

CAYMAN ISLANDS



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**THE PUBLIC SERVICE PENSIONS LAW
(2017 REVISION)**

**THE PUBLIC SERVICE PENSIONS (EX-GRATIA UPLIFT PAYMENTS)
REGULATIONS, 2018**

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REGULATIONS, 2018**

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**THE PUBLIC SERVICE PENSIONS (EX-GRATIA UPLIFT PAYMENTS)
REGULATIONS, 2018**

The Cabinet, in exercise of the powers conferred by sections 4 and 15 of the Public Service Pensions Law (2017 Revision), makes the following Regulations -

1. (1) These Regulations may be cited as the Public Service Pensions (Ex-Gratia Uplift Payments) Regulations, 2018. Citation and commencement

(2) These Regulations shall come into force on 1st June 2018.

2. In these Regulations - Definitions

“Caymanian” has the meaning assigned by the Immigration Law (2015 Revision); 2015 Revision

“cumulative pension” means -

- (a) a pension annuity payable monthly under the Law;
 - (b) an ex-gratia pension payable under the Public Service Pensions (Ex-Gratia Pension) Regulations, (2012 Revision); or
 - (c) a combination of any of the pensions specified in sub sub-paragraph (a) and (b);
- 2012 Revision

“financial year” means a year ending on 31st December; 2017 Revision

“Law” means the Public Service Pensions Law (2017 Revision);

“minimum cumulative pension” means a monthly payment which is in the amount of six hundred and fifty dollars for the 2018 financial year and seven hundred and fifty dollars thereafter; and

“normal uplift age” means -

- (a) age sixty for retired participants whose retirement date occurred before the commencement of these Regulations;

- (b) age sixty five for retired participants whose retirement date occurs on or after the commencement of these Regulations; or
- (c) the age at which a retired participant retired or retires after being certified by the Chief Medical Officer of the Government as being permanently disabled.

Eligibility for ex-gratia uplift pension

3. (1) A retired participant who is in receipt of a monthly pension -
- (a) who is Caymanian;
 - (b) who has attained the normal uplift age;
 - (c) who held an office in the Public Service or the Other Public Service for any period of at least ten or more years in the aggregate which aggregate period shall include any one or more of the following periods -
 - (i) any period of pensionable service;
 - (ii) a combination of periods of pensionable service and any period which may be taken into account in calculating eligibility for an ex-gratia pension; or
 - (iii) any period which may be taken into account in calculating eligibility for an ex-gratia pension;
 - (d) and who, during any period specified in sub sub-paragraph (c), was not entitled to or did not receive a contracted officer's supplement or similar compensation; and
 - (e) whose cumulative pension is less than the minimum cumulative pension,

is entitled to an ex gratia uplift payment equal to the difference between the retired participant's cumulative pension and the minimum cumulative pension.

(2) An ex gratia uplift payment ceases upon the death of the retired participant.

Government liability for the ex-gratia uplift payment

4. An ex-gratia uplift payment is not a liability of the Fund and shall be a recurrent expenditure of the Government which shall be prepaid by the Government into the Fund in amounts necessary to pay such ex-gratia uplift payments.

Savings and transitional provisions

5. (1) Subject to paragraph (3), a retired participant who satisfies the eligibility requirements set out in regulation 3 before 1st January, 2018 shall be entitled to an ex-gratia uplift payment with effect from 1st January 2018.

(2) Subject to paragraph (3), a retired participant who satisfies the eligibility requirements set out in regulation 3 on or after 1st January 2018 shall be entitled to an ex-gratia uplift payment with effect from the first day of the month immediately following the date of eligibility of the retired participant.

(3) A retired participant may, pursuant to a procedure established by the Board under section 9 of the Law, notify the Board in writing of a failure of administrative process which has prevented an ex-gratia uplift payment from being paid or that has resulted in the incorrect calculation of the amount of an ex-gratia uplift payment.

(4) Where a retired participant notifies the Board under paragraph (3) after three months of the commencement of these Regulations, and there has been an administrative failure as notified, the ex-gratia uplift payment is due and payable only from the 1st day of the month immediately following notification from the retired participant.

Made in Cabinet the 12th day of June, 2018.

Kim Bullings

Clerk of Cabinet