

**NINETEENTH REPORT**

**OF THE SALARIES REVIEW COMMISSION**

**OF THE REPUBLIC OF TRINIDAD AND TOBAGO**

MARCH , 1990.

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**Review of Terms and Conditions of Service  
applicable to Judges**

By Section 141(1) of the Constitution of the Republic of Trinidad and Tobago, the terms and conditions of service of the office of Judge, fall to be reviewed by the Salaries Review Commission. The President of the Republic has conveyed his approval for the revision of the terms and conditions of service of Judges.

The Commission has held discussions with representatives of the Judiciary, and we have also examined their written representations. In their submissions to the Commission the Judges emphasised the following points:-

- (i) The Constitution of Trinidad and Tobago provides for the Judiciary to be a separate and independent organ of the State.
- (ii) The Constitution in providing for the preservation and maintenance of an independent Judiciary, prohibits any change of the Judges' terms and conditions of service save an ameliorative one.
- (iii) Judges comprise a unique group vis -a-vis members of the professions. In this regard, in holding judicial office, Judges are subject to certain social constraints and even legal prohibition. For example, in order to preserve independence of view, impartiality and objectivity, it is not open to Judges to socialise like other members of the society; they are precluded from pursuing any other remunerative activities to supplement their income and by the Legal Profession Act, No. 21 of 1986, Judges are not supposed to return to private practice at least for a period of ten years after leaving the bench.

- (iv) Given the uniqueness of the position occupied by Judges, it is necessary to provide remuneration commensurate with their status in order to attract personnel of a high calibre.
- (v) Members of the Judiciary must be properly insulated from economic and financial pressures.
- (vi), The steep rise both in crime and in civil litigation has resulted in an increased workload for Judges.

The Judges also highlighted the fact that as their salaries have been unaltered since 1983 their remuneration arrangements are now completely out of line with those of Judges in other Commonwealth countries.

The Members of the Commission have deliberated on these representations and agree that Judges are in a unique position in any democratic society. As was observed in the Commission's Second Report, the Judiciary is entrusted with the grave responsibility of administering justice in an efficient, impartial and independent manner and thereby contributing to the maintenance of democratic processes, the stability of the society and the protection of the rights of citizens.<sup>1</sup> As such, we recognise that great importance must be placed on the remuneration of incumbents in these esteemed offices to ensure that they are not put in a financially precarious or supplicating position. In addition, the question of appropriate compensation needs to be seriously addressed in an effort to facilitate the recruitment of persons of the highest calibre to fill these offices.

However, in light of current financial constraints the Commission does not think it appropriate to undertake a comprehensive review of the compensation package of Judges in isolation from other positions which fall under the purview of the Commission. In this regard, the position taken by the Judges themselves was that they would not seek an increase in salary as such or a revision of their allowances at this time.

1. Second Report of the Salaries Review Commission of the Republic of Trinidad and Tobago, July 1980, p.13.

As an interim measure, the Judges have proposed that their salaries and pensions should be exempt from income tax with effect from January 1, 1989.

The Commission notes that the Judges Salaries and Pensions Act, Chapter 6:02, sets out the salaries payable to the Chief Justice, a Judge of the Court of Appeal and a Judge of the High Court. The Act also provides for the payment of superannuation benefits on retirement from any of the said offices. Part IV of the Act gives the President the authority to make regulations generally for the carrying out of the provisions of the Act as well as regulations relating to the conditions of service of, and the allowances payable to, a Judge. The Commission has also observed that at regulation 17, provision is made for the exemption from income tax of all allowances made under the Regulations.

Taking all factors into consideration, the Commission supports the proposal that the facility for exemption from taxation should be extended to the salaries of Judges. We believe that this measure would ensure that Judges enjoy a greater degree of financial independence and security which is requisite to the proper discharge of their functions. Such a step should also facilitate the recruitment of Judges from among experienced and competent attorneys-at-law in private practice. In this regard, we consider it desirable that the pension of a former Judge should also be exempt from taxation.

The Commission therefore recommends that the salary of a holder of the undermentioned offices should be exempt from taxation:

- Chief Justice
- Judge of the Court of Appeal (Justice of Appeal)
- Judge of the High Court (Puisne Judge).

We also recommend that the pension of former holders of the abovementioned offices should be exempt from taxation.

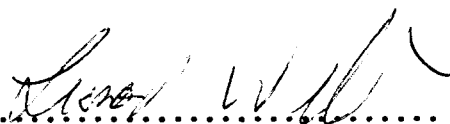
Finally, the Commission recommends that these measures should take effect from January 1, 1990.

March 6, 1990.

Dated this

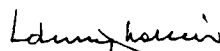
9<sup>th</sup>

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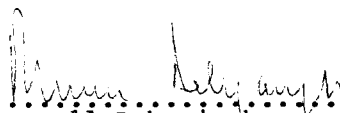
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Leonard Williams (Chairman)



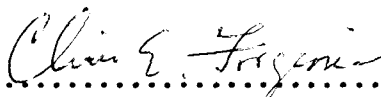
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Edward Collier



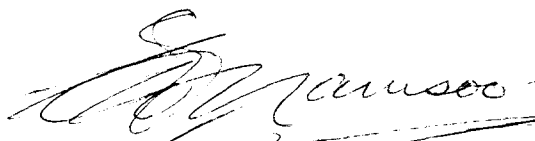
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