

- (c) an adopted child, adopted in a manner recognised by law and wholly or mainly dependent upon the deceased pensioner or officer for support; and

“pensionable officer” includes any officer who has been transferred to or from the service of these Islands from or to other public service and is still so serving at the time of his death.”.

Repeal of section 28 of the principal Law

10. The principal Law is amended by repealing section 28.

Amendment of section 29 of the principal Law

11. Section 29 of the principal Law is amended by inserting after the words “mother,” the word “father”.

Amendment of First Schedule

12. The First Schedule of the principal Law is amended -

- (a) by deleting regulation 7;
- (b) by deleting regulation 14;
- (c) in regulation 21, by deleting the words “7,” in subparagraph (d); and
- (d) in regulation 28, by including the words “, widowers” after the word “widows” in paragraph (9).

Passed by the Legislative Assembly the 8th day of July, 1996.

Sybil I McLaughlin  
Speaker.

Georgette Myrie  
Clerk of the Legislative Assembly.

CAYMAN ISLANDS



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**THE PENSIONS (AMENDMENT) LAW, 1996**  
**(LAW 5 OF 1996)**

- (a) the widow or widower is entitled until death to one-half of the officer's pension or of the pension to which the officer would have been entitled; and
- (b) where there are three or less children, each child shall receive one-sixth of the officer's pension or of the pension to which the officer would have been entitled; or
- (c) where there are four or more children, one half of such pension shall be divided equally among the children.

(6) Notwithstanding subsection (5), where a pensioner or a pensionable officer dies leaving a widow or widower and children by such widow or widower or a previous spouse, the Governor may at any time while pensions are payable to the children

- (a) direct the payment to the widow or widower of a part only of such pension; and
- (b) direct the payment of the balance of the pension for or towards the maintenance or education of the children in such manner as the Governor thinks fit.

(7) If the pensioner or pensionable officer leaves children but no widow or widower,

- (a) where there are three or less children, each child shall receive one-third of the pension or the pension to which the officer would have been entitled; or
- (b) where there are four or more children, such pension shall be divided equally among the children.

(8) In this section-

'child' includes-

- (a) a posthumous child;
- (b) a step-child or illegitimate child wholly or mainly dependant upon the deceased pensioner or officer for support; and

Law 20 of 1964

Repeal of section 27 and  
substitution

(7) This section shall not apply in the case of the death of any officer if his dependants, as defined in the Workmen's Compensation Law, 1964, are entitled to compensation under that Law where no pension is paid under this section."

9. The principal Law is amended by repealing section 27 and substituting the following:

"Pension payable to widow or widower and children of pensioner or pensionable officer

27. (1) On the death of a pensioner or of a pensionable officer who has completed ten years pensionable service, there shall be paid to that officer's widow or widower and children, if any,

- (a) a pension as set out in this section based on the amount of pension the officer was drawing at the date of death; or
- (b) a pension to which the officer would have been entitled at the date of death had that officer retired in circumstances in which he would have been entitled to retire with a pension.

(2) Where a pensioner or a pensionable officer died before 10th July 1980, and such pensioner or pensionable officer had completed ten years pensionable service by that date, the widow or widower of such person shall be paid a pension at the rate of \$400 a month with effect from 1st January, 1992.

(3) No gratuity or pension shall be paid under section 25 or 26 to the legal personal representatives, widow, widower, or children of any officer to whom this section applies.

(4) If a pensioner or pensionable officer leaves a widow or widower but no children, the widow or widower is entitled until death to one-half of the pension to which the pensioner or pensionable officer would have been entitled.

(5) If the pensioner or pensionable officer leaves a widow or widower and children by such widow or widower or by a previous spouse -

THE PENSIONS (AMENDMENT) LAW, 1996

Arrangement of Sections

- 1. Short title
- 2. Amendment of section 2 of the principal Law.
- 3. Amendment of section 10 of the principal Law.
- 4. Amendment of section 15 (1) of the principal Law.
- 5. Amendment of section 17 of the principal Law.
- 6. Amendment of section 21 (b) of the principal Law.
- 7. Amendment of section 22 of the principal Law.
- 8. Repeal of section 26 of the principal Law and substitution.
- 9. Repeal of section 27 of the principal Law and substitution.
- 10. Repeal of section 28 of the principal Law.
- 11. Amendment of section 29 of the principal Law.
- 12. Amendment of First Schedule of the principal Law.

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

(3) A pension granted under subsection (1) (v) shall cease on the written instructions of the Governor, or if a person is not resident in the Islands, the Secretary of State, if it appears to the Governor or the Secretary of State that the mother or father or both parents are receiving adequate financial support by other means.

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

(5) In this section "child" includes-

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

(6) (a) An officer who dies as a result of injuries while travelling by air in pursuance of official instruction shall be deemed to have died in the circumstances detailed in subsection (1)(a) and (c).

- (b) Where an officer dies in the circumstances specified in paragraph (a) above without his own default, the rates of pension described in subsection (1)(i) and (ii) shall be fifteen-sixtieths and one-sixth respectively.

- date of the officer's injury or thirty dollars a year, whichever is the greater;
- (ii) if the deceased officer leaves a widow or widower to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until the child attains the age of eighteen years, of an amount not exceeding one- eighth of the pension granted to the widow or widower under paragraph (i);
  - (iii) if the deceased officer leaves a child or children but does not leave a widow or widower or no pension is granted to the widow or widower, a pension in respect of each child until such child attains the age of eighteen years, of twice the amount specified in paragraph (ii);
  - (iv) if the deceased officer leaves a child or children and a widow or widower to whom a pension is granted under paragraph (i) and the widow or widower subsequently dies, a pension in respect of each child, as from the date of death of the widow or widower and until such child attains the age of eighteen years, of twice the amount specified in paragraph (ii); and
  - (v) if the deceased officer does not leave a widow or widower, or if no pension is granted to the widow or widower, and if the officer's mother or father or both parents were wholly or mainly dependent on the officer for financial support and have no other means of financial support, a pension to the mother or father or both while without adequate means of support, at a rate not exceeding ten-sixtieths of the officer's annual pensionable emoluments at the date of the officer's injury or thirty dollars a year whichever is the greater.

# **CAYMAN ISLANDS**

Law 5 of 1996

I Assent

John Owen

Governor

25 October, 1996.

## **A LAW TO AMEND THE PENSIONS LAW (1995 Revision)**

ENACTED by the Legislature of the Cayman Islands.

1. This Bill may be cited as the Pensions (Amendment) Law, 1996.

Short title

2. Section 2 of the Pensions Law (1995 Revision), in this Law referred to as the principal Law, is amended -

Amendment of section 2 of the principal Law

- (a) in the definition of "contributor" by inserting the words "or a group employee" after the word "terms";
- (b) by inserting in its appropriate alphabetical order the following definition-  
"group employee" means a person employed by the government on a temporary basis and paid at an hourly rate;";
- (c) in the definition of "pensionable service" by inserting immediately after paragraph (b) the word "and" and the following new paragraph-  
"(c) employment as a group employee;";
- (d) by inserting the following new definition in its appropriate alphabetical order-  
"spouse" means a man or a woman who-

- (a) (in the case of a man), is married to a woman;
- (b) (in the case of a woman), is married to a man.”.

Amendment of section 10 of the principal Law

3. Section 10 of the principal Law is amended-

- (a) by repealing subsection (1);
- (b) by repealing subsection (2) and substituting the following-

- “(2)(a) Contributors shall contribute at the rate specified by regulations, and in default of such specification, at the rate of four per cent of their basic salary or wage as the case may be;
- (b) Government shall contribute on behalf of each contributor the equivalent of six per cent of each contributor’s basic salary or wage as the case may be;”;

- (c) by repealing subsection (8) and by substituting the following-

“(8) In the case of public employees seconded to Statutory Authorities, the employing Authority shall deduct the contributor’s contribution from his basic salary or wage as the case may be and pay the contribution into the Fund. The employing Authority shall also pay into the Fund on behalf of each contributor employed by it a sum equal to Government’s contribution as specified in subsection (2) (b).”.

Amendment of section 15 (1) of the principal Law

4. Section 15 of the principal Law, is amended by repealing the proviso in subsection (1).

Amendment of section 17 of the principal Law

5. Section 17 of the principal Law is amended-

- (a) in paragraph (b) by,
  - (i) deleting the semi colon and the word “or” after the word “years”; and
  - (ii) inserting a full stop after the word “years”; and
- (b) by deleting paragraph (c).

Amendment of section 21 (b) of the principal Law

6. Section 21 of the principal Law is amended in paragraph (b) by deleting the word “wife” wherever it appears and by substituting the word “spouse”.

Amendment of section 22 of the principal Law

7. Section 22 of the principal Law is amended by deleting subsection (3) and substituting the following-

“(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 Governor, 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 Governor, 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 that person not become bankrupt or insolvent, to be paid 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 the spouse of such person, child, children or such other dependants of the person as the Governor may determine, in such proportions and manner as the Secretary of State or the Governor as the case may be thinks proper, and such moneys shall be paid or applied accordingly.”.

8. The principal Law is amended by repealing section 26 and substituting the following-

Repeal of section 26 of the principal Law and substitution

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

Pension to dependants where an officer is killed on duty

- (a) in the actual discharge of his duty;
- (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, the Governor may grant in addition to any grant made to that officer’s legal personal representative under section 25-

- (i) if the deceased officer leaves a widow or widower, as the case may be, a pension to that widow or widower at a rate not exceeding ten-sixtieths of that officer’s pensionable emoluments at the