

Pensions	1947-20.	L.N. 1964/	1975-31.
	Sch.	192.	1978-41.
PENSIONS REGULATIONS, 1947	Vol. 1951	L.N. 1965/	1979-16.
	p. 264.	158.	1983/165.
	Vol. 1952	L.N. 1967/26.	1984-19.
	p. 378.	L.N. 1967/85.	1985-18.
	1955/68.	1968/29.	1989-9.
	L.N. 1957/59.	1968/75.	1996-23.
	L.N. 1957/	1968/113.	1998-29.
	101.	1972/135.	
	L.N. 1960/93.	1973/76.	
	L.N. 1962/23.	1975/180.	
	L.N. 1962/70.	1971-3.	

Authority: These Regulations were originally contained in the Schedule to the *Pensions Act*.

Amendments: The power to amend is vested in the Governor-General. Amendments are subject to approval by Parliament.

Commencement: 23rd October, 1947.

PART I

Preliminary

1. These Regulations may be cited as the *Pensions Regulations, 1947*. Short title.

2. In these Regulations, unless the context otherwise requires, Interpretation.
 “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;

“pensionable service” means service which may be taken into account in computing pension under these Regulations;

“the Act” means the *Pensions Act*.

PART II

Officers without other public service

Application
of Part II.

3. Save when the Governor-General in any special case otherwise directs, this Part shall not apply in the case of any officer transferred to or from the service of Barbados 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 Barbados.

Pensions to
whom and at
what rates to
be granted.

4. Subject to the provisions of the Act and of these Regulations, every officer holding a pensionable office in Barbados who has been in the service of Barbados in a civil capacity for 10 years or more may be granted on retirement a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service.

Application
of regula-
tions to
officer to
whom
section
13A of Act
applies
1989-9.

4A. (1) For the avoidance of doubt, it is hereby declared that these Regulations apply, *mutatis mutandis*, to every officer to whom section 13A of the Act applies as they apply to every other officer.

(2) These Regulations have effect and shall be deemed always to have had effect as amended by paragraph (1).

Gratuities
where length
of service
does not
qualify for
pension.

5. Every officer, otherwise qualified for a pension, who has not been in the service of Barbados in a civil capacity for 10 years, may be granted on retirement a gratuity not exceeding 5 times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 4.

6. (1) Every officer, otherwise qualified for a pension, on retiring from the service in either of the cases mentioned in paragraphs (e) and (f) of section 8(1) of the Act and whose pensionable service is more than 10 years but less than 20 years, may be granted the same pension and gratuity, if any, as might have been granted to him if his pensionable service had been 20 years.

Increase of pension and gratuity in cases of retirement with less than 20 years' service.
1951 p. 264.

(2) The provisions of this regulation shall apply and shall be deemed to have applied to officers who so retired from the service at any time after the 1st day of April, 1951, and to officers who so

retired on or before that date and living at 30th August, 1951 and the pension and gratuity, if any, granted before that date may be increased accordingly, but nothing in this regulation shall authorise the payment, in respect of any period before 30th August, 1951 of any increase in the pension or gratuity, if any, of any officer who retired as aforesaid on or before the 1st day of April, 1951.

7. (1) Where a female officer having held a pensionable office or offices in the service of Barbados for not less than 5 years and having been confirmed in a pensionable office, retires from the service of Barbados for the reason that she has married or is about to marry, and is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, she may be granted, on production within 6 months after her retirement, or such longer period as the Governor-General may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service in Barbados or 1 year's pensionable emoluments, whichever shall be the less.

Marriage
gratuities.
Act 1985-18.

(2) Paragraph (1) does not apply to an officer appointed after 15th July, 1985.

PART III

Transferred Officers

8. This Part shall apply only in the case of an officer transferred to or from the service of the Crown in Barbados from or to other public service.

Application
of Part III.

9. (1) In this Part and in Part IV "Scheduled Government" means

Interpreta-
tion.
First
Schedule.
S.I. 1962/23.

- (a) the Government of any territory, or any authority mentioned in the First Schedule to these regulations;
- (b) the Government of Ceylon, in respect of any officer appointed to service under that Government before the 4th day of February, 1948;
- (c) the Government of Palestine, in respect of any officer appointed to service under that Government before the 15th day of May, 1948;

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

- (d) the Government of the Somali Republic in respect of any officer appointed to service under the Government of the Somaliland Protectorate before the 26th day of June, 1960; and
- (e) the Government of Cyprus, in respect of any officer appointed to service under that Government before the 16th day of August, 1960;

“service in the Group” means service under the Government of Barbados and under a Scheduled Government or Scheduled Governments.

(2) Where an officer to whom this Part applies is, on his retirement from the public service, not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely by reason of the fact that he has not held office or pensionable office therein for a specified period, he shall nevertheless be deemed for the purposes of this Part to have retired in circumstances in which he is permitted by the law or regulation of the service in which he is last employed to retire on pension or gratuity.

S.I. 1965/
158.

(3) For the purpose of these regulations

- (a) any officer in public service under the Government of the Federation of Rhodesia and Nyasaland immediately before the 1st January, 1964, who was immediately before that date employed on secondment to service under the Government of Southern Rhodesia, or Northern Rhodesia or Nyasaland, or was as from that date so employed, shall be deemed to continue to serve in the public service under the Government of the Federation of Rhodesia and Nyasaland until his employment on secondment is terminated;
- (b) any pension awarded on or after the 1st January, 1964 in respect of service under the Government of the Federation of Rhodesia and Nyasaland shall be deemed to have been granted by that Government notwithstanding the provisions of The Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963.

Pension for
service
wholly within
the Group.

10. (1) Where the other public service of an officer to whom this Part applies has been wholly under one or more Scheduled

Governments and his aggregate service would have qualified him had it been wholly in Barbados for a pension under the Act, he may, subject as mentioned in the proviso to paragraph (b) of section 8 (1) of the Act, 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 Barbados a pension of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in Barbados, as the aggregate amounts of his pensionable emoluments during his service in Barbados shall bear 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 Barbados:

- (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 3 years or lesser period 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 transferred from the service of a Scheduled Government shall be deemed to be the date of his retirement for the purposes of this sub-paragraph; S.I. 1957/59.
- (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 20 years.

S.I. 1965/
158.

(4) In calculating the aggregate amount of an officer's pensionable emoluments, under paragraph (3), no account shall be taken of any service under the Government of Barbados or a Scheduled Government in respect of which no pension or gratuity is granted to him by that Government or Scheduled Government, as the case may be.

(5) Where any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, the officer's aggregate pensionable emoluments during that service shall be taken into account under paragraph (3) to the same extent as that service is taken into account as pensionable service.

Act 1985-18. (6) Notwithstanding paragraph (1), where an officer mentioned in that paragraph who has completed maximum pensionable service in Barbados would have received less pension than if his entire service had been in Barbados, his pension shall be increased by an amount equivalent to the difference between the pension he would have received had his service been wholly in Barbados, and the pension received by him in respect of his public service in Barbados and his other public service.

Act 1985-18. (7) Paragraph (6) applies to any public officer whether he retired before or after 15th July, 1985.

Pension
where other
service not
within the
Group.

Act 1975-31.
1952 p.379.

11. (1) Where the other public service of an officer to whom this Part applies has not included service under any of the Scheduled Governments, and his aggregate service would have qualified him, had it been wholly in Barbados, for a pension under these regulations, he may, subject as mentioned in the proviso to paragraph (b) of section 8 (1) of the Act, 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 Barbados a pension at the annual rate of one six hundredth of his pensionable emoluments for each complete month of his pensionable service in Barbados.

(2) Where the officer is not in the service of Barbados at the time of such retirement, his pensionable emoluments for the purposes of the preceding 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 Barbados.

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

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

13. Where an officer to whom this Part 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 10 years, he may, subject as mentioned in the proviso to paragraph (b) of section 8 (1) of the Act, be granted in respect of his service in Barbados a gratuity not exceeding 5 times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 10, 11 or 12, as the case may be.

Gratuities where length of service does not qualify for pension. 1952 p. 379 Act 1975- 31.

14. (1) A female officer to whom this Part applies who retires for the reason that she has married, or is about to marry, and in consequence

Marriage gratuities. Act 1985-18.

(a) would if the whole of her public service had been in Barbados, have been eligible for a gratuity under regulation 7, and

(b) if she at the date of her retirement in other public service, is 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 for the grant of any pension or otherwise eligible for gratuity under this Part, 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 Barbados bears to her total public service.

(2) For the purpose of computing the total public service of an officer under paragraph (1), no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

(3) Paragraphs (1) and (2) do not apply to an officer appointed after 15th July, 1985.

PART IV

General

General rules as to qualifying service and pensionable service.

15. (1) Subject to 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.

(2) Notwithstanding paragraph (1), when

(a) the Bishop or any rector, vicar or curate of the Anglican Church has left the service of Barbados to go elsewhere in the service of the Church in any part of the British dominions, but not in the service of the Crown, he shall be deemed, if he shall not have attained the age of 55 years when he leaves the service of Barbados, to be in the public service in the place to which he goes, and the period of his service in the place to which he goes shall be deemed to be qualifying service;

(b) any teacher leaves the service of a school authority as defined in the *Teachers Pensions Act*, or any Act amending or replacing the same to be employed in the service of Barbados, he shall be deemed to have been in the public service during the period of his service with such school authority and the period of such service shall be deemed to be qualifying service.

Cap. 55

(3) No period which is not

(a) qualifying service by virtue of paragraph (1) or (2) or

(b) an addition of years authorised under regulation 24,

shall be taken into account as pensionable service.

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

(5) In this regulation, the expression "the British dominions" means the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, Burma, the territories administered by Her

Majesty's Governments in the Dominions under Mandate or otherwise, the British Colonies, the British Protectorates and Protected States and the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.

15A. (1) Notwithstanding regulation 15, and subject to paragraph (2), an officer who leaves the public service before he has attained the age of 55 years, whether or not he has completed 10 years' pensionable service, is entitled to have his service treated as continuous if he is re-employed in such service for a period of not less than 5 consecutive years, and it is immaterial that his leaving the public service or his re-employment occurred before this regulation came into operation.

Break in service followed by re-employment.

Act 1975-31.

(2) Paragraph (1) does not apply

Act 1978-41.

(a) to those persons who, before 30th November, 1978, retired on or after attaining the age of 55 years; or

(b) in respect of any temporary service in respect of which compensation is payable on the termination thereof.

15B. Where a period of temporary service in respect of which compensation is paid out of moneys voted for the purpose by Parliament is followed by a period of pensionable service, that temporary service shall not be taken into account as pensionable or qualifying service.

Certain temporary service not to be pensionable or qualifying.

Act 1978-41.

16. (1) Except as otherwise provided in these regulations, only continuous service shall be taken into account as qualifying service or as pensionable service: but any break in service caused by temporary suspension of employment not arising from misconduct shall be disregarded for the purposes of this paragraph.

Continuity of service.

Act 1975-31.

(2) An officer

(a) whose pension has been suspended under section 13 of the Act 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 on account of ill-health, abolition of office, or reorganisation of office, and has subsequently been re-employed in the public service; or

Cap. 55

(c) who has left pensionable service under the *Teachers Pensions Act* with a view to entering public service not being service pensionable under the said Act and has, not later than 3 months after leaving such first-mentioned service, received any salary in respect of employment in public service not so pensionable,

may, if the Governor-General thinks fit, be granted the pension or gratuity 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 to be in lieu of

- (i) any pension previously granted to him from the funds of Barbados, 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 refunded as aforesaid.

Break in service followed by re-employment for officers to whom section 13C of the Act applies.

Act 1985-18.

Leave without pay. 1976/50.

16A. An officer who leaves the public service before he has attained the age of 60 years, whether or not he has completed 10 years pensionable service, is entitled to have his service treated as continuous if he is re-employed in such service for a period of not less than 5 consecutive years, and it is immaterial that his leaving the public service or his re-employment occurred before 15th July, 1985.

17. Where an officer is on leave without pay, the period of such leave does not count as pensionable service unless

- (a) that leave is granted on grounds of public policy by the Governor-General acting
 - (i) in his own discretion;
 - (ii) on the recommendation of the appropriate service commission; or
- (b) that officer is suspended for a breach of discipline committed by him.

Service in Her Majesty's Forces.

18. 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 Barbados or of any Scheduled

Government and have not been refunded, such period shall not be taken into account as pensionable service.

19. (1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than 3 years pensionable service before his retirement

Emoluments to be taken for computation of pensions etc. 1957/59. Act 1984-19

(a) in the case of an officer who has held the same office for a period of 3 years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;

(b) in the case of an officer who at any time during such period of 3 years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increment, the full annual pensionable emoluments enjoyed by him at 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 3 years of his service immediately preceding the date of his retirement shall be taken: but

(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 3 years, those annual 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 3 years, and had received all scale increments which, in the opinion of the Governor-General, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed

- (a) to have been on duty on full pensionable emoluments throughout the period of 3 years immediately preceding the date of his retirement; and
- (b) to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period of 3 years.

(3) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than 3 years' pensionable service before his retirement

- (a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;
- (b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period; and
- (c) he shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period.

1968/29.

(4) Notwithstanding anything contained in these regulations, for the purpose of determining under paragraph (1) the pensionable emoluments that an officer has enjoyed or could have enjoyed, as the case may be, no account shall be taken of any house allowance paid to him in the service of the Crown in a civil capacity in a diplomatic or consular mission overseas.

Act 1971-3.
1973/76.

(5) For the purposes of computing pension and gratuity under these regulations in the case of an officer who has been transferred from an office which has been abolished and for this reason the pensionable emoluments of that office have not been considered in a general revision of salaries, the pensionable emoluments attached to the abolished office shall be equated with those of such office or offices as are certified by the Minister responsible for Establishments in his discretion as having enjoyed the same pensionable emoluments as the abolished office at the time of the said revision.

(6) In determining for the purposes of this regulation the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, account shall be taken of all allowances included in the definition of pensionable emoluments in section 2

(1) of the Act and attaching to any office held by him, whether or not any such allowances were actually paid to him.

(7) For the purpose of determining the pensionable emoluments of an officer under this regulation, account shall be taken of emoluments earned by an officer who has acted in a higher post, including a temporary post, 1996-23.

- (a) for a continuous period of 36 months immediately preceding the date of his retirement; or
- (b) for not less than 36 months within the 5 years of his service immediately preceding the date of his retirement.

(8) Notwithstanding paragraph (7), in determining the pensionable emoluments of an officer who has acted in a higher post for less than 36 months within the 5 years of his service immediately preceding his retirement and is appointed to a higher post before his retirement, the emoluments earned by that officer who has so acted shall be taken into account. 1996-23.

20. Only service in a pensionable office shall be taken into account as pensionable service: Service in a non-pensionable office.

Provided that,

(1) where a period of 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, such period may, with the approval of the Governor-General, be so taken into account; Vol. 1952 p. 379.

(2) where a period of service with the Police Force or Fire Service, in respect of which no pension or gratuity can be granted under the *Police Act* or any Act amending or replacing the same, or under the *Fire Service Act* or any Act amending or replacing the same, as the case may be, is immediately followed by a period of other service in Barbados, the period of service with the Police Force or Fire Service shall be so taken into account; Cap. 167.
Cap. 163.

Cap. 55. (3) where a period of service with a School Authority as defined in the *Teachers Pensions Act* or any Act amending or replacing the same is immediately followed by a period in the service of Barbados, the period of service with the said School Authority shall be so taken into account;

(4) any break in service which may be disregarded under the provisions of regulation 16 may likewise be disregarded in determining for the purposes of provisos (1) and (2) to this regulation whether one period of service immediately follows another period of service;

(5) where an officer has been transferred from a pensionable office in which he has been confirmed to a non-pensionable office and subsequently retires either from a pensionable office or a non-pensionable office, his service in the non-pensionable office may, with the approval of the Governor-General, 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;

1968/29. (6) notwithstanding anything contained in this regulation, where an officer has been transferred from a pensionable office in which he has been confirmed to a non-pensionable office in the service of the Crown in a civil capacity in a diplomatic or consular mission overseas, then,

(a) if such officer subsequently retires from such non-pensionable office overseas, his service in that office shall be taken into account as pensionable service and at the annual pensionable emoluments which would have been payable to him at the date of his retirement had he not been so transferred;

(b) if such officer subsequently retires from a pensionable office, his service in such non-pensionable office overseas shall be taken into account as pensionable service;

(7) where a period of service in a non-pensionable office or with a School Authority is taken into account under this regulation, the officer shall during that period be deemed for the purposes of

regulations 7, 22 and 23 to be holding a pensionable office, and where that period is taken into account under the preceding proviso, to have been confirmed therein;

(8) where a period of public service which is pensionable under the *Casual Employees Pensions Act* is immediately followed by service in a pensionable office, then that period shall be taken into account as pensionable service; but in any such case section 11 of the *Casual Employees Pensions Act* shall apply for the purpose of determining the length of the employee's service as a casual employee;

(9) nothing in these Regulations shall operate to prevent any pension, gratuity or other allowance previously paid to a casual employee who holds a public office or any other office in the service of the Crown, from being deducted from any pension, gratuity or other allowance payable to him on his retirement.

20A. *Spent*

21. Any period during which an officer has performed only acting service in a pensionable office may be taken into account as pensionable service (subject, if the office is a non-pensionable office, to the provisions of regulation 20) if the period of such acting service

- (i) is not taken into account as part of his pensionable service in other public service; and
- (ii) 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 any period of service while the officer was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service: but any break of service which may be disregarded under the provisions of regulation 16 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

Service on probation or agreement.

PART V

Supplementary

23. If an officer holding a pensionable office retires from the public service in consequence of the abolition or re-organisation of his office, and without refusing to accept another pensionable office not less in value than the office of which he was the substantive holder immediately before such abolition or re-organisation

Abolition of office and re-organisation.
1967/85.

(1) he may, if he has been in the public service for less than 10 years, be granted in lieu of any gratuity under regulation 5 or regulation 13 a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words "for 10 years or more" were omitted from regulation 4;

(2) he may, if he retire from the service of Barbados, be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of 3 years' pensionable service: but

(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 the Governor-General, having received all increments for which he would have been eligible by that date.

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

Officers retiring on account of injuries.

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

- (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,
 - (i) he may, if his retirement is thereby necessitated or materially accelerated and he has been in the public service for less than 10 years, be granted, in lieu of any gratuity under regulation 5 or regulation 13, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words "for 10 years or more" were omitted from the said regulation 4;
 - (ii) he may, if so injured while in the service of the Crown in Barbados, 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;
 - (iii) Notwithstanding sub-paragraph (ii), the amount of the additional pension that may be granted thereunder may be reduced to such an extent as the Governor-General shall think reasonable where the injury is not the cause or the sole cause of retirement.

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

(3) Where an officer has received any benefit under paragraph (a) or (b) of section 21 (2) of the *National Insurance and Social Security Act*, the additional pension payable to him under these

regulations shall be reduced by the amount of benefit he has received.

25. (1) If an officer retires from service under the Government of Barbados in either of the cases set out in paragraphs (e) and (f) of section 8 (1) of the Act, and at the date of his retirement he has completed more than 10 years' but less than 20 years' public service, he may be granted, in addition to the pension which he may be granted under these regulations, an additional pension at the rate of one six-hundredth of his pensionable emoluments for each month by which his public service falls short of 20 years.

Officer retiring on account of ill-health. 1952 p. 379. Act 1975-84.

(2) In applying paragraph (1) to a person whose public service would, if he had continued to hold the same office which he held at the date of retirement until 5 years after the retiring age, have been a period shorter than 20 years, that regulation shall have effect as if for the last reference therein to 20 years there were substituted a reference to that shorter period.

(3) No addition to pension under this regulation shall be granted in the case of an officer to whom an award on account of injuries is made in accordance with regulation 24.

(4) This regulation shall apply and shall be deemed to have applied to officers who retired from the service at any time after the 1st day of April, 1951, and to officers who retired on or before that date and are living at the 30th August, 1951 and an additional pension may be granted accordingly, but nothing in this regulation shall authorise the grant, in respect of any period before the 30th August, 1951 of an additional pension to any officer who retired as aforesaid on or before the 1st day of April, 1951.

(5) In this regulation, unless the context otherwise requires, "retiring age" means the age which an officer, in accordance with subsection (1) of section 6 of the Act, must attain in order that a pension may be granted to him on retirement without the approval of the Governor-General.

26. In computing the pension of an officer who on retirement from the public service holds one of the offices mentioned in the Second Schedule an addition of 120 months may be made to his period of service, subject to the following conditions

For purposes of pension, holders of certain offices may, subject to certain conditions, add 120 months to the period of their services.

(1) no addition shall be made so as to entitle the officer to a higher pension than is authorised by section 12 of the Act;

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

(2) no addition shall be made in excess of the number of months by which the officer's age at the date of his entering the public service exceeded 20 years;

(3) the full addition shall not be made unless he has served 10 years in the office from which he retires or an aggregate period of 10 years in that and 1 or more of the offices mentioned in the

Second
Schedule.

Second Schedule to these regulations;

(4) if he has served less than 10 years in such office or such offices, an addition may be made equal to the period which he has served in such office or such offices;

(5) in the case of an officer appointed for the first time to one of the offices mentioned in the Second Schedule to these regulations after the 31st day of March, 1937 this regulation shall only apply if such officer was at that date

(a) already in the service of Barbados; and

(b) already holding such degree or professional or academic qualification as would have made him eligible for the benefits granted by this regulation in respect of any offices mentioned in the Second Schedule to these regulations to which he is subsequently appointed.

Gratuity and
reduced pen-
sion.

1957/59.

27. (1) An officer to whom a pension is granted under the Act may, at his option exercisable as in this regulation provided, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to $12\frac{1}{2}$ times the amount of the reduction so made in the pension: but in the application of this regulation to cases where the limitation prescribed by subsection (2) of section 9 of the Act operates, the words "such pension" shall mean the amount of pension which the officer might have drawn from the funds of Barbados if he had not exercised his option under this regulation.

(2) The option referred to in paragraph (1) of this regulation shall be exercisable not later than the day immediately preceding the date of such officer's retirement: but if the officer does not exercise the option prior to the day preceding the date of his retirement the Governor-General may, if it appears to him in all the circumstances equitable so to do, allow him to exercise the option at any time between that date and the actual date of award of pension under the Act.

(3) If an officer has exercised the option, his decision shall be irrevocable so far as concerns any pension to be granted to him under the Act.

(4) Notwithstanding paragraph (1), the Governor-General may, where an officer referred to in that paragraph fails to exercise his option in accordance with paragraph (2), grant a gratuity and a reduced pension as provided in paragraph (1) as if the officer has exercised his option. 1979-16.

27A. (1) Subject to paragraph (2), an officer to whom this regulation applies and to whom a pension may be paid under the Act shall have that pension reduced by the amount of pension payable to him under the *National Insurance and Social Security Act*, (in this regulation referred to as "the national insurance pension"). Abatement of pensions. 1975-31. Cap. 47.

(2) The reduction referred to in paragraph (1) shall not

(a) take effect until the date on which the national insurance pension becomes payable; or

(b) apply in relation to any gratuity payable to the officer under the Act.

(3) This regulation applies to an officer who enters the public service after the 1st September, 1975. 1975/180.

(4) This regulation does not apply to an officer who was employed as a public employee before 1st September, 1975 or to an officer who was employed as a casual employee before 1st July, 1971. 1998-29.

(5) For the purposes of this regulation, "officer" includes a person who holds an office which is not established under section 2 of the *Civil Establishment Act*. 1998-29. Cap. 21.

28. (1) An officer holding a non-pensionable office who is not eligible for pension (other than a pension under regulation 24) or otherwise eligible for gratuity from the funds of Barbados may, if he has been in the public service for not less than 7 years and retires from the service of Barbados in one of the cases mentioned in section 8(1) Gratuities for officers who have served in non-pensionable offices. 1952 p. 379.

of the Act other than those mentioned in paragraphs (g) and (h) thereof be granted, if the Governor-General thinks fit, a compassionate gratuity not exceeding \$5.00 or one week's pay, whichever is the greater, for each year of his service in Barbados which would be pensionable service if he were eligible for pension under these Regulations.

- (2) For the purposes of this regulation,
 - (a) "pay" includes the value of free quarters and any allowance which the Governor-General may think fit to include;
 - (b) regulation 16 may be disregarded, but directions may be given by the Governor-General, either generally or in any particular case, for disregarding periods of service prior to breaks of 3 years or more, to dismissal for misconduct or to voluntary resignation, or periods during which an officer has served less than a number of days prescribed in the directions; and such directions shall have effect as if they were contained in this regulation;
 - (c) an officer who, having held a non-pensionable office, is serving on probation in a pensionable office shall be deemed to hold a non-pensionable office and his pay shall be deemed to be the pensionable emoluments of the pensionable office or the pay last received by him in respect of his service in a non-pensionable office, whichever shall be greater.

1975-31. (3) Nothing shall operate to prevent any retirement benefit, previously paid to an officer who has re-entered the public service, from being deducted from any benefit payable to him when he attains the age of 55 years.

FIRST SCHEDULE

(Regulation 9)

Aden	1967/26.	Gilbert and Ellice Island Colony	
Antigua	1957-59.	Gold Coast	
Bahamas		Grenada	
Basutoland		Guyana	1967/26.
Bechuanaland Protectorate		Hong Kong	
Bermuda		Intermin Commissioner for the	
British Antarctic Territory	1965/158.	West Indies	
British Honduras		Jamaica	
British Solomon Islands Protectorate		Kenya	
Cayman Islands		Kenya and Uganda Railways and Harbours Administration	
Colonial Audit Department (Home Establishment)		Kingdom of Lesotho	1967/26.
Crown Agents for the Colonies		Leeward Islands (before 1st July, 1956)	1957/59.
Dominica		Malayan Establishment	
East African Common Services Organisation	1962-36.	Malayan Union	1952 p. 378.
East Africa Community	1970-18.	Malta	
East Africa Harbours Corporation	1970-18.	Mauritius	
East Africa High Commission	1952 p. 378.	Montserrat	1957/59.
East Africa Posts and Telecommunications Corporation	1970-18.	Nigeria	
East Africa Railways Corporation	1970-18.	North Borneo	1952 p. 378.
East Africa Railways and Region of Harbour Administration	1952 p. 378.	Northern Region of Nigeria	1955/68.
Eastern Region of Nigeria	1955/68.	Northern Rhodesia	
Employing Authorities under the Colonial Superannuation Scheme	1952 p. 378.	Nyasaland	
Falkland Islands		The Post Office, United Kingdom of Great Britain and Northern Ireland	1971-3.
Federated Malay States		Republic of Botswana	1967/26.
Federation of Malaya	1952 p. 378.	Republic of Southern Yemen	1970-18.
Federation of Nigeria	1955/68.	St. Christopher, Nevis and Anguilla	1957/59.
Federation of Rhodesia and Nyasaland	1955/68.	St. Helena	
Fiji		St. Lucia	
Gambia		St. Vincent	
Ghana	1957/101.	Sarawak	1952 p. 378.
Gibraltar		Service under the Overseas Service Act, 1958, of the United Kingdom	1960/93.
		Seychelles	1952 p. 378.
		Sierra Leone	1952 p. 378.
		Singapore	

THE LAWS OF BARBADOS

Printed by the Government Printer, Bay Street, St. Michael
by the authority of the Government of Barbados

1962/70.	Somaliland Straits Settlements Swaziland Tanganyika Territory Trinidad and Tobago Turks and Caicos Islands Uganda United Kingdom of Great Britain and Northern Ireland
1957/59.	Virgin Islands
1955/68.	Western Region of Nigeria
1962/23.	The West Indies (Federation) Zanzibar

SECOND SCHEDULE

(Regulation 26)

1. Chief Justice
Attorney-General
Solicitor-General
2. Judges of the Assistant Court of Appeal
Judge of the Bridgetown Petty Debt Court
Police Magistrates
Registrar
Public Trustee, if Barristers or Solicitors at the time of appointment
3. Colonial Engineer
Manager of the Waterworks Department, if chartered Civil Engineers at the time of appointment
4. Medical Officers
5. Director of Agriculture
Deputy Director of Agriculture
Chemist
Lecturer in Natural Sciences
Lecturer in Natural and Agricultural Sciences
Entomologist
Botanist
6. Harbour and Shipping Master, if the holder of Master Mariner's Certificate at the time of appointment