

DONE in duplicate at London this 6th day of October, 1960 and this 14th day of November, 1960.

Signed on behalf of Her Majesty's Government in the United Kingdom :

Iain MACLEOD

Signed on behalf of the Government of Trinidad and Tobago :

Eric WILLIAMS