

THE PENSIONS (PAROCHIAL OFFICERS) ACT

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SCHEDULE

APPENDICES

THE PENSIONS (PAROCHIAL OFFICERS) ACT

[21st November, 1944.]

Cap. 287.
Laws
38 of 1955,
24 of 1958,
46 of 1961.
Acts
3 of 1976,
35 of 1979,
22 of 1994,
33 of 1997,
26 of 1999,
22 of 2003,
5 of 2016
S. 12.

1. This Act may be cited as the Pensions (Parochial Officers) Act.

Short title.

2.—(1) This Act shall apply to the Local Authority within the meaning of the Local Governance Act and in its application shall be read and construed as one with that Act.

Application
to Local
Authority.
5/2016
S. 12(a).

3.—(1) In this Act—

Interpreta-
tion.
5/2016
S. 12(b).

“pensionable office” means—

(a) in respect of parochial service, an office for which separate provision is made in the Annual Estimates of a Local Authority and which has been declared, by a resolution of such Local Authority with the approval of the Minister responsible for the public service, by a notification published in the *Gazette* to be pensionable; and any such notification may from time to time be amended, added to, or revoked, by another notification so made and published; 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;

5/2016
S. 12(c).
L.N.
149^B/79.

- (b) in respect of public service, an office which is for the time being a pensionable office under the law or regulations in force in such service;

“non-pensionable office” means—

5/2016
S. 12(c).

L.N.
149ⁿ/79.

- (a) in respect of parochial service, an office for which separate provision is made in the Annual Estimates of a Local Authority and which has been declared, by a resolution of such Local Authority with the approval of the Minister responsible for the public service, by a notification published in the *Gazette* to be a non-pensionable office for the purposes of this Act; and any such notification may from time to time be amended, added to, or revoked, by another notification so made and published; but where by virtue of any such amendment or revocation any office ceases to be a non-pensionable office but does not become 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 non-pensionable office;

- (b) in respect of public service, an office which is not a pensionable office;

“pensionable emoluments”—

- (a) in respect of parochial service, includes salary, personal allowance and house allowance, but does

not include duty allowance or any other emoluments whatever;

(b) in respect of public service, means emoluments which count for pension in accordance with the law or regulations in force in such service;

“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;

“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;

“house allowance” means the house allowance which is granted in respect of the office to which an officer is appointed, but does not include such allowances granted on condition that it shall not be pensionable:

22/1994
S. 2(c).

Provided that where an officer is appointed to an office in respect of which no house allowance is granted but that officer is provided with quarters, an amount equal to fifteen per cent of the minimum salary of the office to which the officer is appointed shall, for the purpose of this Act, be regarded as house allowance;

“public service” means service in a civil capacity under the Government of this Island, and any such other service as the Minister responsible for the public service may

L.N.
149º/79.

determine to be “public service” for the purpose of any provisions of this Act;

35/1979
S. 2.

“parochial service” means, subject to the provisions of any regulations made under this Act, service in a civil capacity under a Local Authority.

5/2016
S. 12(c).

(2) For the avoidance of doubt it is hereby declared that where an officer has been confirmed in a pensionable or non-pensionable office and is thereafter appointed to another pensionable or non-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.

33/1997
S. 2.

(3) The definition of “house allowance” in subsection (1) shall be deemed to have come into operation on the 1st day of January, 1986.

Pension
regulations.
L.N.
149^a/79.
Schedule.

4.—(1) Pensions, gratuities and other allowances may be granted by the Minister responsible for the public service, in accordance with the regulations contained in the Schedule, to officers who have been in the parochial service.

L.N.
149^a/79.

(2) The regulations contained in the Schedule may from time to time be amended, added to, or revoked, by regulations made by the Minister responsible for the public service, and all regulations so made shall be laid before the House of Representatives and published in the *Gazette*.

L.N.
149^a/79.

(3) Whenever the Minister responsible for the public service is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose:

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

(4) Any pension, gratuity or other allowance granted under this Act shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

24/1958
S. 3.

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

Schedule.

5.—(1) Where an officer's entire parochial service has been under one Local Authority, any pension, gratuity or other allowance granted to him in pursuance of this Act shall be charged on and paid out of the revenues of such Local Authority.

Revenues
out of
which
pensions,
etc., to be
paid.
5/2016
S. 12(c).

(2) Where an officer's parochial service has been under more than one Local Authority, any pension, gratuity or other allowance, granted to him in respect of his parochial service, shall be charged on and paid out of the revenues of the Local Authority from which he retired.

26/1999
S. 2.
5/2016
S. 12(c).

(3) The Local Authority from which an officer retired shall, in addition to making any payment pursuant to subsection (2), be liable for the payment of any additional allowance or gratuity which is granted on retirement to that officer in consequence of—

26/1999
S. 2.
5/2016
S. 12(c).

(a) injuries, received in the actual discharge of his duties;

(b) the abolition of his office; or

(c) his compulsory retirement for the purpose of facilitating re-organization.

26/1999
S. 2.

(4) Where a gratuity is granted under section 17(1) or a pension is granted under section 18 to the dependants or legal personal representatives of an officer whose parochial service was with more than one Local Authority, the Local Authority under which the officer served at the date of his death shall—

5/2016
S. 12(c).

(a) be responsible for the payment of any such gratuity or pension, as the case may be; and

(b) in determining the amount of such gratuity or pension in relation to an officer who had public service, take into account the officer's public service and parochial service:

5/2016
S. 12(c).

Provided that in calculating a gratuity such public service shall for the purposes of regulations 23 and 24 of the Pensions (Parochial Officers) Regulations be deemed to be service in the Local Authority in which the officer was first employed after such public service.

Pensions,
etc., not of
right.

5/2016
S. 12(c).

6.—(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 any right of the Local Authority to dismiss any officer in its employ 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.

24/1958
S. 2(1).

7.—(1) Subject to subsection (3), no pension, gratuity, or other allowance, shall be granted under this Act to any officer except—

Circum-
stances in
which
pension may
be granted.
35/1979
S. 3(a).

(i) on his retirement from the parochial service in one of the following cases—

(a) on or after attaining the age of fifty-five years or, in special cases with the approval of the Governor-General, fifty years;

24/1958
S. 2(1).

(b) on the abolition of his office;

(c) on compulsory retirement for the purpose of facilitating improvement in the organization of the department of the Local Authority to which he belongs, by which greater efficiency or economy may be effected;

5/2016
S. 12(c).

(d) 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;

24/1958
S. 2(1).
46/1961
S. 2.

(e) on termination of employment in the public interest as provided in this Act;

24/1958
S. 4.

(ii) in the case of transfer to public service, on his retirement from such service in circumstances in which he is eligible for pension, gratuity, or other

allowance, under any law or regulations which are applicable to such public service:

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Act, who resigns on or with a view to marriage or is required to retire on account of her marriage, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity, or other allowance.

5/2016
S. 12(c).

(2) For the avoidance of doubt it is declared that without prejudice to the right of a Local Authority to require any officer to retire from parochial service in accordance with the provisions of section 9 or of any officer to elect to retire from parochial service on or after attaining the age of fifty-five years, the normal retiring age of any officer shall be sixty years.

35/1979
S. 3(b).

22/1994
S. 3.

(3) A person who, having held pensionable or non-pensionable office in the parochial service, left that service in circumstances in which, having regard to the provisions of subsection (1), he was not entitled to a pension, gratuity or other allowance, may, on such terms and conditions as may be prescribed, be granted a pension, gratuity or other allowance on attaining the age of sixty years so, however, that if he dies before attaining that age, there may be paid to his legal personal representatives the gratuity which he would have been eligible to receive if he had attained the age of sixty years and has elected to receive a gratuity and reduced pension.

35/1979
S. 3(b).

(4) The provisions of subsection (3) shall not apply to any person who, having left the parochial service prior to the appointed day, was not in that service or in the public service on the appointed day, unless that person is appointed to a pensionable or non-pensionable office in the parochial

service or the public service after the appointed day, and any pension, gratuity or allowance granted to any person pursuant to that subsection shall be computed in accordance with the provisions in force at the date when that person finally left the parochial service or the public service, as the case may be.

(5) In this section “appointed day” means 1st April, 1972. 35/1979
S. 3(b).

8. Where an officer’s service is terminated on the ground that, having regard to the conditions of the parochial service, the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Act, the Governor-General may, if he thinks fit, 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 parochial service in the circumstances described in paragraph (i) of subsection (1) of section 7 and was not eligible for an additional pension under regulation 22 of the Regulations contained in the Schedule. Retirement
in the
public
interest.

24/1958
S. 5.

Schedule.

9. It shall be lawful for a Local Authority to require an officer in its employ to retire from the parochial service— Compulsory
retirement.
5/2016
S. 12(c).

(a) at any time after he attains the age of fifty-five years; or

24/1958
S. 2(1).

(b) in special cases, with the approval of the Governor-General, at any time after he attains the age of fifty years; or

(c) in the case of a female officer, on account of her marriage.

10. [*Repealed by Act 33 of 1997.*]

Liability of pensioners, etc., to be called upon to take further employment.

24/1958
S. 6.

11.—(1) Every pension or other allowance granted under this Act shall be subject to the condition that unless or until the officer attains the age of fifty years, he may, if physically fit for service, be called upon by the Governor-General to accept an office, whether in the parochial service or in public service, not less in value than the office which he held at the date of his retirement; and where a pensioner or person in receipt of an allowance so called upon declines to accept such office, the payment of his pension or allowance may be suspended until he has attained the age of fifty years.

(2) The provisions of subsection (1) shall not apply in any case where the Governor-General being of opinion that the officer is not qualified for other employment in the parochial service or in public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

12. Where an officer to whom a pension or other allowance has been granted under this Act is appointed to another office in the public or parochial service, the payment of his pension or other allowance, or any part thereof, may, with his consent if the Governor-General thinks fit, be suspended during the period of his re-employment.

Suspension
of pensions,
etc., on re-
employment.
24/1958
Ss. 2(1),7.

13. 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.

(a) a debt due to a Local Authority; or

5/2016
S. 12(c).

(b) an order of any court for the payment of periodical 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 a Local Authority.

5/2016
S. 12(c).

14.—(1) Where any person to whom a pension or other allowance has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment of any

Pensions,
etc., to cease
on
bankruptcy.

competent court, then such pension or allowance shall forthwith cease.

(2) Where any person is adjudicated bankrupt or declared insolvent by judgement of any competent court either—

(a) after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance under this Act, but before the pension, gratuity, or other allowance is granted; or

(b) before such retirement, and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case, any pension or other allowance eventually granted to him shall cease as from the date of adjudication or declaration (as the case may be) and, in the latter case, the pension or other allowance may be granted, but shall cease forthwith and not become payable, and in either case the gratuity may be granted but shall not be paid to him.

24/1958
S. 2(1).
46/1961
S. 2.

(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 Governor-General, from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous or dis-

continuous, as the Governor-General 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 he not become bankrupt or insolvent, to be paid to, 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 his wife, child or children, or such other dependents as the Governor-General may determine, in such proportions and manner as the Governor-General thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, shall, for the purposes of this section, be regarded as applied for his benefit.

(5) Where a person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Governor-General to direct that the pension or other allowance shall be restored, and the gratuity, or so much thereof (if any) as remains after deducting any payments made under subsection (3), paid, as from the date of such discharge or any later date, and the pension or other allowance shall be restored, and the gratuity, or such remainder thereof (if any), paid, accordingly.

15.—(1) Where any person to whom a pension or other allowance has been granted under this Act is sentenced to death or a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Governor-General so directs, cease as from such date as the Governor-General determines.

Pensions,
etc., may
cease on
conviction.

24/1958
Ss. 2 (1), 8.
46/1961
S. 2.

(2) Where any person is sentenced to death or a term of imprisonment by any competent court for any offence

24/1958
S. 8.

after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance under this Act but before the pension, gratuity, or other allowance is granted, then--

(a) the provisions of subsection (1) shall apply as respects any pension or other allowance which may be granted to him; and

46/1961
S. 2.
24/1958
S. 2 (1).

(b) the Governor-General, may direct that any gratuity which may be granted to him shall not be paid.

46/1961
S. 2.
24/1958
S. 2 (1).

(3) Where a pension or other allowance ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Governor-General 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, but for the provisions of this section, to be paid, or applied, in the same manner in all respects as provided in section 14, and such moneys shall be paid or applied accordingly.

(4) Where any person, whose pension or other allowance ceases, or whose gratuity is not paid, by reason of this section, after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect or his gratuity shall be paid; but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3).

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

24/1958
S. 2 (1).

16. Where any person to whom a pension or other allowance has been granted under this Act, otherwise than under section 18, becomes either a director of any company the principal part of whose business is in any way directly concerned with this Island, or an officer or servant employed in this Island 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:

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

17.—(1) Where an officer holding a pensionable or non-pensionable office in which he has been confirmed, dies while in the parochial service, it shall be lawful for the Governor-General to grant to the legal personal representative of such officer—

Gratuity
where an
officer dies
in the
service.
38/1955
S. 2 (a).
24/1958
S. 2 (1).

- (a) in the case of an officer who held a pensionable office, or a non-pensionable office to which he had been transferred from a pensionable office in which he had been confirmed, a gratuity of an amount not exceeding either one year's pensionable emoluments of such officer or his commuted pension gratuity, if any, whichever is the greater;
- (b) in the case of an officer who held a non-pensionable office during the entire period of the five years immediately preceding his death, a gratuity of an amount not exceeding either nine months' emoluments of such officer or his commuted monthly allowance gratuity, if any, whichever is the greater.

(2) Where an officer, who is in receipt of a pension or other allowance under this Act and on whose death while in the parochial service the Governor-General might have granted a gratuity under subsection (1), dies after retirement from such service, it shall be lawful for the Governor-General to grant to the legal personal representative of such officer—

24/1958
S. 2 (1).

- (a) in the case of an officer who retired from a pensionable office in such service, a gratuity of an amount not exceeding one year's pensionable emoluments of such officer; or
- (b) in the case of an officer who retired from a non-pensionable office in such service, a gratuity of an amount not exceeding nine months' emoluments of such officer,

from which gratuity shall be deducted the amount of any pension, gratuity or other allowance already paid to such officer under this Act or in respect of any public service.

(3) For the purpose of this section—

- (a) "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 (i) (d) of subsection (1) of section 7;
- (b) "emoluments" means the emoluments enjoyed by the officer which would have been pensionable if the office held by him had been a pensionable office and which are computed in accordance with paragraph (a);
- (c) "commuted pension gratuity" means the gratuity, if any, which might have been granted to the officer under regulation 23 of the Regulations contained in the Schedule if he had retired at the date of his death in the circumstances described in paragraph (i) (d) of subsection (1) of section 7 and had elected to receive a gratuity and reduced pension;
- (d) "commuted monthly allowance gratuity" means the gratuity, if any, which might have been granted to the officer under paragraph (4) of regulation 24 of the Regulations contained in the Schedule if he

38/1955
S. 2 (c).

Schedule.

38/1955
S. 2 (c).

had retired at the date of his death in the circumstances described in paragraph (i) (d) of subsection (1) of section 7 and had elected to receive a gratuity and a reduced monthly allowance.

18.—(1) Where an officer holding a pensionable or non-pensionable office in the parochial service dies as a result of injuries received—

Pensions
and gratui-
ties on death
of officer in
the course
of duty.
22/2003
S. 2.

(a) in the actual discharge of his duties; and

(b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and

(c) on account of circumstances specifically attributable to the nature of his duty,

while in the parochial service, it shall be lawful for the Governor-General to grant pensions and gratuities as specified in regulation 25 of the Regulations contained in the Schedule and by Appendix B.

Schedule.
Appendix
B.

(2) For the purposes of this section—

(a) "child" includes—

(i) a posthumous child;

(ii) an adopted child, adopted in a manner recognized by law before the date of the injury; and

(iii) a stepchild wholly or mainly dependent on the officer for support;

(b) "surviving spouse" means the widow or widower of the officer;

(c) references to an officer being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (1) and to the date on which an injury is sustained, shall respectively be construed as including references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct and to the date on which such disease is contracted.

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

(4) In making an award under this section, 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—

(a) any damages that he is satisfied have been or will be recovered by the dependants of a deceased officer consequent on the injury to the officer which resulted in his death; and

(b) any benefits that have been or may be awarded to such dependants under the Workmen's Compensation Act or the National Insurance Act in respect of such injury consequent upon the death of the officer,

and withhold or reduce the award accordingly.

(5) Nothing in this section shall authorize the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the officer's death.

(6) Where the Governor-General is satisfied that the death of the officer resulted from the infliction of injuries which, although not inflicted upon him while he was acting in the execution of his duty, were nevertheless inflicted upon him wholly or mainly because he was in the parochial service, it shall be lawful for the Governor-General to grant to the dependants of that officer, pensions and gratuities as if his death had occurred in the circumstances described in paragraphs (a), (b) and (c) of subsection (1).

Death or
injury owing
to war
conditions.

19. Where an officer holding a pensionable or non-pensionable office in the parochial service and 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 or is permanently injured as the 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 any war in which Her Majesty may be engaged such officer shall be deemed to have died or to have been injured (as the case may be) as the result of injuries received—

(a) in the actual discharge of his duty; and

(b) in circumstances in which the injury is not wholly or
mainly due to, or seriously aggravated by, his own
serious and culpable negligence or misconduct; and

24/1958
S. 10.

(c) on account of circumstances specifically attributable to the nature of his duty.

20.—(1) The provisions of this Act shall apply—

Application
of Act.

(a) to every officer first appointed to the parochial service of this Island—

- (i) after the commencement of this Act; or
 - (ii) before the commencement of this Act, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law relating to him; and
- (b) to every other officer in the parochial service at the commencement of this Act or transferred from the parochial service to public service before the date of such commencement and still in the public service on that date, unless not later than twelve months after such commencement, or within such further period as the Governor or the Governor-General, as the case may be, may in any special case allow, he gives notice in writing to the officer prescribed by law, for the time being, of his desire that the provisions of the Laws and Regulations repealed by this Act which applied to him prior to such commencement should continue to apply to him, in which case they shall continue to apply accordingly, or unless he elects before the commencement of this Act in accordance with the provisions of any enactment for the time being in force relating to the establishment of a Provident Fund for employees in the Parochial Service of this Island to become a depositor in such Fund.

(2) If any officer who has given notice under paragraph (b) of subsection (1) is thereafter reappointed to the parochial service the provisions of this Act shall apply to him in respect of his whole service:

Provided that except where such an officer eventually becomes eligible for a pension or gratuity under this Act 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.

(3) Where an officer gives notice under paragraph ^{24/1958}
^{S. 11.} (b) of subsection (1) of his desire that the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act should continue to apply to him he may, by a further notice in writing to the officer prescribed by law, for the time being, finally and irrevocably withdraw the previous notice and, upon such withdrawal, unless he had elected before the commencement of this Act in accordance with the provisions of any enactment for the time being in force relating to the establishment of a Provident Fund for employees in the Parochial Service of this Island to become a depositor to such fund, the provisions of this Act shall apply to him in lieu of the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act.

(4) Any person who gives notice under paragraph ^{24/1958}
^{S. 11.} (b) of subsection (1) of his desire that the provisions of the

Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act should continue to apply to him and subsequently retires in circumstances in which he would have been eligible for a pension or gratuity under this Act if the provisions of this Act had applied to him may, by a further notice in writing to the officer prescribed by law, for the time being, withdraw the notice given in accordance with paragraph (b) of subsection (1) and, upon such withdrawal, such provisions of this Act as were in force at the date of such person's retirement in the circumstances aforesaid shall, unless he had elected before the commencement of this Act in accordance with the provisions of any enactment for the time being in force relating to the establishment of a Provident Fund for employees in the Parochial Service of this Island to become a depositor to such fund, apply to such person in lieu of the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act.

24 1958
S. 11.

(5) Where, pursuant to subsection (4), an award of pension or gratuity is made to any person in accordance with the provisions of this Act such award shall be in lieu of any award made to such person in accordance with the provisions of any Laws or Regulations repealed by this Act which applied to such person prior to the commencement of this Act, and any payments made to such person by virtue of any award so superseded by an award under this Act shall be set off against the payments to be made to such person by virtue of the award under this Act.

(6) Any notice which pursuant to any of the foregoing provisions of this section is required to be given shall, from and after the 27th December, 1961, be given to the Financial Secretary.

46/1961
S. 2.

21. Where any question exists in relation to any matter arising under this Act such question may be determined by the Governor-General.

Questions
under Act to
be deter-
mined by
Governor-
General.
24/1958
S. 2 (1).
46/1961
S. 2.

22.—(1) Subject to the provisions of subsection (2) where, under the provisions of this Act, any authority or power is vested in the Governor-General such authority or power shall be exercised by the Governor-General on the recommendation of the Local Government Services Commission.

Governor-
General to
consult
Local
Government
Services
Com-
mission.
24/1958
S. 12.
46/1961
S. 2.
5/2016
S. 12(d).

(2) Where the Governor-General is required pursuant to subsection (1) to exercise any authority or power on the recommendation of the Local Government Services Commission he shall exercise such authority or power in accordance with such recommendation:

Provided that—

(a) before he acts in accordance therewith, he may, in his discretion, once refer that recommendation back for reconsideration by the Local Government Services Commission; and

5/2016
S. 12(d).

(b) if the Local Government Services Commission, having reconsidered the original recommendation under this section, substitutes therefor a different recommendation, the provisions of this subsection shall apply to that different recommendation as they apply to the original recommendation.

5/2016
S. 12(d).

(3) [*Deleted by Act 5 of 2016, S. 12.*]

Specified
offices;
interim
provisions.
Appendix A.
22/2003
S. 3.

23.—(1) Subject to subsection (2), the offices set out in the first column of Appendix A shall be deemed to be specified offices with effect from the respective dates set out in the second column and the annual rate of allowance payable if quarters are not available as respects the holder of any such office shall be the rate set out in relation to that office in the third column.

(2) A notification published in the *Gazette* pursuant to the powers, and subject to the restraints, in that behalf contained in the definition of “specified office” in section 3 may amend or repeal Appendix A.

(Section 4)

SCHEDULE

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES AND OTHER ALLOWANCES TO OFFICERS

PART I. *Preliminary*

Short title.

1. These Regulations may be cited as the Pensions (Parochial Officers) Regulations.

Interpreta-
tion.

2. In these Regulations, unless the context otherwise requires—

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

“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.

PART II. *Officers with Parochial Service only*

Application of
Part II.
24/1958
S. 2(1).

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 parochial service from or to 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 parochial service.

SCHEDULE, *cont'd.*

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

Pensions, to whom and at what rates to be granted.
33/1997
S. 4.
w.e.f.
10.6.96.
5/2016
S. 12(c).

5. Every officer, otherwise qualified for a pension, who has not been in the parochial service in a civil capacity for ten years, may be granted on retirement 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.

Gratuities where length of service does not qualify for pension.

6. Where a female officer, having held a pensionable or non-pensionable office or offices under a Local Authority for not less than five years and having been confirmed in such office, resigns from the parochial service on or with a view to marriage or is required to retire from the parochial service on account of her marriage, and is not eligible—

Marriage gratuities.
5/2016
S. 12(c).

- (a) for the grant of any pension or otherwise eligible for gratuity under this Part; or
- (b) for the grant of any allowance or gratuity under regulation 24,

she may be granted, on production within six months after her resignation or retirement, or such longer period as the Governor-General may in any particular case allow, of satisfactory evidence of her marriage, a gratuity—

- (i) in the case of a pensionable officer, not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service in the parochial service or one year's pensionable emoluments, whichever is the less;
- (ii) in the case of a non-pensionable officer, not exceeding one-sixteenth of a month's emoluments for each completed month of service in the parochial service or nine months' emoluments, whichever is the less; and for the purposes of this paragraph "emoluments" means such emoluments which would have been pensionable emoluments if the office held by the non-pensionable officer had been a pensionable office.

SCHEDULE, *cont'd.*

Pension to
persons not
otherwise
eligible for
retiring
benefits
who attain
the age
of sixty.
35/1979
Sch.
5/2016
S. 12(c).

6A.—(1) This regulation applies to every person who—

- (a) had been in the parochial service in a civil capacity—
 - (i) for a continuous period of not less than ten years; or
 - (ii) for periods which when added together total not less than fifteen years; and
- (b) immediately prior to the expiration of the period or periods referred to in sub-paragraph (2), held a pensionable office under a Local Authority; and
- (c) having vacated that office, is not, other than pursuant to this regulation, eligible for pension, gratuity or allowance under these Regulations.

33/1997
S. 4.
w.e.f.
10.6.96.
22/1994
S. 4.

(2) Subject to the provisions of this Act and of these Regulations, a person to whom this regulation applies may be granted, on attaining the age of sixty years, a pension at the annual rate of one five-fortieth of his pensionable emoluments for each complete month of his pensionable service so, however, that where that person dies before attaining the age of sixty years, there may be paid to his legal personal representatives the gratuity which he would have been eligible to receive if he had attained the age of sixty years and had elected to receive a gratuity and reduced pension.

(3) For the purposes of paragraphs (1) and (2), no regard shall be had to the service of any person prior to his dismissal from the parochial service or the public service on the ground of misconduct unless the Governor-General in any case, on such terms and conditions as the Governor-General thinks fit, otherwise directs.

(4) For the purposes of this regulation—

- (a) any action which, pursuant to these Regulations, may be taken by, or in relation to, an officer on his retirement may, in the case of a person to whom this regulation applies, be taken as in the reference to his retirement were a reference to the attainment by him of the age of sixty years;
- (b) in determining for the purpose of paragraph (1)(a) whether or not a period of service is continuous no regard shall be had to the provisions of regulation 12(2);
- (c) the pensionable emoluments of a person to whom this regulation applies shall be determined as if reference to the date of his retirement were a reference to the date on which he vacated the office referred to in paragraph (1)(c).

SCHEDULE, *cont'd.*PART III. *Transferred Officers*

7. This Part shall apply only in the case of an officer transferred to or from the parochial service from or to public service. Application of Part III.

8.—(1) Any officer who is transferred to or from the parochial service from or to public service and whose aggregate service would have qualified him, had it been wholly in the parochial service, for a pension under the Act, may on his retirement from public or parochial 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 parochial service a pension of such an amount as bears the same proportion to the amount of pension for which he would have been eligible had his service been wholly in the parochial service as the aggregate amounts of his pensionable emoluments during his parochial service bear to the aggregate amounts of his pensionable emoluments throughout his public and parochial service. Officers with other public service.

(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 the parochial service—

- (a) in the application of regulation 16, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of retirement, whether from the public or parochial service;
- (b) no regard shall be had to an additional pension under regulation 20 or regulation 21 or regulation 22; 24/1958
S. 13.
- (c) [*Deleted by Act 33 of 1979.*]
- (d) no period of public service in respect of which no pension or gratuity is granted to him shall be taken into account;
- (e) no regard shall be had to any pension which might be payable pursuant to regulation 6A. 35/1979
Sch.

(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 public and parochial service subsequent to the attainment of the age of—

- (a) in the case of an officer whose first appointment was under a Local Authority or the Government of this Island, eighteen years; 5/2016
S. 12(c).
- (b) in the case of an officer whose first appointment was in public service other than under the Government of this Island, twenty years:

SCHEDULE, *cont'd.*

Provided that—

- (a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any period of public service in respect of which no pension or gratuity is granted to him;
- (b) where under regulation 17 part only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, a proportionate part only of the officer's aggregate pensionable emoluments during that service shall be taken into account for such calculation.

Gratuities
where length
of service
does not
qualify for
pension.

9. Any officer who is transferred to or from the parochial service from or to public service and who retires from the public or parochial 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 whose aggregate service in the public and parochial services does not qualify him for a pension under regulation 8, may be granted in respect of his parochial service 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 such regulation.

Marriage
gratuities.

10. A female officer who is transferred to or from the parochial service from or to public service and resigns from the public or parochial service on or with a view to marriage or is required to retire from the public or parochial service on account of her marriage, and in consequence—

- (i) would, if the whole of her service had been in the parochial service, have been eligible for a gratuity under regulation 6; and
- (ii) if she is at the date of resignation or retirement in public service 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—

- (a) for the grant of any pension or otherwise eligible for gratuity under this Part; or
- (b) for the grant of any allowance or gratuity under regulation 24,

be granted a gratuity which bears to the gratuity for which she would be eligible if the whole of her service had been in the service in which she is last employed the proportion which her parochial service bears to her total public and parochial service:

Provided that for the purpose of computing such an officer's total public and parochial service under this paragraph, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

SCHEDULE, *cont'd.*

10A.—(1) An officer to whom this Part applies who would if his aggregate service had been under a Local Authority have been eligible for a pension under regulation 6A may, if he is not otherwise eligible for the grant of any pension, gratuity or other allowance under these Regulations, be granted, on such terms as are stipulated in regulation 6A, in respect of his parochial service, a pension of such an amount as bears the same proportion to the amount of pension for which he would have been eligible had his service been wholly under a Local Authority as the aggregate amounts of his pensionable emoluments during his parochial service bear to the aggregate amounts of his pensionable emoluments throughout his total public service and his parochial service.

Application of regulation 6A where officer not otherwise eligible for pension.
35/1979 Sch.
5/2016 S. 12(c).

(2) In the application of this regulation to any officer no regard shall be had to any service under a Government which does not grant a pension to that officer in like circumstances as are prescribed in regulation 6A.

(3) The provisions of paragraph (3) of regulation 8 shall apply, *mutatis mutandis*, to a pension granted under this regulation as they apply to a pension granted under regulation 8.

PART IV. *General*

11.—(1) Subject to the provisions of these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of public or parochial service and the date of his leaving the public or parochial service, without deduction of any period during which he has been absent on leave.

General rules as to qualifying service and pensionable service.

(2) No period which is not qualifying service by virtue of paragraph (1) shall be taken into account as pensionable service.

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

12.—(1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service.

Continuity of service.
35/1979 Sch.

(2) Any break in service shall be disregarded for the purposes of paragraph (1) if—

- (a) it is caused by temporary suspension of employment not arising from misconduct or voluntary resignation; or
- (b) subject to paragraph (3), the periods of service when added together total not less than fifteen years.

(3) Unless the Governor-General in any particular case, on such terms and conditions as the Governor-General thinks fit, otherwise directs, the following shall not be taken into account as service for the purposes of paragraph (2)(b)—

- (a) any period of temporary service which was not immediately followed by a permanent appointment in which the officer was confirmed;

SCHEDULE, *cont'd.*

- (b) any period of service during which the officer was, by virtue of the terms of his appointment, on probation if either the officer was not confirmed in the appointment or the service was not immediately followed by a permanent appointment in which the officer was confirmed;
- (c) any period of service during which the officer contributed to the Provident Fund established under the Provident Fund Act and by such contribution became eligible for any payment under section 22 or 23 of that Act;
- (d) any period of service in respect of which the officer was previously awarded any retiring benefits under this Act or under the Pensions Act;
- (e) any period of service which preceded the dismissal of the officer on the ground of misconduct.

(4) An officer—

- (a) whose pension or other allowance has been suspended under section 12 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 or parochial service without pension or other allowance on account of ill-health, abolition of office, or re-organization designed to effect greater efficiency or economy, and has subsequently been re-employed in the public or parochial service,

24/1958
S. 2(1).

may if the Governor-General thinks fit, be granted the pension, gratuity, or other allowance, for which he would have been eligible if any break in his public or parochial service immediately prior to such suspension, re-employment or employment had not occurred, such pension or other allowance to be in lieu of—

5/2016
S. 12(c).

- (i) any pension or other allowance previously granted to him from the funds of any Local Authority; 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 so refunded.

Leave
without
salary.

13. No period during which an officer has been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave has been granted on grounds of public policy with the approval of the Governor-General.

Service in
Her Majesty's
Forces.
5/2016
S. 12(c).

14. 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 any Local Authority, of the Government of this Island or of the Government of any Commonwealth country service in which has been determined to be public service for the purposes of any provi-

sions of these Regulations, and have not been refunded, such period shall not be taken into account as pensionable service.

15. Where an officer holding a pensionable office serves with Her Majesty's Forces in time of war (in this regulation referred to as "military service") or in any civilian employment connected with the prosecution of the war (in this regulation referred to as "civilian service") and before so serving had been employed in the parochial service or in the public service, then the following provisions shall have effect—

(1) during the period of such military or civilian service, including in the case of—

- (a) military service, any period of service with Her Majesty's Forces after the termination of the war (which period shall be included in the expression "military service");
- (b) civilian service, any period of civilian employment which may be approved by the Governor-General, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war connected with the prosecution thereof (which period shall be included in the expression "civilian service").

War service.

24/1958
S. 2 (1).

such officer shall be deemed to have been on leave on full salary from the public or parochial service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service;

(2) during any period between his leaving the public or parochial service for the purpose of serving in Her Majesty's Forces or in any such civilian employment and the date of his commencing such military or civilian service, he shall be deemed to be on leave without pay, not granted on grounds of public policy, from the public or parochial service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service; and during any period between the termination of his military or civilian service and the date of his re-entering the public or parochial service he shall, for such purposes, be deemed to be on leave as aforesaid from the public or parochial service, and to have held the substantive office, in which he is re-employed:

Provided that—

- (i) this regulation shall not apply when either period mentioned in paragraph (2) exceeds three months, or such longer period as the Governor-General, may in any special case determine; or if the officer fails, after such military or civilian service, to re-enter the public or parochial service otherwise than in circumstances in which he would be permitted, under the law or regulations applicable to the public or parochial service

46/1961
S. 3.

PENSIONS (PAROCHIAL OFFICERS)

in which he is last employed prior to such military or civilian service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military or civilian service;

- (ii) if during any period mentioned in paragraph (1), the officer has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (1) shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";
- (iii) if during his military or civilian service the officer is injured or killed, he shall not be deemed to have been injured or killed, in the discharge of his duty;
- (iv) the provisions of this regulation which require that the officer shall be deemed to have held a specified office and to have been on leave from the public or parochial service, shall not apply in respect of any period during which he has actually held any other substantive office and has been on leave from any public service.

Emolu-
ments to be
taken for
computing
pension or
gratuity.
L.N.
56/1994.

16. For the purpose of computing the amount of pension or gratuity of an officer—

- (a) the annual pensionable emoluments enjoyed by him at the date of his retirement shall be taken; and
- (b) he shall be deemed to have been on duty on full pensionable emoluments at that date.

Service
otherwise
than in a
pensionable
office.

17. Only service in a pensionable office shall be taken into account as pensionable service:

Provided that—

- (1) where a period of continuous 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, that period, or such portion thereof as the Governor-General may determine, may with the approval of the Governor-General be so taken into account;
- (2) any break in service which may be disregarded under the provisions of regulation 12 may likewise be disregarded in determining for the purposes of the preceding proviso whether the period of service otherwise than in a pensionable office is immediately followed by the period of service in a pensionable office;

24/1958
S. 2 (1).

35/1979
Sch.

SCHEDULE, *cont'd.*

- (3) where an officer has been transferred from a pensionable office in which he has been confirmed to an office other than a pensionable office and subsequently retires either from a pensionable office or from such other office, his service in such other 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, so, however, that in the case of an officer who has elected after the commencement of this Act under any law for the time being in force in relation to the establishment of a Provident Fund for parochial officers to become a depositor in such Fund, his service subsequent to his so electing shall be treated as qualifying service but not as pensionable service;
- (4) where a period of service otherwise than in a pensionable office is taken into account under this regulation, the officer shall, during that period, be deemed for the purposes of regulations 6, 20 and 21 to be holding a pensionable office, and where that period is taken into account under proviso (3), to have been confirmed therein.

24/1958
S. 13.

18. Any period during which an officer has performed only acting service in a pensionable office may be taken into account as pensionable service if the period of such acting service—

Acting
service.

- (1) is not taken into account as part of the officer's own pensionable service; and
- (2) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same government or authority,

and not otherwise.

19. Save as otherwise provided in these Regulations, there shall not be taken into account as pensionable service—

Service
under age of
eighteen or
twenty or on
probation or
agreement.
5/2016
S. 12(c).

- (1) any period of service while the officer was under the age of—
 - (a) in the case of an officer whose first appointment was under a Local Authority or the Government of this Island, eighteen years;
 - (b) in the case of an officer whose first appointment was in public service other than under the Government of this Island, twenty years; or
- (2) any period of service while he was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public or parochial service:

SCHEDULE, *cont'd.*

Provided that any break of service which may be disregarded under the provisions of regulation 12 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

Service as
member of
Defence
Force or
Local
Forces may
be counted
as pension-
able or
qualifying
service.
35/1979
Sch.

19A.—(1) Subject to paragraph (2), where an officer holding a pensionable office retires from the parochial service then if his service which is pensionable under these Regulations follows a period of service as an officer or member of the Local Forces constituted under the Local Forces Law (repealed) or as an officer or soldier of the regular Force of the Jamaica Defence Force, as the case may be, in respect of which he continues to be eligible for an award of retiring benefits under the Local Forces Law (repealed) or under the Defence Act, as the case may be, or any regulations made thereunder, the Governor-General may, either generally or in any particular case direct that such period of service may for the purposes of these Regulations be taken into account as pensionable service or as qualifying service; and notwithstanding anything to the contrary, any pension or gratuity awarded to him under these Regulations shall—

- (a) where such period has been taken into account as pensionable service be in substitution for; or
- (b) where the period has been taken into account as qualifying service, be in addition to,

any pension or gratuity for which he may be eligible under those Acts or any regulations made thereunder in respect of such period of service.

(2) Where an officer to whom paragraph (1) applies, has been awarded benefits under the Local Forces Law (repealed) or the Defence Act, as the case may be, or any regulations made thereunder, in respect of his service as an officer or member of the Local Forces or as an officer or soldier of the regular Force of the Jamaica Defence Force, as the case may be, such period of service shall not be taken into account for the purposes of paragraph (1).

(3) Any break in service shall be regarded in determining for the purpose of this regulation whether the period of service as an officer or member of the Local Forces aforesaid or as an officer or soldier of the Jamaica Defence Force, as the case may be, was followed by pensionable service under these Regulations.

(4) Where the Governor-General makes a direction under paragraph (1), the period of service in relation to which such direction is made, shall, for the purposes of these Regulations, be deemed to be service in the Local Authority in which the officer was first employed after his military service.

5/2016
S. 12(c).

PART V. *Supplementary*

20. If an officer holding a pensionable office retires from the public or parochial service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater efficiency or economy may be effected, he may—

Abolition of office and re-organization.

- (1) if his aggregate service, whether parochial or public and parochial, is less than ten years, be granted in lieu of any gratuity under regulation 5 or regulation 9 a pension under regulation 4 or regulation 8, as the case may be, as if the words "for ten years or more" were omitted from such regulation 4;
- (2) if he retires from the parochial service, be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of three years' pensionable service: Provided that—
 - (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.

24/1958
S. 2 (1).

21.—(1) This regulation applies to an officer who—

- (a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (c) is permanently injured as a result of an accident or damage to the aircraft while travelling by air in pursuance of official instructions and the injury was not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (d) while 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, is permanently injured as the result of damage or any act of violence to the vessel, aircraft or vehicle in which he is travelling, if the Governor-General is satisfied that that damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged.

Officers retiring on account of injury or disease.

24/1958
S. 13.

(2) In this regulation, unless the contrary intention appears, references to an officer being injured and to the date on which an injury is sustained shall respectively be construed as including reference to his contracting such a disease as is mentioned in paragraph (1) and to the date on which such disease is contracted.

(3) An officer holding a pensionable office in which he has been confirmed may—

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the parochial service for less than ten years, be granted, in lieu of any gratuity under regulation 5 or regulation 9, a pension under regulation 4 or 8, as the case may be, as if the words "for ten years or more" were omitted from regulation 4;
- (b) if he was permanently injured while in the service of this Island, 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:

Provided that—

- (i) if he was permanently injured while travelling by air in pursuance of official instructions, the relevant proportion in the table shall be increased by one-half;
- (ii) the amount of the additional pension may be reduced to such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of the retirement.

(4) An officer holding a non-pensionable office in which he has been confirmed and whose service therein is not taken into account under regulation 17 may—

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the parochial service for less than ten years, be granted an allowance under paragraph (1) of regulation 24 as if the words "for ten years or more" were omitted from sub-paragraph (a) of that paragraph;
- (b) if he was permanently injured while in the service of this Island be granted on retirement an additional allowance of the same amount and subject to the same conditions as the additional pension which might be granted to him under paragraph (3) if his office were a pensionable office; and for the purpose of calculating such additional allowance the expression "pensionable emoluments" in that paragraph means the emoluments enjoyed by the officer which would have been

SCHEDULE, *cont'd.*

pensionable emoluments if the office held by him had been a pensionable office.

(5) An officer holding a pensionable or non-pensionable office in which he has not been confirmed who is permanently injured while in the service of this Island may be granted on retirement a pension or allowance of the same amount as the additional pension or allowance which might be granted to him under paragraph (3) or (4) if he had been confirmed in his office. The provisions of regulation 23 and paragraph (5) of regulation 24 shall not apply to a pension or allowance granted under this paragraph.

(6)(a) In this paragraph "injury award" means an award in respect of injury that may be granted to an officer under sub-paragraph (b) of paragraph (3) or under sub-paragraph (b) of paragraph (4) or under paragraph (5).

(b) If, for the purpose of assessing the amount of an injury award, the degree of permanent impairment of his capacity to contribute to his support is in doubt, an officer may be granted a provisional award to have effect until such time as the degree of permanent impairment can be ascertained.

(c) The Governor-General may take into account in such manner and to such extent as he may think fit against an injury award that may be granted to an officer in respect of an injury—

- (i) any damages that he is satisfied have been or will be recovered by the officer in respect of that injury; and
- (ii) any benefits that have been or may be awarded to the officer under the Workmen's Compensation Act or under the Oversea Superannuation Scheme in respect of that injury,

and he may withhold or reduce the injury award accordingly.

22.—(1) If an officer holding a pensionable office in which he has been confirmed—

- (a) retires from the public service in the circumstances described in paragraph (d) of subsection (1) of section 7 of the Act; and
- (b) at the date of his retirement has been in the parochial service for more than ten years but less than twenty years,

he may be granted an additional pension at the rate of one five-fortieth of his pensionable emoluments for each month by which his parochial service falls short of twenty years, or by which his age at such date falls short of sixty years, whichever is the less.

Officers
retiring on
account of
ill health.

24/1958
S. 13.

33/1997
S. 4.
w.e.f.
10.6.96.

(2) This regulation shall not apply in the case of an officer—

- (a) who is permanently injured and is entitled to benefits under the Oversea Superannuation Scheme, or the Workmen's Compensation Act or any enactment amending or replacing that Act; or

SCHEDULE, *cont'd.*

- (b) who is injured in the discharge of his duty and is eligible to receive an award under regulation 21;

Provided that if such award is less than the additional pension for which he would be eligible under this regulation, he may be granted in lieu thereof an additional pension under this regulation.

Gratuity and
reduced
pension.
L.N.
107/1954.

23. Any officer to whom a pension is granted under the Act may, at his option exercisable on his retirement from the public or parochial service, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Non-
pensionable
officers.
5/2016
S. 12(c).

24.—(1) Subject to the provisions of this regulation, an officer holding a non-pensionable office who is not eligible for pension from the funds of any Local Authority may—

- (a) if he has been in the parochial service or in the public and parochial service in a civil capacity for ten years or more; and
(b) if he retires from the parochial service in any of the circumstances mentioned in section 7 of the Act,

be granted a monthly allowance at the rate of three-fourths of the pension for which he would be eligible under regulation 4 or regulation 8, as the case may be, had he been the holder of a pensionable office:

24/1958
S. 2(1).

Provided that for the purpose of this regulation no regard shall be had to any public service of the officer other than public service under the Government of this Island unless the Governor-General in any particular case otherwise directs.

35/1979
Sch.

(1A) The provisions of regulation 6A shall apply to an officer who held a non-pensionable office as if in that regulation the words “non-pensionable office” were substituted for the words “pensionable office”, the words “monthly allowance” were substituted for the word “pension” and the words “one eight-hundredth” were substituted for the words “one six-hundredth”.

46/1961
S. 3.

(2) The Governor-General may in any particular case direct that the provisions of regulation 15 shall apply to an officer holding a non-pensionable office and thereupon such regulation shall apply to such officer as if the words “monthly allowance” were substituted for the word “pension” wherever such latter word appears.

(3) The provisions of paragraph (2) of regulation 20 shall apply to an officer who has held a non-pensionable office for at least ten years as if in such application the words “monthly allowance” were substituted for the word “pension”, and the words “eightieth” and “eightieths” were substituted for the words “sixtieth” and “sixtieths” as the case may be.

(4) The provisions of regulation 22 shall apply to an officer who has held a non-pensionable office for at least ten years as if in such application the words "monthly allowance" were substituted for the word "pension" and the words "one eight-hundredth" for the words "one six-hundredth".

24 1958
S. 13.

(5) An officer to whom a monthly allowance is granted under this regulation may at his option exercisable on his retirement from the public service be paid in lieu of such monthly allowance a monthly allowance at the rate of three-fourths of such monthly allowance together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the monthly allowance.

L.N.
107 1954.

(6) An officer, holding a non-pensionable office, who is not eligible for pension or monthly allowance, or otherwise eligible for gratuity from the funds of any Parish Council may—

- (a) if his aggregate service, whether parochial or public and parochial, is at least five years but less than ten years; and
- (b) if he retires in any of the circumstances mentioned in section 7 of the Act, other than those mentioned in paragraph (i) (e) of subsection (1) thereof,

be granted a gratuity not exceeding five times the annual amount of the monthly allowance, which, if there had been no qualifying period, might have been granted to him, under paragraph (1).

(7) For the purposes of this regulation—

- (a) the expression "pensionable emoluments" or "pensionable service" whether either of such expressions appears in the Act or in these Regulations means the emoluments enjoyed by the officer which would have been pensionable emoluments, or such of his service as would have been pensionable service (as the case may be) if the office held by him had been a pensionable office;

- (b) regulation 17, regulation 18 and regulation 19 shall apply to non-pensionable officers in the same manner as they apply to pensionable officers and as if in their application to non-pensionable officers the words "non-pensionable office" were substituted for the words "pensionable office".

Pensions and
gratuities
under section
18.
Appendix B.
22/2003
S. 4.

25. Pursuant to section 18, pensions may be granted in accordance with Part I of Appendix B subject to the terms and conditions specified in Part II; and gratuities may be granted in accordance with Part III.

22/2003
S. 5.

APPENDIX A

(Section 23)

Specified Office	Effective Date	Rate of allowance if Quarters not available
Town Clerk	1.4.61	\$600 per annum
Secretary, Parish Council	1.4.74	\$600 " "
Deputy Town Clerk	1.4.75	\$600 " "
City Treasurer	1.4.75	\$600 " "
City Engineer	1.4.75	\$600 " "
Deputy City Engineer	1.4.75	\$600 " "

Appendix B

(Section 18 and
regulation 25)22/2003
S. 6.

PART I

Pension which may be granted pursuant to section 18

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
1	Surviving spouse of the officer		Two-thirds of the officer's annual pensionable emoluments at the date of his death.
2	Each child of the officer	<p>A. If the officer leaves a surviving spouse to whom a pension is granted under item 1 and does not leave a mother or father, as the case may be, who is eligible for pension under item 3.</p> <p>B. If the officer leaves a surviving spouse to whom a pension is granted under item 1 and also a mother or father, as the case may be, who is eligible for a pension under item 3.</p>	<p>A. An aliquot part, determined in accordance with Part II, of one-third of the officer's annual pensionable emoluments at the date of his death.</p> <p>B. An aliquot part (determined as aforesaid) of one-sixth of the annual pensionable emoluments of the officer at the date of his death.</p>

PENSIONS (PAROCHIAL OFFICERS)

Appendix B, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
		C. If the officer leaves no surviving spouse to whom a pension is granted under item 1 but leaves a mother or father, as the case may be, to whom a pension is granted under item 3.	C. An aliquot part (determined as aforesaid) of the pension specified in item 1.
		D. If the officer leaves neither a surviving spouse to whom a pension is granted under item 1 nor a mother or father, as the case may be, to whom a pension is granted under item 3 and there are not more than three children of the officer eligible for pension under this Table.	D. An aliquot part (determined as aforesaid) of the pension specified in item 1.
		E. If the circumstances with regard to a surviving spouse and mother or father are as in paragraph D but the number of children of the officer eligible for pension under this Table exceeds three.	E. An aliquot part (determined as aforesaid) of the annual pensionable emoluments of the officer at the date of his death.

Appendix B. *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
		F. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the mother or father, as the case may be, pension ceases to be payable under item 3 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B.	F. An aliquot part (determined as aforesaid) of one-half of the pension payable under item 1.
		G. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B.	G. An aliquot part (determined as aforesaid) of the pension payable pursuant to item 1.

PENSIONS (PAROCHIAL OFFICERS)

Appendix B, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
3	The officer's mother or, where the mother is dead, the officer's father.	A. If the officer leaves a surviving spouse to whom pension is payable under item 1 and a child or children to whom a pension is payable under item 2.	A. One-sixth of the annual pensionable emoluments of the officer at the date of his death.
		B. If the officer leaves a child or children to whom pension is payable under item 2 but leaves no surviving spouse to whom pension is payable under item 1.	B. One-third of the annual pensionable emoluments of the officer at the date of his death.
		C. If pension is payable pursuant to paragraph A and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of pension payable under paragraph A.	C. One-third of the annual pensionable emoluments of the officer at the date of his death.

PART II

Terms and conditions applicable to the payment of pensions under Part I

1. Payment of pension to a surviving spouse shall be made only while that spouse is unmarried.

2. In the case of pensions granted to two or more children of an officer under item 2 of Part I, the pension payable to each child shall be determined by dividing the pension which would be payable to one such child equally among such children as are eligible for pension under that Part.

3.—(1) A child shall cease to be eligible for pension under this Part on attaining the age of nineteen years, so, however, that—

- (a) a child who is receiving higher education shall continue to be so eligible until that child attains the age of twenty-three years or completes the course of higher education, whichever is the earlier;
- (b) a child who was mentally or physically incapacitated at the time of the officer's death and was wholly or mainly dependent on him for support may, if the Governor-General so directs, be treated as continuing to be eligible, after attainment of the age of nineteen years, during the period of incapacity or for such shorter period as the Governor-General may determine; and the Governor-General may, if he sees fit, increase or reduce the amount of pension payable in respect of that child to such amount as the Governor-General thinks fit, so, however, that where such amount is increased, the total amount of pension payable in respect of all dependants of that officer shall not exceed his pay at the date of his death;
- (c) a female child shall cease to be so eligible upon the marriage of that child under the age of nineteen years.

(2) For the purposes of sub-paragraph (1) "higher education" means either a course of full-time instruction at any educational establishment approved for the purpose by the Minister responsible for education or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than two years.

4. Payment of a pension to the mother of an officer shall be made only if the mother was wholly or mainly dependent on the deceased officer for support and while the mother is without adequate means of support and, if the mother is unmarried, divorced or a widow, as the case may be, at the time of the grant of the pension and subsequently marries or remarries, as

the case may be, such pension shall cease as from the date of marriage or remarriage; 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.

5. Payment of a pension to the father of an officer shall be made only while the father is without adequate means of support and, if it appears to the Governor-General, at any time that the father is adequately provided with other means of support such pension shall cease as from such date as the Governor-General may determine.

PART III

Gratuities which may be granted pursuant to section 18

1. Without prejudice to any pension payable pursuant to Part I, a gratuity may be granted in accordance with this Part to the dependants of an officer or, if there are no dependants, to the officer's legal personal representatives.

2. Such gratuity shall—

(a) in respect of an officer who dies from injuries received after the 1st day of July, 1974, but before the 1st day of January, 1978, not exceed—

- (i) ten thousand dollars; or
- (ii) a sum equal to two years pensionable emoluments of the officer at the date of his death; or
- (iii) the aggregate of one year's pensionable emoluments of the officer at the date of his death plus the amount of commuted pension gratuity for which he would have been eligible if he had retired at the date of his death.

whichever is the greater;

(b) in respect of an officer who dies from injuries received on or after the 1st day of January, 1978, but before the 1st day of April, 1988, not exceed—

- (i) twenty thousand dollars; or
- (ii) the aggregate of the amounts specified in paragraphs (a) (iii).

whichever is the greater.

(c) in respect of an officer who dies from injuries received on or after the 1st day of April, 1988, but before the 1st day of April, 1992, not exceed—

- (i) one hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater;
- (d) in respect of an officer who dies from injuries received on or after the 1st day of April, 1992, but before the 1st day of April, 1994, not exceed—
 - (i) three hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater;
- (e) in respect of an officer who dies from injuries received on or after the 1st day of April, 1994, but before the 1st day of April, 1996, not exceed—
 - (i) five hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater;
- (f) in respect of an officer who dies from injuries received on or after the 1st day of April, 1996, but before the 1st day of October, 1999, not exceed—
 - (i) one million dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater;
- (g) in respect of an officer who dies from injuries received on or after the 1st day of October, 1999, but before the 1st day of April, 2000, not exceed—
 - (i) one million seven hundred and fifty thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater; and
- (h) in respect of an officer who dies from injuries received on or after the 1st day of April, 2000, but before the 1st day of April, 2005, not exceed—

L.N.
27G/2012.

(i) four million dollars; or

(ii) the aggregate of the amounts specified in subparagraph (a) (iii),

whichever is the greater;

L.N.
27G/2012.

(i) in respect of an officer who dies from injuries received on or after the 1st day of April, 2005, but before the 1st day of April, 2006, not exceed—

(i) four million five hundred thousand dollars; or

(ii) the aggregate of the amounts specified in subparagraph (a) (iii),

whichever is the greater;

L.N.
27G/2012.

(j) in respect of an officer who dies from injuries received on or after the 1st day of April, 2006, but before the 1st day of April, 2008, not exceed—

(i) six million dollars; or

(ii) the aggregate of the amounts specified in subparagraph (a) (iii),

whichever is the greater;

L.N.
27G/2012.

(k) in respect of an officer who dies from injuries received on or after the 1st day of April, 2008, not exceed—

(i) eight million dollars; or

(ii) the aggregate of the amounts specified in subparagraph (a) (iii),

whichever is the greater.

3. *[Deleted by L.N. 27G/2012.]*

4. For the purposes of this Part “dependants” means any person entitled to a pension under Part I.

5. In this Part “commuted pension gratuity” has the meaning assigned to it by section 17(3).

6. A gratuity granted in accordance with this Part shall be divided among the dependants as follows—

- (a) if there is a surviving spouse, that spouse shall be granted fifty per cent of the gratuity or such higher percentage as the Governor-General may approve and the remainder shall be divided among any other dependants in such proportion as the Governor-General thinks fit;
- (b) If there is no surviving spouse, the gratuity shall be divided among the dependants in such proportion as the Governor-General thinks fit.