

CAYMAN ISLANDS



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THE PARLIAMENTARY PENSIONS (AMENDMENT) LAW, 2002

(LAW 1 OF 2002)

THE PARLIAMENTARY PENSIONS (AMENDMENT) LAW, 2002

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 2 of the Parliamentary Pensions Law (1995 Revision) - definitions.
3. Amendment of section 4 - rate of pension.
4. Insertion of section 8A - Speaker's pension.
5. Repeal and substitution of section 9 – inflation protection.
6. Amendment of section 12 - pensions not assignable
7. Amendment of section 13 - total cumulative pension.

CAYMAN ISLANDS

Law 1 of 2002.

I Assent

P.J. SMITH

Governor.

23 April, 2002

**A LAW TO AMEND THE PARLIAMENTARY PENSIONS LAW (1995
REVISION) TO MAKE PROVISION FOR THE PAYMENT OF A
PENSION IN RESPECT OF THE OFFICE OF SPEAKER OF THE
LEGISLATIVE ASSEMBLY; AND TO MAKE PROVISION FOR
RELATED MATTERS**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Parliamentary Pensions (Amendment) Law, 2002. Short title
2. The Parliamentary Pensions Law (1995 Revision), in this Law referred to as the "principal Law", is amended by re-numbering section 2 as subsection (1) of section 2 and inserting the following as subsection (2) – Amendment of section 2
of the Parliamentary
Pensions Law (1995
Revision) - definitions

“(2) In this Law, any reference to a widow includes a reference to a widower.”.
3. The principal Law is amended in section 4(1) by repealing the words “sections 8(4) and 13” and substituting the words “sections 8(4), 8A(7) and 13”. Amendment of section
4 – rate of pension
4. The principal Law is amended by inserting, after section 8, the following section – Insertion of section 8A -
Speaker's pension

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"Speaker's pension

8A. (1) Subject to this Law, a Speaker's pension shall be paid to any person who –

- (a) has since the 1st day of January, 1991 held the office of Speaker of the Legislative Assembly for any period;
- (b) has ceased to hold that office; and
- (c) either-
 - (i) has attained the age of fifty-five years; or
 - (ii) not having attained the age of fifty-five years, has produced medical evidence to the satisfaction of the Financial Secretary that he is incapable by reason of infirmity of mind or body of discharging the duties of Speaker of the Legislative Assembly and that such infirmity is likely to be permanent.

(2) Subject to section 13, the Speaker's pension for a person qualifying under subsection (1), shall be in substitution for the member's pension under section 3 and shall be payable at an annual rate of one-three hundred and sixtieth of the annual parliamentary salary payable to that person on the date when he ceased to hold office as Speaker of the Legislative Assembly, for each completed month that has been served as Speaker.

(3) For the purposes of this section -

- (a) a person does not cease to be Speaker of the Legislative Assembly by reason only of the dissolution of the Legislative Assembly; and
- (b) a person who immediately before the dissolution of the Legislative Assembly was Speaker of the Legislative Assembly shall be deemed to have ceased to be Speaker from the date of such dissolution if he is not elected as the Speaker of the Legislative

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Assembly at the first sitting of the
Legislative Assembly after the general
election next following the dissolution.

(4) Where a person ceases to hold the office of Speaker of the Legislative Assembly, but is not eligible for a Speaker's pension because he has not attained the age of fifty-five years then, notwithstanding subsection (1), the Speaker's pension for which he would have been eligible at the date when he ceased to hold the office shall be paid to him with effect from the date on which he attains the age of fifty-five years, if at that date he is not otherwise disqualified for the payment of a Speaker's pension.

(5) Separate periods of service as Speaker of the Legislative Assembly shall be aggregated when counting the number of months for the purpose of calculating the rate of Speaker's pension under subsection (2).

(6) The Speaker's pension payable to any person under this section -

- (a) shall be paid with effect from the date on which that person becomes entitled thereto pursuant to this section and, subject to this Law, shall continue to be paid during the lifetime of that person; and
- (b) shall be paid monthly in arrears and, as far as possible, in equal instalments.

(7) Any period taken into account in calculating the amount of a Speaker's pension under subsection (2) shall not be taken into account in, and shall be excluded from, the calculation of the amount of an award of a member's pension under section 4.

(8) The provisions of this Law relating to pensions shall apply, with any necessary modifications, to Speaker's pensions."

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Repeal and substitution
of section 9 – inflation
protection

5. The principal Law is amended by repealing section 9 and substituting the following section -

"Inflation protection

9. (1) Notwithstanding any other provision of this Law, pensions in payment shall be adjusted for inflation on an annual basis as of the first day of each calendar year in accordance with the following paragraphs -

- (a) when the increase in CPI is less than or equal to five percent, pension benefits shall be increased at a rate equal to one hundred percent of the CPI, providing a maximum increase of five percent;
- (b) when the increase in CPI is greater than five percent but less than or equal to eight percent, pension benefits shall be increased at a rate equal to the sum of five percent plus four-fifths of the difference between five percent and the CPI, providing a maximum increase of seven point four percent;
- (c) when the increase in CPI is greater than eight percent but less or equal to twelve percent, pension benefits shall be increased at a rate equal to the sum of seven point four percent plus six-tenths of the difference between eight percent and the CPI, providing a maximum increase of nine point eight percent; or
- (d) when the increase in CPI is greater than twelve percent, pension benefits shall be increased at a minimum rate of nine point eight percent and the Governor in Council shall approve, any increases in pension benefits in excess of nine point eight percent.

(2) In subsection (1), "CPI" means the consumer price index of the Islands as prepared by the Government."

Amendment of section
12 - pensions not
assignable

6. Section 12(b) of the principal Law is amended by repealing the words "wife, former wife", and substituting the words "spouse, former spouse".

Amendment of section
13 - total cumulative
pension

7. Section 13 of the principal Law is amended by inserting, after the words "earned by him", the words "as Speaker of the Legislative Assembly or".

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Passed by the Legislative Assembly the 18th day of March, 2002.

JULIANNA O'CONNOR-CONNOLLY

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.