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SCHEDULE

CHAPTER 25

PENSIONS

An Act to amend and consolidate the law of Barbados relating to pensions of public officers and to make special provision for officers who retire from public service other than public service under the Government and re-enter the public service under the Government.

1947-20. 1970-18.
1951-54. 1971-3.
1953-3. 1973-18.
1953-7. 1975-31.
1955-33. 1978-41.
1961-27. L.N. 168/
1962-3. 1967
1962-36. 1979-37.
1963-23. 1984-19.
1966-19. 1985-18.
1967-17. 1989-9.
1968-4. 1998-29.
1968-30. 2000-10.
1969-5.

[Parts I-III, IV-V, 23rd October, 1947 Commence-
Part IIIA, 15th July, 1985 ment.
Part VI, 6th April, 1967]

PART I

Preliminary

1. This Act may be cited as the *Pensions Act*.

Short title.
2. (1) For the purposes of this Act

Interpreta-
tion.
- "appropriate Service Commission" means,
- (a) in the case of an officer appointed to the office of Judge, Director of Public Prosecutions or any office to which section 93 of the *Constitution* applies as respects power to remove and exercise disciplinary control over any person holding or acting in that office, the Judicial and Legal Service Commission;

1967-17.

(b) in the case of an officer appointed to serve as a member of the Police Force, the Police Service Commission;

(c) in any other case, the Public Service Commission;

1966-19. "inducement allowance" means the inducement allowance referred to in paragraph (a) of clause 3 of the Agreement set out in the Schedule to the *Overseas Service Agreement Act*;

Cap. 24.

"non-pensionable office" means an office which is not a pensionable office;

"pensionable emoluments",

(a) in respect of service of the Crown in a civil capacity in Barbados, includes

1984-19.

(i) salary, inducement allowance, and personal allowance;

(ii) fees paid from the Consolidated Fund for services required or authorised by law to be performed by the holder of a pensionable office;

1969-5.

1971-3.

(iii) the special allowance paid to the officer for the time being designated Head of the Civil Service;

1973-18.

(iv) any interim payment made pending a salaries revision;

1978-41.

but does not include duty allowance, entertainment allowance, compensation payable in respect of the termination of temporary service 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;

"pensionable office"

- (a) means, in respect of service of the Crown in a civil capacity, an office which, by virtue of any provision for the time being in force in an order made by the Governor-General and approved by both Houses is declared to be a pensionable office, and shall be deemed to include any office, not so declared to be a pensionable office, in respect of service in which an officer would have been eligible for pension or gratuity under the *Pension Act, 1925*:¹

1925-2.

Provided that any order so made and approved may from time to time be amended, added to, or revoked by an order so made and approved; 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) means, 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;

"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;

subject to the exceptions specified in paragraphs (a), (b) and (c) of subsection (7) of section 117 of the *Constitution*, "public service" means

1962-3.
L.N. 168/
1967.

- (a) service of the Crown in a civil capacity or service in a civil capacity under the Government of any other part of the Commonwealth;

¹ This Act has been repealed, although it still applies to certain public officers. It is not printed in these revised laws.

- 1970-18. (b) service under the East Africa High Commission, the East African Common Service Organisation, the East African Post and Telecommunications Administration, the East African Railways and Harbour Administration, the East African Community, the East African Post and Telecommunications Corporation or the East African Railways Corporation;
- (c) service which is pensionable
- (i) under the Overseas Superannuation Scheme;
- (ii) under any Acts relating to the superannuation of teachers in the United Kingdom;
- (iii) under a local authority in the United Kingdom;
- (iv) under the Interim Commissioner for Local Government;
- (v) under the National Health Service of the United Kingdom;
- L.N. 168/
1967. (d) any other service which the Governor-General has determined to be public service for the purposes of this Act;
- (e) except for the purposes of computation of a pension or gratuity and of section 11, service in respect of which a pension may be granted under the *Governors Pensions Act, 1957*, of the United Kingdom Parliament;
- 1962-36. (f) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa or the Court of Appeal for East Africa; and
- 1970-18.
- 1963-23. (g) service in the service of the Interim Commissioner for the West Indies;

"other public service" means public service not service of the Crown in a civil capacity;

"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.

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

2A. This Act applies, with the necessary modifications, to a person who holds an office that is not established under section 2 of the *Civil Establishment Act*, and who

Act to apply to temporary officers. 1998-29. Cap. 21.

(a) is employed on a full-time basis; and

(b) is not employed on a contractual basis,

as it applies to an officer who holds an office established under that Act.

3. (1) The provisions of section 2 relating to inducement allowances apply to any person who was a designated officer in the service of the Crown in a civil capacity notwithstanding that such person retired from such service before the 14th July, 1966.¹

Application of section 2. 1966-19.

¹ Being the date on which the amendment came into operation.

(2) For the purposes of this section the expression "designated officer" has the meaning assigned to it in paragraph 1 of the Agreement set out in the Schedule to the *Overseas Service Agreement Act*. Cap. 24.

4. (1) Parts I to V shall apply

Application
of Parts
I to V.

(a) to every officer first appointed to the service of the Crown in a civil capacity

(i) on or after the 23rd October, 1947¹; or

(ii) before that date, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law of Barbados; and

(b) to every other officer serving in the service of the Crown in a civil capacity in Barbados at that date, or transferred from Barbados to any other public service before that date and still in the public service on that date, unless not later than 12 months after that date or within such further period as the Governor-General may in any special case allow, he gives notice in writing to the Governor-General of his desire that the *Pension Act, 1925*,² shall apply to him, in which case that Act shall continue to apply accordingly.

(2) If any officer who gives notice under paragraph (b) of subsection (1) is thereafter re-appointed to the service of the Crown in a civil capacity Parts I to V shall apply to him in respect of his whole service.

(3) Where an officer to whom subsection (2) applies, shall eventually become eligible for a pension or gratuity under those Parts in respect of his service both before and after his re-employment, a pension or gratuity granted to him solely in respect of service prior to such re-employment shall not be recomputed.

PART II

Grant of Pensions

5. (1) Subject to sections 103 and 104 of the *Constitution*, pensions, gratuities and other allowances may be granted by Pensions
regulations.

¹Being the commencement of Parts I to V.

²This Act is not printed in the Revised Laws.

the Governor-General in accordance with the *Pensions Regulations, 1947*¹ to officers who have been in the service of the Crown in a civil capacity.

1962—36. (2) The said regulations may from time to time be amended, added to, or revoked by regulations made by the Governor-General and all regulations so made shall be laid before both Houses.

1962—36. (3) Whenever the Governor-General is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit on or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose; but no such regulation shall have retrospective effect unless, before being made, it has been approved by a resolution of each House.

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

Pensions, etc., to be charged on Consolidated Fund. 6. There shall be charged on and paid out of the Consolidated Fund 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 Act.

Pensions, etc., not of right. L.N. 168/1967. 7. (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 Act affect the right of the Governor-General to dismiss any officer at any time and without compensation.

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

Circumstances in which a pension or gratuity may be granted. 1975—31. 1985—18. 8. (1) Subject to subsections (2), (4) and (5) and section 13A(2) no pension, gratuity or other allowance under this Act may be granted to an officer except on his retirement from the public service in one of the following cases

¹These Regulations formerly contained in a Schedule to the Pensions Act are not printed in the Revised Laws.

- (a) on or after attaining the age of 55 years;
 - (b) in the case of transfer to other public service in circumstances in which he is permitted by law or the regulations of the service in which he is last employed to retire on pension or gratuity: but 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 (a) and (c) to (g);
 - (c) on the abolition of his office;
 - (d) on the re-organisation of his office for any purpose;
 - (e) on medical evidence to the satisfaction of the Governor-General 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;
 - (f) on becoming unfit in the opinion of the Governor-General, for the discharge of the duties of his office, though not suffering from any particular illness or infirmity likely to be permanent, if
 - (i) such unfitness is not attributable to his own misconduct or gross negligence, and
 - (ii) the Governor-General considers that the special circumstances of the case justify the grant to him of a pension or gratuity, as the case may be;
 - (g) in the case of removal on the ground of inefficiency as provided in this Act;
 - (h) on retirement in circumstances not mentioned in paragraphs (a) to (g), rendering him eligible for a pension under the *Pensions (Governor of Dominions etc.) Acts, 1911 to 1936* of the United Kingdom Parliament or any Act amending or replacing those Acts.
- (2) Subject to subsection (3), a pension, gratuity or other allowance under this Act may be granted to an officer who retires before attaining the age of 55 years but payment thereof shall be suspended until

1 & 2 Geo.
5C.24.

- (a) he has attained the age of 55 years or sooner dies; or
- (b) he has satisfied the Governor-General that he is incapacitated and his condition is likely to be permanent.

1985—18.

(2A) Where an officer has qualified for the payment of a pension, gratuity or other allowance under subsection (2), he may, at the time when payment is granted under paragraph (a) or (b) of that subsection, be paid from the date of his qualification for the pension, gratuity or allowance, that pension, gratuity or allowance together with any additional benefits that he would have received had he qualified under paragraph (a) of subsection (1).

1985—18.

(2B) The additional benefits mentioned in subsection (2A) are payable out of moneys voted by Parliament for the purpose

(3) Subsection (2) applies only to those persons who

- (a) left the public service before attaining the age of 50 years, and on or after the 30th November, 1966, but before the 1st September, 1975;¹ or
- (b) retire from the public service after the 1st September, 1975.¹

(4) A gratuity may be granted to a female officer in accordance with this Act who retires because she has married or is about to marry, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.

1985—18.

(4A) Subsection (4) does not apply to any female officer who was appointed to the public service after 15th July, 1985.

(5) Notwithstanding anything contained in this Act, an officer who is in the public service on the 1st September, 1975¹ may, with the approval of the Governor-General, retire on attaining the age of 50 years, and such officer may receive a grant and immediate payment of a pension, gratuity or other allowance under this Act where that officer, within 12 months after the 1st September, 1975¹ or within such further period as the Governor-General in any special case allows, gives notice in writing to the Governor-General of his desire that subsections

¹Being the date of the commencement of the Pensions (Miscellaneous Provisions) Act, 1975 (Act 1975—31).

(2) and (3) shall not apply to him, in which case they shall not apply.

(6)² Notwithstanding subsection (1), the Governor-General may, if 1979-37.
he thinks fit, grant a pension, gratuity or other allowance to a person who has been transferred to other public service even though that person is not permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity.

(7) Notwithstanding any other provision of this Act and without 1989-9.
affecting regulation 5 of the regulations every officer, otherwise qualified for a pension, who has been in the service of the Crown in a civil capacity in Barbados for at least 5 years but less than 10 years and who resigns before attaining the age of 55 years or 60 years, as the case may be, may be granted 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 of the regulations but payment thereof shall be withheld until

- (a) he has attained the age of 55 years or 60 years, as the case may be, or sooner dies; or
- (b) he has satisfied the Governor-General that he is incapacitated and his condition is likely to be permanent.

(8) Subsection (7) applies only to persons who resign from the public service after 7th April, 1989.

(9)³ This section applies, with the necessary modifications, to a 2000-10.
person

- (a) who was employed in the public service as a casual employee on or before 1st July, 1971; and
- (b) who was or is appointed as a public officer in accordance with the *Civil Establishment Act* or who is appointed to an 21.
unestablished office as defined under that Act.

² This subsection operates in relation to persons who retired on or after 1st September, 1975, but does not operate in relation to persons who before that date retired on or after their attaining the age of 50 years.

³ This subsection came into operation on 1st October, 1998.

Compensation.
1978-41.

8A. (1) Where the temporary employment of a person is terminated after not less than 2 years of service, the Minister may, in any case he considers appropriate, authorise the payment of compensation to that person.

(2) Compensation under subsection (1) is payable out of moneys voted for the purpose by Parliament.

PART III

Retirement

Regulations
relating to
retirement of
certain
officers.
1961-27.

9. (1) Notwithstanding anything contained in this Act, the Governor-General may make such provision, by regulations, as appears to him to be necessary or expedient, for the retirement from the public service of such persons or classes of persons holding office in that service immediately before 1st January, 1961 as may be specified by or under those regulations and for the payment of compensation, pensions, gratuities and other allowances in such cases.

(2) The Governor-General may by any such regulations made under subsection (1) make such modifications and adaptations in any pensions law from time to time in force in

Barbados as appear to him to be necessary or expedient for the provision of compensation, pensions, gratuities and other allowances for the purposes of subsection (1).

(3) All sums payable by virtue of regulations made under subsection (1) shall be charged on and paid out of the Consolidated Fund.

(4) Notwithstanding subsection (1), where it appears to the Governor-General to be expedient to do so, regulations may be made under subsection (1) so as to apply to persons or classes of persons who were not holding office in the public service immediately before the appointed day; but any such regulations shall specify the persons or classes of persons to whom the regulations apply by reference to some day immediately before which such persons or classes of persons were holding office in the public service. 1968—4.

(5) Regulations may be made under subsection (1) to come into force on a day before the day on which they are made.

(6) Notwithstanding the *Income Tax Act*, any sum granted by way of compensation pursuant to regulations made under subsection (1) shall be exempt from income tax. 1968—4.
Cap. 73.

(7) Subsection (6) shall not apply in respect of any interest paid on the balance of any compensation remaining unpaid where compensation is, under the said regulations, paid by instalments.

10. 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 this Act, the Governor-General may, if he considers is 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 (e) of section 8(1). Retirement
for in-
efficiency.
1975—31.

11. (1) Subject to section 13B, the Governor-General may require an officer to whom this section applies to retire from the service of the Crown in a civil capacity Compulsory
retirement.
1961—27.
1985—18.

- (a) at any time after he attains the age of 55 years;
(b) in special cases at any time after he attains the age of 50 years

1985—18.

(2) The power conferred upon the Governor-General by subsection (1) shall be exercised by him

- (a) in the case of a member of the personal staff of the Governor-General, in his discretion; and
(b) in the case of any other officer to whom this section applies, acting in accordance with the advice of the appropriate Service Commission.

L.N. 168/
1967.

1985—18.

(3) Subject to section 13B(3), retirement shall be compulsory for every officer to whom this section applies on attaining the age of 60 years.

L.N. 168/
1967.

(4) The officers to whom this section applies are all public officers except a Judge, the Director of Public Prosecutions and the Auditor-General.

Maximum
pensions.

12. (1) Except in cases provided for by subsection (2), a pension granted to an officer under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service of the Crown in a civil capacity.

(2) An officer who is granted a pension in respect of other public service shall not at any time draw from the Consolidated Fund 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: but 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.

1961—27.
L.N. 168/
1967.

(3) Where the limitation prescribed by subsection (2) operates, the amount of the pension to be drawn from the Consolidated Fund shall be such amount as the Governor-General shall determine, 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 subsections (1) to (3), 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 Act, 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.

13. (1) Every pension, gratuity or other allowance granted under this Act, except a pension, gratuity or other allowance granted by way of compensation pursuant to regulations made under section 9, shall be subject to the following condition that unless or until the officer shall have attained the age of 50 years, or 55 years, as the case may be, he may, if physically fit for service, be called upon by the Governor-General, to accept an office not less in value than the office which he held at the date of his retirement.

Liability of pensioners to be called upon to take further employment. 1961—27. L.N. 168/1967. 1985—18.

(2) Where a pensioner so called upon declines to accept such office the payment of his pension may be suspended until he has attained the age of 50 years or 55 years as the case may be.

1985—18.

PART IIIA

Grant of pensions to officers appointed after commencement of this Part and to other officers who opt

13A. (1) Subject to section 13C, this Part applies to any person appointed to the public service after 15th July, 1985 except a Judge, the Director of Public Prosecutions, the Auditor General and any person holding an office set out in the Schedule.

Circumstances in which pension or gratuity may be granted to any person to whom this Part applies. Schedule.

(2) Subject to subsections (3) and (6), no pension, gratuity or other allowance under this Act shall be granted to an officer except on his retirement from the public service in one of the following cases:

- (a) on or after attaining the age of 60 years;
- (b) in the case of transfer to other public service in circumstances in which he is permitted by the law or the

1985—18.

THE LAWS OF BARBADOS

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regulations of the service in which he is last employed to retire on pension or gratuity: but 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 (a) and (c) to (g);

(c) on the abolition of his office;

1985—18.

(d) on the re-organisation of his office for any purpose;

(e) on medical evidence to the satisfaction of the Governor-General 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;

(f) on becoming unfit in the opinion of the Governor-General, for the discharge of the duties of his office, though not suffering from any particular illness or infirmity likely to be permanent, if

(i) such unfitness is not attributable to his own misconduct or gross negligence, and

1985—18.

(ii) the Governor-General considers that the special circumstances of the case justify the grant to him of a pension or gratuity, as the case may be;

(g) in the case of removal on the ground of inefficiency as provided in this Act.

(3) Subject to subsection (5), a pension, gratuity or other allowance under this Act may be granted to an officer who retires before attaining the age of 60 years, but payment thereof shall be suspended until

1985—18.

(a) he has attained the age of 60 years or sooner dies; or

(b) he satisfies the Governor-General that he is incapacitated and his condition is likely to be permanent.

(4) Where an officer has qualified for the payment of a pension, gratuity or other allowance under subsection (3), he may at the time when payment is granted under paragraph (a) or (b) of that subsection, be paid from the date of his qualification for the pension, gratuity or allowance, that pension, gratuity or allowance together with any additional benefits that he would

have received had he qualified under paragraph (a) of subsection (1); and such additional benefits are payable out of moneys voted by Parliament for the purpose.

(5) Subsection (3) applies only to those persons who

- (a) left the public service before attaining the age of 60 years and after 15th July, 1985; or
- (b) retire from the public service after 15th July, 1985.

(6) Notwithstanding subsection (2), the Governor-General may if he thinks fit, grant a pension, gratuity or other allowance to a pension, gratuity or other allowance to a person who has been transferred to other public service even though that person is not permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity.

13B. The Governor-General may require an officer to whom this Part applies to retire from the service of the Crown in a civil capacity

Compulsory retirement under this Part.
1985—18.

- (a) at any time after he attains the age of 60 years; or
- (b) in special cases at any time after he attains the age of 55 years.

(2) The power conferred on the Governor-General by subsection (1) shall be exercised by him

- (a) in the case of a member of the personal staff of the Governor-General, in his discretion; and
- (b) in the case of any other officer to whom this Part applies, acting in accordance with the advice of the appropriate Service Commission.

(3) Retirement shall be compulsory for every officer to whom this Part applies on attaining the age of 65 years.

13C. (1) Notwithstanding subsection (3) of section 11 and subject to subsection (3) of this section, any person appointed to

Option to retire at the age of 65 years.

1985—18.

the public service before 15th July, 1985 and who was under 50 years of age on the 1st day of June, 1984, may, within 12 months after 15th July, 1985, or within such further period as the Governor-General, in any special case allows, give notice in writing to the Governor-General, of the person's wish that this Part shall apply to him in which case it shall so apply.

Schedule.

(2) Subsection (1) does not apply to an officer who holds any office set out in the Schedule.

(3) An officer who exercises his option under subsection (1) is entitled.

1985—18.

(a) to retire and have his pension, gratuity or other allowance paid at any age at which he could have before 15th July, 1985, and

(b) to have his pension, gratuity or other allowance computed in respect of his pensionable service,

as if he had not exercised his option under subsection (1).

PART IV

Loss or suspension of pensions

Suspension
of pensions
on re-
employment.
1951—54.

14. If an officer to whom a pension has been granted under this Act is appointed to another office in the public service, the payment of his pension may, with his consent, be suspended during the period of his re-employment.

15. A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purpose of satisfying

Pensions,
etc., not
to be
assignable.
1968-30
L.N. 85/
1958.

- (1) a debt due to the Crown or a debt due to the Housing Authority under the Public Officers Housing Loan Fund Rules, 1958;
- (2) an order of any court for the periodical payment of 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 Crown or a debt due to the Housing Authority under the Public Officers Housing Loan Fund Rules, 1958.

L.N. 85/
1958.

16. *Repealed by 1989-9.*

17. *Repealed by 1989-9.*

18. If any person to whom a pension or other allowance has been granted under this Act otherwise than under section 20 becomes either a director of any company the principal part of whose business is in any way directly concerned with Barbados, or an officer or servant employed in Barbados by any such company, without the prior permission of the Governor-General in writing, such pension or allowance shall cease if the Governor-General so directs:

Pensions,
etc., may
cease on
accepting
certain
appoint-
ments.

Provided that the Governor-General may, on being satisfied that the person in respect of whose pension or 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 Barbados, as the case may be, give directions for the restoration of such pension or allowance, with retrospective effect, if he sees fit, to such a date as he shall specify, and the pension or allowance shall be restored in accordance with any such directions.

PART V

Death in public service

Gratuity
where
officer
dies in the
service or
after
retirement.
1955-33.
1961-27.
1962-36.
L.N. 168/
1967.

19. (1) (a) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of the Crown in a civil capacity, the Governor-General may grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater.

(b) For the purposes of this subsection

- (i) "annual 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 section 8;
- (ii) "commuted pension gratuity" means the gratuity, if any, which might have been granted to the officer under Regulation 25 of the Pensions Regulations, 1947, if his public service had been wholly under the Crown in a civil capacity and if he had retired at the date of his death in the circumstances described in paragraph (v) of section 8 had elected to receive a gratuity and reduced pension.

(2) Where any such officer to whom a pension, gratuity or other allowance has been granted under this Act dies after retirement from the service of the Crown in a civil capacity, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any public service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, the Governor-General may grant to his legal personal representative a gratuity equal to the deficiency.

(3) This section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be

granted under this section are payable under the Overseas Superannuation Scheme in respect of such death.

(4) This section shall apply to any officer to whom the Pensions Act, 1925,¹ apply, notwithstanding any provision to the contrary contained in that or any other Act.

- 20.** (1) Where an officer dies as a result of injuries received
- (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,

Pensions
to de-
pendants
when
officer
killed on
duty.

while in the service of the Crown in a civil capacity, the Governor-General may grant, in addition to the grant, if any, made to his legal personal representative under section 19

¹ This Act, 1925-2, which has been replaced except in relation to certain officers, is not printed in the Revised Laws.

- (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 the injury or ninety-six dollars a year, whichever 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 prescribed under paragraph (i);
- (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 prescribed by 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 until such child attains the age of eighteen years, of double the amount prescribed 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;
- (vi) if the deceased officer does not have a widow or mother, or if no pension is granted to his widow or mother, and if his father were wholly or mainly dependent on him for his support, a pension to the father 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; 1951-54.
- (vii) if the deceased officer does not have a child or children who is or are eligible for a pension under this section, and, if his brother or sister were wholly or mainly dependent on him for support, a pension to any brother 1951-54.

THE LAWS OF BARBADOS

or sister while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted under paragraphs (ii) and (iii):

Provided that—

- (a) a pension shall not be payable under this subsection at any time in respect of more than six children; 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 re-marriage; and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General 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 not holding a pensionable office, the expression “pensionable emoluments” in subsection (1) shall mean 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” shall include—

- (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 recognised by law, before the date of the injury, and dependent as aforesaid.

1962-36.

(4) Where an officer proceeding by a route approved by the Governor-General to or from this Island at the commencement or termination of his service therein or of a period of secondment, duty leave, or leave therefrom, dies as a 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 Governor-General is satisfied that such damage or act is attributable to circumstances arising out of war in which Her Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died as a result of the circumstances described in paragraph (a) of subsection (1).

(5) An officer who dies as a result of an injury received while travelling by air in pursuance of official instructions, shall, if the injury is received without his own default, be deemed for the purposes of this section to have died in the circumstances described in paragraph (a) of subsection (1); but in any such case the rates of pension prescribed in paragraphs (i) and (ii) of subsection (1) shall be fifteen-sixtieths and one-sixth respectively. 1962-36.

(6) The Governor-General may take into account in such manner and to such extent as he may think fit against any award made under this section— 1962-36.

- (a) any damages that he is satisfied have been or will be recovered by the dependants of the deceased officer consequent on the injury to the officer which resulted in death; and
- (b) any benefits that have been or may be awarded to such dependants under the Workmen's Compensation Act, 1963,¹ or under the Oversea Superannuation Scheme in respect of such injury, and he may withhold or reduce the award accordingly. Act 1964-3.

PART VI

Retired officers

21. For the purposes of this Part, the expression—

“officer to whom this Part applies” means any officer who has been transferred from the public service of the Crown in a civil capacity to other public service and who— 1967-17.

- (a) retired from other public service after the 1st January, 1966; or

¹ This Act, although repealed by the National Insurance and Social Security Act, 1966-15, s. 51, and thus not printed in the Revised Laws, continues to apply to certain cases. See now Cap. 47.

- (b) retires or is about to retire from other public service,

in circumstances in which he was, or, as the case may be, is, permitted by the regulations of the public service in which he was or is last employed to retire on pension or gratuity.

Certain retired officers may elect for purposes of Parts I to V to be treated as transferred officers.

22. (1) An officer to whom this Part applies may, if prior to or immediately following his retirement he was, or, as the case may be, is, appointed on a permanent basis to a pensionable office in the public service of the Crown in a civil capacity, subject to this Part, elect to be treated for the purposes of Parts I to V and regulations as a transferred officer, that is to say, as if he had at the date on which he was so appointed to a pensionable office been transferred to the public service of the Crown in a civil capacity.

(2) An election made by virtue of subsection (1) shall be in writing addressed to the appropriate Service Commission and shall be made—

- (a) in the case of an officer who was appointed to a pensionable office before the 6th April, 1967, not later than three months after that date; and
- (b) in the case of an officer who is appointed to a pensionable office on or after the 6th April, 1967, not later than three months after the date on which he was appointed to such office.

Suspension of pension, etc.

23. (1) Where an officer elects in accordance with section 22 to be treated for the purposes of Parts I to V and regulations as a transferred officer, payment of any pension, gratuity or other allowance which may have been or may be granted to him under Parts I to V on his retirement from the public service in respect of his previous service of the Crown in a civil capacity, shall be suspended and no payment or further payment shall be made on account thereof during such time as the officer continues to serve on a permanent basis in the public service.

(2) Where an officer has been paid any pension, gratuity or other allowance which may have been or may be granted to him under Parts I to V on his retirement from other public

service in respect of his previous service of the Crown in a civil capacity, he shall repay the amount thereof within such period as the Governor-General, acting on the recommendation of the appropriate Service Commission, shall direct and, if he shall fail to repay such amount within such period, his election under section 22 to be treated as a transferred officer shall be deemed to be void and of no effect.

24. (1) An officer who elects in accordance with this Part to be treated as a transferred officer shall be deemed for all the purposes of this Act and regulations to have been or, as the case may be, to be transferred to the public service of the Crown in a civil capacity as from the date on which he was or is so appointed on a permanent basis to a pensionable office (in this section referred to as "the date of his transfer") and on his final 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, subject to subsection (2), the pension, gratuity or other allowance which may be granted to him under this Act in respect of his service of the Crown in a civil capacity shall be computed and paid accordingly.

Officer to be treated as transferred officer.

(2) The pension which may be granted pursuant to regulations 9 or 11 of the *Pensions Regulations, 1947*,¹ to any such officer in respect of his service of the Crown in a civil capacity shall include the difference between the amount of any unreduced pension which may have been granted to such officer (where he to be treated as a transferred officer) by any other Scheduled Government¹ under the public service of which he served before the date of his transfer, pursuant to the corresponding provisions of its pensions law and regulations, and the amount of the unreduced pension actually granted by such Scheduled Government.

(3) In subsection (2) any reference to "unreduced pension" is a reference to a pension without any reduction made for the purpose of the calculation of gratuity.

(4) Any pension, gratuity or other allowance granted to an officer pursuant to subsection (1) shall be deemed to incorporate

¹ As defined by Regulation 8 of the Pensions Regulations, 1947.

any pension, gratuity or other allowance which may have been previously granted under this Act to such officer in respect of his service of the Crown in a civil capacity before the date of his transfer and such officer shall not be entitled to be paid any amount whatsoever on account of any pension, gratuity or or other allowance which may have been previously so granted.

SCHEDULE

(Section 13C(2))

1985—18. Chief Parliamentary Counsel
Director of Finance and Planning
Permanent Secretary
Secretary to the Cabinet
Solicitor General
Chief Establishments Officer
Chief Personnel Officer
Chief Agricultural Officer
Chief Education Officer I
Chief Medical Officer
Chief Technical Officer, Ministry of Transport and Works
Commissioner of Inland Revenue
Comptroller of Customs
Commissioner of Police
Director of National Insurance
Accountant General
Registrar of the Supreme Court
Airport Manager
Chief Engineer, Barbados Water Authority
Chief Labour Officer

Hospital Director, Queen Elizabeth Hospital
Chief Electoral Officer
Chief Magistrate
Chief Supply Officer
Chief Surveyor, Lands and Survey Department
Chief Town Planner
Commissioner of Valuations
Director, Data Processing Unit
Director of Meteorological Service
Director of Meteorological Service
Director of Statistical Service
Postmaster General.