

THE LAWS  
OF  
THE CAYMAN ISLANDS

IN FORCE ON  
THE 31st DAY OF DECEMBER, 1963

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REVISED EDITION

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CHAPTER 121

THE PENSIONS LAW

To be obtained from the Clerk of the Courts, Courts Office, Grand Cayman,  
Cayman Islands, West Indies.

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(Price \$3.20)

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**SCHEDULE**

## CHAPTER 121

Laws  
8 of 1950,  
3 of 1951,  
4 of 1956.

## THE PENSIONS LAW

[11th April, 1951]

1. This Law may be cited as the Pensions Law.

Short title.

2. (1) In this Law—  
“pensionable office” means—

Interpreta-  
tion.

(a) in respect of service in the Islands, an office for which separate provision is made in the Annual Estimates of the Islands and which has been declared by the Administrator, by a notification published in the *Gazette*, to be pensionable; and any such notification may from time to time be amended, added to, or revoked, by another notification so made and published; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;

(b) in respect of other public service, an office which is for the time being a pensionable office under the Law or regulations in force in such service;

“non-pensionable office” means—

(a) in respect of service in the Islands, an office for which separate provision is made in the Annual Estimates of the Islands and which has been declared by the Administrator, by a notification published in the *Gazette*, to be a non-pensionable office for the purposes of this Law; and any such notification may from time to time be amended, added to, or revoked, by another notification so made and published; but where by virtue of any such amendment or revocation any office ceases to be a non-pensionable office but does not become a pensionable office then so long as any person holding that office at the time of the amendment or revocation continues therein the office shall,

as respects that person, continue to be a non-pensionable office;

- (b) in respect of other public service, an office which is not a pensionable office;

“pensionable emoluments”—

- (a) in respect of service in the Islands, includes salary, personal allowance and house allowance, but does not include duty allowance, entertainment allowance or any other emoluments whatever;

- (b) in respect of other public service, means emoluments which count for pension in accordance with the Law or regulations in force in such service;

“salary” means the salary attached to a pensionable office, or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office, but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

“house allowance” includes the estimated value of free quarters, and shall not exceed for the purposes of this Law one-sixth of the salary of the office;

S2 Law  
4/1956.

“public service” means service in a civil capacity under the Government of the Islands or the Government of any other part of Her Majesty’s dominions, or of any British protectorate, protected state or mandated or trust territory administered by the Government of any part of Her Majesty’s dominions, or of the New Hebrides or the Anglo-Egyptian Sudan, or service which is pensionable under the Teachers’ (Superannuation) Act, 1925, or any Act amending or replacing the same, or under the Colonial Superannuation Scheme, or in a Colonial University College or pensionable employment under a Local Authority in the United Kingdom, or in such other service as the Administrator may determine to be “public service” for the purpose of any provision of this Law; and, except for the purposes of computation of pension or gratuity and of section 9, includes service as a Governor-General, Governor or High Commissioner in any part of Her Majesty’s dominions, any British protected state or protectorate; and mandated or trust territory administered by



the Government of any part of Her Majesty's dominions, or the Anglo-Egyptian Sudan;  
"other public service" means public service not under the Government of the Islands;  
"service of the Islands" or "service in the Islands" means public service in a civil capacity under the Government of the Islands.

(2) For the avoidance of doubts it is hereby declared that, where an officer has been confirmed in a pensionable or non-pensionable office and is thereafter appointed to another pensionable or non-pensionable office, then, unless the terms of such appointment otherwise require, such last mentioned office is, for the purposes of this Law, an office in which he has been confirmed.

3. (1) Pensions, gratuities and other allowances may be granted by the Administrator, in accordance with the regulations contained in the Schedule, to officers who have been in the service of the Islands.

Pensions  
regulations.  
Schedule.

(2) The regulations contained in the Schedule may from time to time be amended, added to, or revoked, by regulations made by the Administrator in Council, and all regulations so made shall be gazetted.

(3) Whenever the Administrator in Council is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose

(4) Any pension, gratuity, or other allowance granted under this Law shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

S3 Law 4/  
1956.

(5) All regulations made under this section shall have the same force and effect as if they were contained in the Schedule, and the expression "this Law" shall, wherever it occurs in this Law, be construed as including a reference to such Schedule.

4. There shall be charged on and paid out of the General Revenue of the Islands all such sums of money as may from time to time be granted by way of pension, gratuity, or other allowance, in pursuance of this Law.

Pensions, etc.,  
to be paid  
out of  
General  
Revenue.

Pensions, etc.,  
not of right.

5. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Law affect the right of the Crown to dismiss any officer at any time and without compensation.

(2) Where it is established to the satisfaction of the Administrator that an officer has been guilty of negligence, irregularity, or misconduct, the pension, gratuity, or other allowance, may be reduced or altogether withheld.

Circum-  
stances in  
which pen-  
sion may be  
granted.

6. (1) No pension, gratuity, or other allowance shall be granted under this Law to any officer except on his retirement from the public service in one of the following cases—

- (i) on or after attaining the age of fifty-five years or in special cases with the approval of the Administrator, fifty years;
- (ii) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the Law or regulations of the service in which he is last employed to retire on pension or gratuity:

Provided that if his service in such other public service is superannuated under the Federated Superannuation System for Universities or a similar insurance scheme, he has retired on one of the grounds mentioned in paragraphs (i), (iii), (iv), (v) and (vi);

- (iii) on the abolition of his office;
- (iv) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected;
- (v) on medical evidence, to the satisfaction of the Administrator or Secretary of State, that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (vi) in the case of service in the Islands, on removal on the ground of inefficiency as provided in this Law or, in the case of transfer to other public service, on removal on the ground of inefficiency under a corresponding provision in any Law or regulations relating to the grant of pensions in respect of public service;
- (vii) on retirement in circumstances, not mentioned in the pre-

S4 Law  
4/1956.

ceding paragraphs of this section, rendering him eligible for pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947, or any Act amending or replacing those Acts:

S4 Law  
4/ 1956.

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Law, who resigns on or with a view to marriage or is required to retire on account of her marriage, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity, or other allowance.

(2) For the avoidance of doubt it is declared that without prejudice to the right of the Administrator to require any officer to retire from the service of the Islands in accordance with the provisions of section 8 or of any officer to elect to retire from the service of the Islands on or after attaining the age of fifty-five years, the normal retiring age of any officer shall be sixty years.

7. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity, or other allowance cannot otherwise be granted to him under the provisions of this Law, the Administrator may, if he considers it justifiable having regard to all the circumstances of the case, grant such pension, gratuity, or other allowance as he thinks just and proper not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in paragraph (v) of subsection (1) of section 6.

Retirement  
for in-  
efficiency.

8. It shall be lawful for the Administrator to require an officer to retire from the service of the Islands—

Compulsory  
retirement.

- (1) at any time after he attains the age of fifty-five years; or
- (2) in special cases, with the approval of the Secretary of State, at any time after he attains the age of fifty years; or
- (3) in the case of a female officer, on account of her marriage.

S5 Law  
4/1956.

9. (1) Except in cases provided for by section (2), a pension granted to an officer under this Law shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Islands.

Maximum  
pension.

- (2) An officer who has been granted a pension in respect of other

public service shall not at any time draw from the funds of the Islands an amount of pension, which when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service:

Provided that where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of such pension shall be deemed for the purposes of this subsection to be four-thirds of its actual amount.

(3) Where the limitation specified by subsection (2) operates, the amount of the pension to be drawn from the funds of the Islands shall be subject to the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service.

(4) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension under this Law, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

Liability of pensioners, etc., to be called upon to take further employment.

Section 6 of 4/1956.

**10.** (1) Every pension or other allowance granted under this Law shall be subject to the condition that unless or until the officer attains the age of fifty years, he may, if physically fit for service, be called upon, in the case of a person in receipt of a pension, by the Secretary of State, or, in the case of a person in receipt of an allowance, by the Administrator, to accept an office, whether in the service of the Islands or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he held at the date of his retirement; and where a pensioner or person in receipt of an allowance so called upon declines to accept such office, the payment of his pension or allowance may be suspended until he has attained the age of fifty years.

(2) Subsection (1) shall not apply in any case where the Administrator, being of opinion that the officer is not qualified for other employment in the public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

**11.** Where an officer to whom a pension or other allowance has been granted under this Law is appointed to another office in the public service, the payment of his pension or other allowance, or any part thereof, may, with his consent and if the Administrator thinks fit, be suspended during the period of his re-employment.

Suspension of pensions, etc., on re-employment.  
S7 Law 4/1956.

**12.** A pension, gratuity, or other allowance, granted under this Law shall not be assignable or transferable except for the purpose of satisfying—

Pensions, etc., not to be assignable.

(1) a debt due to the Government; or

(2) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child, of the officer to whom the pension, gratuity, or other allowance, has been granted,

and shall not be liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatever except a debt due to the Government.

**13.** (1) Where any person to whom a pension or other allowance has been granted under this Law is adjudicated bankrupt or is declared insolvent by judgment of any competent Court, then such pension or allowance shall forthwith cease.

Pensions, etc., to cease on bankruptcy.

(2) Where any person is adjudicated bankrupt or declared insolvent by judgment of any competent Court either—

(a) after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance under this Law, but before the pension, gratuity, or other allowance is granted; or

(b) before such retirement, and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement, then, in the former case, any pension or other allowance eventually granted to him shall cease as from the date of adjudication or declaration (as the case may be) and, in the latter case, the pension or other allowance may be granted, but shall cease forthwith and not become payable, and in either case the gratuity may be granted but shall not be paid to him.

(3) Where a pension or other allowance ceases, or where any gratuity is not paid, by reason of this section, it shall be lawful for the Secretary of State, or, if the person in question is resident in the

Islands, the Administrator, from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or the Administrator (as the case may be) thinks fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or other allowance, had he not become bankrupt or insolvent, to be paid to, or applied for, the maintenance or benefit of, all or any to the exclusion of the other or others, of the following, that is to say, such person and his wife, child, or children, or such other dependents as the Administrator may determine, in such proportions and manner as the Secretary of State or the Administrator (as the case may be) thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, shall, for the purposes of this section, be regarded as applied for his benefit.

(5) Where a person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Secretary of State, or, if such person is resident in the Islands, the Administrator, to direct that the pension or other allowance shall be restored and the gratuity, or so much thereof (if any) as remains after deducting any payments made under subsection (3), paid, as from the date of such discharge or any later date, and the pension or other allowance shall be restored, and the gratuity, or such remainder thereof (if any), paid, accordingly.

Pensions, etc.,  
may cease on  
conviction.

S8 Law  
4/1956.

**14.** (1) Where any person to whom a pension or other allowance has been granted under this Law is sentenced to death or a term of imprisonment by any competent Court for any offence, such pension or other allowance shall, if the Secretary of State, or, if such person is resident in the Islands, the Administrator, so directs, cease as from such date as the Secretary of State or the Administrator (as the case may be) determines.

(2) Where any person is sentenced to death or a term of imprisonment by any competent Court for any offence after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance, under this Law but before the pension, gratuity, or other allowance is granted, then—

- (a) subsection (1) shall apply as respects any pension or other allowance which may be granted to him; and
- (b) the Secretary of State, or, if such person is resident in the Islands, the Administrator, may direct that any gratuity which may be granted to him shall not be paid.

(3) Where a pension or other allowance ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Secretary of State or the Administrator (as the case may be) to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or other allowance, but for the provisions of this section, to be paid or applied in the same manner in all respects as provided in section 13, and such moneys shall be paid or applied accordingly.

(4) Where any person, whose pension or other allowance ceases, or whose gratuity is not paid, by reason of this section, after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect or his gratuity shall be paid; but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3).

**15.** Where any person to whom a pension or other allowance has been granted under this Law, otherwise than under section 17, becomes either a director of any company the principal part of whose business is in any way directly concerned with the Islands, or an officer or a servant employed in the Islands by any such company, without the prior permission of the Administrator in writing, such pension or allowance shall cease if the Administrator so directs:

Pensions, etc., may cease on accepting certain appointments.

Provided that it shall be lawful for the Administrator, on being satisfied that the person in respect of whose pension or other allowance any such direction has been given has ceased to be a director of such company or to be employed as an officer or servant of such company in the Islands (as the case may be), to give directions for the restoration of such pension or allowance, with retrospective effect, if he thinks fit, to such a date as he may specify, and the pension or other allowance shall be restored in accordance with any such directions.

Gratuity  
where an  
officer dies in  
the Service.

**16.** (1) Where an officer holding a pensionable or non-pensionable office in which he has been confirmed, dies while in the service of the Islands, it shall be lawful for the Administrator to grant to the legal personal representatives of such officer—

- (a) in the case of an officer who held a pensionable office, or a non-pensionable office to which he had been transferred from a pensionable office in which he had been confirmed, during the period of the five years immediately preceding his death, a gratuity of an amount not exceeding one year's pensionable emoluments of such officer;
- (b) in the case of an officer who held a non-pensionable office during the entire period of the five years immediately preceding his death, a gratuity of an amount not exceeding nine months' emoluments of such officer.

(2) Where an officer who is in receipt of a pension or other allowance under this Law and on whose death while in the service of the Islands the Administrator might have granted a gratuity under subsection (1), dies after retirement from such service, it shall be lawful for the Administrator to grant to the legal personal representative of such officer—

- (a) in the case of an officer who retired from a pensionable office in such service, a gratuity of an amount not exceeding one year's pensionable emoluments of such officer; or
- (b) in the case of an officer who retired from a non-pensionable office in such service, a gratuity of an amount not exceeding nine months' emoluments of such officer,

from which gratuity shall be deducted the amount of any pension, gratuity or other allowance already paid to such officer under this Law or in respect of any public service.

(3) For the purposes of this section—

- (a) "pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (v) of subsection (1) of section 6;
- (b) "emoluments" means the emoluments enjoyed by the officer which would have been pensionable if the office held by him had been a pensionable office and which are computed in accordance with paragraph (a).



**17.** (1) Where an officer holding a pensionable or non-pensionable office in the service of the Islands dies as a result of injuries received—

Pensions to dependents where an officer is killed on duty.

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Islands, it shall be lawful for the Administrator to grant, in addition to the grant, if any, made to his legal personal representative under section 16—

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of his injury or fifteen pounds a year, which ever is the greater;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension specified in such paragraph;
- (iii) if the deceased officer leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount specified in paragraph (ii);
- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until such child attains the age of eighteen years, of double the amount specified in paragraph (ii);
- (v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

- (a) a pension shall not be payable under this subsection at any time in respect of more than six children, and where there are more than six children, in respect of whom, but for this

proviso, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age; and

- (b) in the case of a pension granted under paragraph (v), if the mother is a widow at the time of the grant of the pension and subsequently remarries, such pension shall cease as from the date of remarriage; and if it appears to the Administrator, or, if such person is not resident in the Islands, the Secretary of State, at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Administrator or the Secretary of State (as the case may be) may determine;
- (c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(2) In the case of an officer holding a non-pensionable office, the expression "pensionable emoluments" in subsection (1) means the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) For the purposes of this section the word "child" includes—

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
- (c) an adopted child, adopted in a manner recognized by law, before the date of the injury, and wholly or mainly dependent upon the deceased officer for support.

(4) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1):

Provided that in such a case if paragraph (b) of the said subsection is also satisfied, the rates of pension described in paragraphs (i) and (ii) of that subsection shall be fifteen-sixtieths and one-sixth respectively.

(5) This section shall not apply in the case of the death of any officer if his dependents, as defined in any Workmen's Compensation Law which may be enacted in the Islands after the date of the

commencement of this Law, are entitled to compensation under that Law where no pension is paid under this section.

**18.** Where an officer holding a pensionable or non-pensionable office in the service of the Islands and proceeding by a route approved by the Administrator to or from the Islands at the commencement or termination of his service therein, or of a period of secondment, duty leave, or leave therefrom, dies or is permanently injured as the result of damage to the vessel, aircraft, or vehicle, in which he is travelling, or of any act of violence directed against such vessel, aircraft, or vehicle, and the Administrator is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such officer shall be deemed to have died or to have been injured (as the case may be) as the result of injuries received—

Death or injury owing to war conditions.

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty.

**19.** (1) This Law shall apply—

Application of Law.

- (a) to every officer first appointed to the service of the Islands—
    - (i) after the commencement of this Law; or
    - (ii) before the commencement of this Law, to whom it was intimated before appointment that he would be liable to be affected by any change in the pension law of the Islands; and
  - (b) to every other officer in the service of the Islands at the commencement of this Law or transferred from the service of the Islands to any other public service before the date of such commencement and still in the public service on that date, unless not later than six months after such commencement, or within such further period as the Administrator may in any special case allow, he gives notice in writing to the Administrator of his desire that the provisions of the Laws and Regulations referred to in section 21 which applied to him prior to such commencement should continue to apply to him, in which case they shall continue to apply accordingly.
- (2) If any officer who has given notice under paragraph (b) of

subsection (1) is thereafter re-appointed to the service of the Islands the provisions of this Law shall apply to him in respect of his whole service:

Provided that, except where such an officer eventually becomes eligible for a pension or gratuity under this Law in respect of his service both before and after his re-employment, a pension or gratuity granted to him solely in respect of services prior to such re-employment shall not be recomputed.

Questions under Law to be determined by Administrator.

**20.** Where any question exists in relation to any matter arising under this Law such question may be determined by the Administrator subject however to the approval, either general or in any particular case, of the Secretary of State.

Repeal.

**21.** Without prejudice to the provisions of section 19 of this Law the following are hereby repealed—

Law 4 of 1914.  
Law 6 of 1915.  
Law 6 of 1936.  
Law 8 of 1941.

- (a) the Pensions Law;
- (b) the Pensions (Amendment) Law, 1915;
- (c) the Pensions (Amendment) Law, 1936;
- (d) the Pensions (War) Emergency Provisions Law, 1941.

(Section 3)

## SCHEDULE

### REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES AND OTHER ALLOWANCES TO OFFICERS

#### PART I

#### PRELIMINARY

Short title.

**1.** These Regulations may be cited as the Pensions Regulations.

Interpretation.

**2.** In these Regulations, unless the context otherwise requires—  
“pensionable service” means service which may be taken into account in computing pension under these Regulations;  
“qualifying service” means service which may be taken into account in determining whether an officer is eligible by length of service for pension, gratuity, or other allowance.

## PART II

## OFFICERS WITHOUT OTHER PUBLIC SERVICE

3. Save when the Administrator in any special case otherwise directs, this Part of these Regulations shall not apply in the case of any officer transferred to or from the service of the Islands from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity, for which the officer would have been eligible, if the service of the officer had been wholly in the Islands.

Application  
of Part II.

4. Subject to the provisions of the Law and of these Regulations, every officer holding a pensionable office in the Islands, who has been in the service of the Islands in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one six-hundredths of his pensionable emoluments for each complete month of his pensionable service.

Pensions, to  
whom and at  
what rates to  
be granted.

5. Every officer, otherwise qualified for a pension, who has not been in the service of the Islands in a civil capacity for ten years, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 4.

Gratuities  
where length  
of service  
does not  
qualify for  
pension.

6. (1) Where a female officer having held a pensionable or non-pensionable office or offices in the Islands for not less than five years and having been confirmed in such office, resigns from the service of the Islands on or with a view to marriage or is required to retire from the service of the Islands on account of her marriage, and is not eligible—

Marriage  
gratuities.

- (a) for the grant of any pension or otherwise eligible for gratuity under this Part of these Regulations; or
- (b) for the grant of any allowance or gratuity under regulation 26, she may be granted, on production within six months after her resignation or retirement, or such longer period as the Administrator may in any particular case allow, of satisfactory evidence of her marriage, a gratuity—
  - (i) in the case of a pensionable officer, not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service in the Islands or one year's pensionable emoluments, whichever is the less;
  - (ii) in the case of a non-pensionable officer, not exceeding one-sixteenth of a month's emoluments for each completed month of service in the Islands or nine months' emoluments, whichever is the less; and for the purposes of this paragraph emoluments means

such emoluments which would have been pensionable emoluments if the office held by the non-pensionable officer had been a pensionable office.

### PART III

#### TRANSFERRED OFFICERS

Application  
of Part III.

7. This Part of these Regulations shall apply only in the case of an officer transferred to or from the service of the Islands from or to other public service.

Interpreta-  
tion.

8. In this Part and in Part IV of these Regulations—  
“scheduled Government” means the Government of any territory, or any authority, mentioned in the Schedule to these Regulations and includes the Government of Ceylon, in respect of any officer appointed to the service of that Government prior to the 4th February, 1948, and the Government of Palestine, in respect of any officer appointed to the service of that Government prior to the 15th May, 1948;  
“service in the Group” means service under the Government of the Islands and under a scheduled Government or scheduled Governments.

Pension for  
service  
wholly  
within the  
Group.

9. (1) Where the other public service of an officer to whom this Part of these Regulations applies has been wholly under one or more scheduled Governments and his aggregate service would have qualified him had it been wholly in the Islands for a pension under the Law, he may, on his retirement from the public service in circumstances in which he is permitted by the Law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service in the Islands a pension of such an amount as bears the same proportion to the amount of pension for which he would have been eligible had his service been wholly in the Islands, as the aggregate amounts of his pensionable emoluments during his service in the Islands bears to the aggregate amounts of his pensionable emoluments throughout his service in the Group.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly in the Islands—

(a) in the application of regulation 19, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of retirement from the public service or during the three years preceding that date, as the case may be, except that where the officer is not serving under a scheduled Government at that date, the date upon which he was last trans-

ferred from the service of a scheduled Government shall be deemed to be the date of his retirement for the purposes of this subparagraph;

- (b) no regard shall be had to an additional pension under regulation 23 or regulation 24;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of his highest pensionable emoluments;
- (d) no period of other public service under a scheduled Government in respect of which no pension or gratuity is granted to him shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of an officer's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the Group subsequent to the attainment of the age of—

- (a) in the case of an officer whose first appointment was in the service of Jamaica, eighteen years;
- (b) in the case of an officer whose appointment was in any other public service, twenty years:

Provided that—

- (a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service in the Islands or under a scheduled Government in respect of which no pension or gratuity is granted to him;
- (b) where under regulation 20 part only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, a proportionate part only of the officer's aggregate pensionable emoluments during that service shall be taken into account for such calculation.

10. (1) Where the other public service of an officer to whom this Part of these Regulations applies has not included service under any of the scheduled Governments, and his aggregate service would have qualified him, had it been wholly in the Islands, for a pension under these Regulations, he may, on his retirement from the public service in circumstances in which he is permitted by the Law or regulations of the service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service in the Islands a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service in the Islands.

Pension where other service not within the Group.

(2) Where the officer is not in the service of the Islands at the time of his

retirement in the circumstances referred to in paragraph (1), his pensionable emoluments for the purposes of such paragraph shall be those which would have been taken for the purpose of computing his pension if he had retired from the public service and been granted a pension at the date of his last transfer from the service of the Islands.

Pension when other service both within and not within the Group.

**11.** Where a part only of the other public service of an officer to whom this Part of these Regulations applies has been under one or more of the scheduled Governments, regulation 9 shall apply; but in calculating the amount of pension, regard shall be had only to service in the Group.

Gratuities where length of service does not qualify for pension.

**12.** Where an officer to whom this Part of these Regulations applies retires from the public service in circumstances in which he is permitted by the Law or regulations of the service in which he is last employed to retire on pension or gratuity, but has not been in the public service in a civil capacity for ten years, he may be granted in respect of his service in the Islands a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 9, 10 or 11, as the case may be.

Marriage gratuities.

**13.** A female officer to whom this Part of these Regulations applies who resigns from public service on or with a view to marriage or is required to retire from public service on account of her marriage, and in consequence—

- (1) would, if the whole of her public service had been in the Islands, have been eligible for a gratuity under regulation 6; and
  - (2) if she is at the date of her resignation or retirement in other public service, eligible for a gratuity under provisions corresponding to that regulation in the Law or regulations of the public service in which she is last employed,
- may, if she is not eligible—

- (a) for the grant of any pension or otherwise eligible for gratuity under this Part of these Regulations; or
- (b) for the grant of any allowance or gratuity under regulation 26, be granted a gratuity which bears to the gratuity for which she would be eligible if the whole of her public service had been in the service in which she is last employed the proportion which her service in the Islands bears to her total public service:

Provided that for the purpose of computing such an officer's total public service under this paragraph, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.



## PART IV

## GENERAL

**14.** (1) Subject to the provisions of these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of public service and the date of his leaving the public service, without deduction of any period during which he has been absent on leave.

General rules as to qualifying service and pensionable service.

(2) No period which is not qualifying service by virtue of paragraph (1) shall be taken into account as pensionable service.

(3) No period during which the officer was not in public service shall be taken into account as qualifying service or as pensionable service.

**15.** (1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service:

Continuity of service.

Provided that any break in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purpose of this paragraph.

(2) An officer—

(a) whose pension or other allowance has been suspended under section 11 of the Law or under a corresponding provision in any Law or regulation relating to the grant of pensions in respect of public service; or

(b) who has retired from the public service without pension or other allowance on account of ill-health, abolition of office, or re-organization designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service;

(c) who has left pensionable service under the Teachers (Superannuation) Act, 1925, with a view to entering public service not being service pensionable under such Act and has, not later than three months, or such extended period as the Administrator may in any particular case approve, after leaving such first mentioned service, received any salary in respect of employment in public service not so pensionable,

may, if the Administrator thinks fit, be granted the pension, gratuity, or other allowance, for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment had not occurred, such pension, gratuity or other allowance to be in lieu of—

(i) any pension or other allowance previously granted to him from the funds of the Islands; and

(ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation, but additional to any gratuity so granted which is not required to be so refunded.

Leave without salary.

**16.** No period during which an officer has been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave has been granted on grounds of public policy with the approval of the Administrator.

Service in Her Majesty's Forces.

**17.** Where an officer during some period of his service, has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of the Islands or of any scheduled Government and have not been refunded, such period shall not be taken into account as pensionable service.

War Service.

**18.** Where an officer holding a pensionable office serves with Her Majesty's Forces in time of war (in this regulation referred to as "military service"), or in any civilian employment connected with the prosecution of the war (in this regulation referred to as "civilian service"), and before so serving had been employed in the public service, then the following provisions shall have effect—

- (1) during the period of such military or civilian service, including in the case of—
  - (a) military service, any period of service with Her Majesty's Forces after the termination of the war (which period shall be included in the expression "military service");
  - (b) civilian service, any period of civilian employment which may be approved by the Administrator, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war connected with the prosecution thereof (which period shall be included in the expression "civilian service");

such officer shall be deemed to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service;
- (2) during any period between his leaving the public service for the purpose of serving in Her Majesty's Forces or in any such civilian employment and the date of his commencing such military or civilian service, he shall be deemed to be on leave without pay, not granted on grounds of public policy, from the public service

in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilain service; and during any period between the termination of his military or civilian service and the date of his re-entering the public service he shall, for such purpose, be deemed to be on leave as aforesaid from the public service, and to have held the substantive office, in which he is re-employed;

Provided that—

- (i) this regulation shall not apply when either period mentioned in paragraph (2) exceeds three months, or such longer period as the Administrator, with the approval of a Secretary of State, may in any special case determine; or if the officer fails after such military or civilian service, to re-enter the public service otherwise than in circumstances in which he would be permitted, under the Law or regulations applicable to the public service in which he is last employed prior to such military or civilain service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military or civilian service;
- (ii) if during any period mentioned in paragraph (1), the officer has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (1) shall, as respects that period, have effect as if the words “leave without salary not granted on grounds of public policy” were substituted for the words “leave on full salary”;
- (iii) if during his military or civilian service the officer is injured or killed he shall not be deemed to have been injured or killed in the discharge of his duty;
- (iv) the provisions of this regulation which require that the officer shall be deemed to have held a specified office and to have been on leave from the public service, shall not apply in respect of any period during which he has actually held any other substantive office and has been on leave from any public service.

**19.** For the purpose of computing the amount of an officer's pension, gratuity, or other allowance—

Emoluments  
to be taken  
for computa-  
tion of  
pensions, etc.

- (a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of the office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but

whose pensionable emoluments have not been changed by reason of such transfer or transfers, other than by reason of the grant of any increment, the full annual pensionable emoluments enjoyed by him as the date of his retirement in respect of the office then held by him shall be taken;

- (c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that—

- (i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years, those pensionable emoluments shall be taken; and
- (ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all increments which, in the opinion of the Administrator, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken; and
- (iii) for the purpose of calculating pensionable emoluments under this paragraph, the officer shall be deemed to have been on duty on full pensionable emoluments throughout such period of three years.

**20.** Only service in a pensionable office shall be taken into account as pensionable service:

Provided that—

- (1) where a period of continuous service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the officer is confirmed therein, that period, or such portion as the Administrator may determine, may, with the approval of the Administrator, be so taken into account;
- (2) any break in service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining for the purposes of the preceding proviso whether the period of service otherwise than in a pensionable office immediately follows the period of service in a pensionable office;
- (3) where an officer has been transferred from a pensionable office in which he has been confirmed to an office other than a pensionable office and subsequently retires either from a pensionable office or

Service otherwise than in a pensionable office.

from such other office, his service in such other office may, with the approval of the Administrator, be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer;

- (4) where a period of service in a non-pensionable office is taken into account under this regulation, the officer shall, during that period, be deemed for the purposes of regulations 6, 23 and 24 to be holding a pensionable office, and where that period is taken into account under proviso (3) of this regulation, to have been confirmed therein.

**21.** Any period during which an officer has performed only acting service in a pensionable office may be taken into account as pensionable service if the period of such acting service—

Acting  
Service.

- (1) is not taken into account as part of the officer's own pensionable service in other public service; and
- (2) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same Government or authority,
- and not otherwise.

**22.** Save as otherwise provided in these Regulations there shall not be taken into account as pensionable service—

Service under  
age of  
eighteen or  
twenty or on  
probation or  
agreement.

- (1) any period of service while the officer was under the age of—
- (a) in the case of an officer whose first appointment was in the service of Jamaica, eighteen years;
- (b) in the case of an officer whose first appointment was in any other public service, twenty years; or
- (2) any period of service while he was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service:

Provided that any break of service which may be disregarded under regulation 15 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

## PART V

### SUPPLEMENTARY

**23.** If an officer holding a pensionable office retires from the public service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the department to which

Abolition of  
office and re-  
organization.

he belongs, by which greater efficiency or economy may be effected, he may—

- (1) if he has been in the public service for less than ten years, be granted in lieu of any gratuity under regulation 5 or regulation 12, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words “for ten years or more” were omitted from such regulation 4;
- (2) if he retires from the service of the Islands, be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of three years’ pensionable service:

Provided that—

- (a) the addition shall not exceed ten-sixtieths; and
- (b) the addition together with the remainder of the officer’s pension shall not exceed the pension for which he would have been eligible if he had continued to hold the office held by him at the date of his retirement, and retired on reaching the age at which he may be required to retire without the approval of a Secretary of State, having received all increments for which he would have been eligible by that date.

Officers  
retiring on  
account of  
injuries.

**24.** (1) If an officer holding a pensionable office in which he has been confirmed is permanently injured—

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

he may—

- (i) if his retirement is thereby necessitated or materially accelerated and he has been in the public service for less than ten years, be granted, in lieu of any gratuity under regulation 5 or regulation 12, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words “for ten years or more” were omitted from such regulation 4;
- (ii) if so injured while in the service of the Islands, be granted on retirement an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:

When his capacity to contribute to his own support is—

- slightly impaired, five-sixtieths;
- impaired, ten-sixtieths;
- materially impaired, fifteen-sixtieths;
- totally destroyed, twenty-sixtieths:

Provided that the amount of the additional pension may be reduced to such an extent as the Administrator thinks reasonable where the injury is not the cause or the sole cause of retirement.

(2) If an officer holding a non-pensionable office in which he has been confirmed and whose service therein is not taken into account as pensionable service under regulation 20, is permanently injured while in the service of the Islands—

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

he may—

- (i) if his retirement is thereby necessitated or materially accelerated and he has been in the public service for less than ten years, be granted an allowance under paragraph (1) of regulation 26, as if the words “for ten years or more” were omitted from subparagraph (a) of such paragraph;
- (ii) be granted on retirement an additional allowance of the same amount and subject to the same conditions as the additional pension which might be granted to him under paragraph (1) of this regulation if his office were a pensionable office; and for the purpose of calculating such additional allowance the expression “pensionable emoluments” in such paragraph means the emoluments enjoyed by the officer which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) An officer holding a pensionable or non-pensionable office in which he has not been confirmed and so injured while in the service of the Islands may be granted on retirement a pension or allowance of the same amount as the additional pension or allowance which might be granted to him under paragraph (1) or (2), if he had been confirmed in his office. The provisions of regulation 25 shall not apply to a pension or allowance granted under this paragraph.

(4) An officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the actual discharge of his duty and on account of circumstances specifically attributable to the nature of his duty:

Provided that in such a case and if he was so injured without his own default the rates of pension prescribed in paragraph (1) shall be seven and one-half-sixtieths; fifteen-sixtieths; twenty-two and one-half-sixtieths and thirty-sixtieths respectively.

(5) Neither sub-paragraph (ii) of paragraph (1) nor sub-paragraph (ii) of paragraph (2) nor paragraph (4), shall apply in the case of an officer who in consequence of his injury is entitled to compensation under any Workmen's Compensation Law which may be enacted in the Islands.

Gratuity and  
reduced  
pension.

**25.** Any officer to whom a pension is granted under the Law may, at his option, exercisable on his retirement from the public service, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension:

Provided that in the application of this regulation to cases where the limitation prescribed by subsection (2) of section 9 of the Law operates, the words "such pension" shall mean the amount of pension which the officer might have drawn from the funds of the Islands if he had not exercised his option under this regulation.

Non-  
pensionable  
officers.

**26.** (1) Subject to the provisions of this regulation, an officer holding a non-pensionable office, who is not eligible for pension from the funds of the Islands may—

- (a) if he has been in the public service in a civil capacity for ten years or more; and
- (b) if he retires from the service of the Islands in any of the circumstances mentioned in section 6 of the Law, other than that mentioned in paragraph (vii) of subsection (1) thereof,

be granted a monthly allowance at the rate of three-fourths of the pension for which he would be eligible under regulation 4, 9, 10 or 11, as the case may be, had he been the holder of a pensionable office.

(2) The Administrator may in any particular case direct that the provisions of regulation 18 shall apply to an officer holding a non-pensionable office and thereupon such regulation shall apply to such officer as if all references to the Secretary of State therein were deleted and as if the words "monthly allowance" were substituted for the word "pension" wherever such latter word appears.

(3) The provisions of paragraph (2) of regulation 23 shall apply to an officer who has held a non-pensionable office for at least ten years as if in such application the words "monthly allowance" were substituted for the word "pension" and the words "eightieth" and "eightieths" were substituted for the words "sixtieth" and "sixtieths" as the case may be.

(4) An officer to whom a monthly allowance is granted under this regulation may at his option, exercisable on his retirement from the public service, be paid in lieu of such monthly allowance a monthly allowance at the rate of three-fourths of such monthly allowance together with a



gratuity equal to twelve and one-half times the amount of the reduction so made in the monthly allowance.

(5) An officer, holding a non-pensionable office, who is not eligible for pension or monthly allowance, or otherwise eligible for gratuity from the funds of the Islands may—

- (a) if he has been in the public service for at least five years but less than ten years; and
- (b) if he retires in the circumstances mentioned in section 6 of the Law, other than those mentioned in paragraphs (vi) and (vii) of subsection (1) thereof,

be granted a gratuity not exceeding five times the annual amount of the monthly allowance, which if there had been no qualifying period, might have been granted to him, under paragraph (1).

(6) For the purposes of this regulation—

- (a) the expression “pensionable emoluments” or “pensionable service” wherever either of such expressions appears in the Law or in these Regulations means the emoluments enjoyed by the officer which would have been pensionable emoluments, or such of his service as would have been pensionable service (as the case may be) if the office held by him had been a pensionable service;
- (b) regulation 20, regulation 21 and regulation 22, shall apply to non-pensionable officers in the same manner as they apply to pensionable officers and as if in their application to non-pensionable officers the words “non-pensionable office” were substituted for the words “pensionable office”.

## Regulation 8.

## SCHEDULE

Aden	Kingston and St Andrew Corporation
Bahamas	Leeward Islands
Barbados	Malayan Establishment
Basutoland	Malta
Bechuanaland Protectorate	Mauritius
Bermuda	Nigeria
British Guiana	Federation of Nigeria
British Honduras	Eastern region of Nigeria
British Solomon Islands Protectorate	Northern region of Nigeria
Colonial Audit Department (Home Establishment)	Western region of Nigeria
Crown Agents	Northern Rhodesia
Cyprus	Nyasaland
Dominica	Parish Councils of Jamaica
Falkland Islands	St. Helena
Federated Malay States	St. Lucia
Federation of Rhodesia and Nyasaland	St. Vincent
Fiji	Seychelles
Gambia	Sierra Leone
Gibraltar	Somaliland
Gilbert and Ellice Islands Colony	Straits Settlement
Gold Coast	Swaziland
Grenada	Tanganyika Territory
Hong Kong	Trinidad
Jamaica	Turks and Caicos Islands
Kenya	Uganda
Kenya and Uganda Railways and Harbours Administration	United Kingdom of Great Britain and Northern Ireland
	Zanzibar