

CAYMAN ISLANDS



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**PUBLIC SERVICE PENSIONS LAW
(2004 REVISION)**

**PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)
REGULATIONS, 2004**

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Eligibility for an ex-gratia pension.
3. Application for ex-gratia pension and grant.
4. Repeal and savings.

SCHEDULE.

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**PUBLIC SERVICE PENSIONS LAW
(2004 REVISION)**

**PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)
REGULATIONS, 2004**

In accordance with the powers conferred by section 4 of the Public Service Pensions Law (2004 Revision) the Governor makes the following regulations-

1. These regulations may be cited as the Public Service Pensions (Ex-Gratia Pensions) Regulations, 2004. Citation

2. (1) Any Caymanian (as defined in the Immigration Law, 2003) who- Eligibility for ex-gratia pensions
 - (a) is sixty years of age or older; or
 - (b) is not sixty years of age but who has been certified by the Chief Medical Officer of the Government as being permanently disabled; and
 - (c) held an office in the Public Service or the Other Public Service for any period of at least four or more years in the aggregate; and
 - (d) during at least four years (in the aggregate) of his said service, was not entitled to a pension or did not receive a contracted officer's supplement or similar compensation,may apply for an ex-gratia pension in accordance with these regulations.

3. (1) An application for an ex-gratia pension shall be made in the form set out in Part I of the Schedule and shall be submitted to the Director, Public Service Pensions and such application shall be accompanied by- Application for ex-gratia pension and grant
 - (a) a letter setting out the applicant's grounds for applying for the grant of an ex-gratia pension;
 - (b) where applicable, a medical certificate signed by the Chief Medical Officer of Health stating that the applicant is permanently disabled;
 - (c) the applicant's original birth certificate or passport and, where applicable, the applicant's status certificate; and
 - (d) either-

- (i) a letter signed by or on behalf of the Permanent Secretary of the Personnel Department of the Government or the manager of the relevant statutory authority confirming that the applicant, or the person in respect of whose service the application is made, has held an office in the service of the Islands for any period of four or more years in the aggregate; or
 - (ii) two affidavits in the form prescribed in the Part II of the Schedule made by two reputable persons having knowledge of the service of the applicant, or the person in respect of whose service the application is made, confirming that the applicant (or that person) has held an office in the service of the Islands for any period of four or more years in the aggregate.
- (2) If the Board is satisfied that the application is one which ought to be granted it shall grant the application.
- (3) The Board shall not grant an application for an ex-gratia pension where-
 - (a) it is of the opinion that the applicant does not meet the conditions set out in regulation 2; or
 - (b) where the applicant has failed to provide the information required under sub-regulation (1),and the decision of the Board shall be final.
- (4) Where the Board rejects an application it shall give the applicant reasons for that rejection.
- (5) Where an application for an ex-gratia pension is granted under sub-regulation (2), there shall be paid out of the Fund to the applicant an ex-gratia pension of an amount ascertained in accordance with subregulation (6).
- (6) Where-
 - (a) the office in the service of the Islands in respect of which an ex-gratia pension has been granted was held for a period in the aggregate of four or more years but less than ten years, the ex-gratia pension shall be the sum of two hundred dollars each month; and
 - (b) the office in the service of the Islands in respect of which an ex-gratia pension has been granted was held for a period in the

aggregate of ten or more years, the ex-gratia pension shall be the sum of three hundred dollars each month.

(7) The provisions of the Law relating to the payment of pensions or other benefits under the Law, excluding the provisions of the Law relating to the payment of benefits to spouses and children, but including the circumstances in which benefits cease to become payable, shall apply (with any necessary modifications) to the payment of ex-gratia pensions under these regulations.

4. (1) The Public Service Pensions (Ex-Gratia) Pensions Regulations, 2002 are repealed. Repeal and savings

(2) Every ex-gratia pension granted under the Public Service Pensions (Ex-Gratia) Pensions Regulations, 2002 shall continue to be paid by the Board with the same effect as if these regulations had not come into force.

(3) Every application for an ex-gratia pension made under the Public Service Pensions (Ex-Gratia) Pensions Regulations, 2002 and which has not yet been dealt with on the date of the commencement of these regulations or has been partly dealt with by the Board on the date of the commencement of these regulations shall be dealt with or continued, as the case may be, in all respects under these regulations.


(4) In the case of an appeal commenced under the Public Service Pensions (Ex-Gratia) Pensions Regulations, 2002 and not completed on the date of the commencement of these regulations-

- (a) the Governor shall continue to deal with the appeal as if these regulations had not come into force;
- (b) but the Governor in determining the appeal, shall take into account the conditions for eligibility to an ex-gratia pension set out in regulation 2 and the provisions of regulation 3; and
- (c) without prejudice to the power of the Governor to call upon the appellant and the representative of the Board further to address him, the Governor may, in order to make his determination, admit further representations from either party.

Regulation 3

SCHEDULE

PART I

	<h2>Ex-Gratia Pension</h2> <p><u>Application Form</u></p>
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In order to complete the application process for ex-gratia pension, we need you to complete this form. When you have checked the form and signed it, **please return it to the Director, Public Service Pensions, along with your Birth Certificate or Passport.** Please **provide us with the original certificate**, which will be returned to you.

Please print clearly on lines below

Name	First	
	Middle	
	Last	
	Salutation	
Employee number	(if known)	
Sex	Male or Female	
Nationality		
Date of Birth		Day Month Year
Date of Hire		Day Month Year
Date of Retirement		Day Month Year
Government Department/ Statutory Authority		
Street Address	House:	

	District: Island: Zip:	
P.O. Box and District:		
Telephone	Work Home	
Marital Status	Single Married Divorced Widowed Separated	
Date of Marriage (if applicable)		Day Month Year

Spouse's name	First	
	Middle	
	Last	
	Salutation	

Indicate whether you have ever at any time been the recipient of a pension, contracted officer's supplement or such similar compensation from the Government of the Cayman Islands or from a statutory authority for public service. **Yes or No (Circle One).** If yes, please provide dates for which payments were received.

The foregoing information is believed to be a true and correct account.

Signature

Date

Address of the Director, Public Service Pensions:

Public Service Pensions Board
P.O. Box 912
George Town
Grand Cayman

For official use only:			
<i>Item</i>	Y	N	Follow-up
Applicant's Birth Certificate/Passport			
Status Certificate			
Cover letter			

Pension Administration		
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Approved: Director, Public Service Pensions Signature
_____ Date _____

PART II

AFFIDAVIT

I, OF [ADDRESS]
as follows-

do make oath and declare

1. From [date] until [date], the applicant (insert name) was employed as _____ in the _____ [name of department /ministry/portfolio] of the Cayman Islands Government or by [name of statutory authority].

2. (Name of applicant) did not receive, during his service with the [Public Service/ Other Public Service], a pension, contracted officer's supplement or such similar compensation from [date] to [date].

Signature

Sworn before me at this _____ day of _____ [YEAR].

NOTARY PUBLIC/ JUSTICE OF PEACE

Made in Cabinet the 1st day of June, 2004.

Carmena Watler

Clerk of Cabinet