

ANTIGUA AND BARBUDA



THE PENSIONS (AMENDMENT) REGULATIONS 2022

STATUTORY INSTRUMENT

2022, No. 51

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THE PENSIONS (AMENDMENT) REGULATIONS 2022, made by the Cabinet, with the approval of the Parliament, in exercise of the powers contained in section 3(3) of the Pensions Act, Cap. 311.

1. Citation and commencement

- (1) These Regulations may be cited as the Pensions (Amendment) Regulations 2022.
- (2) These Regulations shall come into effect on the 30th day of December, 2022.

2. Interpretation

In these Regulations –

“principal Regulations” means the Regulations for the granting of pensions, gratuities, and other allowances to officers as set out in the First Schedule to the Pensions Act, Cap. 311.

3. Amendment of Regulation 4 – Pension to whom and at what rates to be granted

The principal Regulations are amended by the repeal of Regulation 4 and the substitution of the following -

“4. Pension to whom and at what rates to be granted

Subject to the provisions of the Act and of these Regulations, every officer

- (a) holding pensionable office under the Government, who has been in service under the Government in a civil capacity for ten years or more; or
- (b) who, from the period 1st January, 2004 to 30th June 2014 was, at the date of his retirement in service under the government in a civil capacity for at least nine years and six months, but less than ten years, may, on retirement from the service be granted a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service.”

4. Insertion of Part IIIA – Pension and gratuity to officers who completed nine years and six months but less than ten years in the service

The principal Regulations are amended by inserting after the conclusion of Part III – Transferred Officers, the following new Part:

“PART IIIA

PENSION AND GRATUITY TO OFFICERS WHO COMPLETED NINE YEARS AND SIX MONTHS BUT LESS THAN TEN YEARS IN THE SERVICE

13A. Application of this Part

This Part shall apply to an officer who –

- (a) retired from the service of the Government in a civil capacity between the period 1st January 2004 and 30th June 2014 in circumstances outlined in paragraph (a) of section 6, but who, at the time of retirement had been in the service of the Government for a minimum period of nine years and six months but less than 10 years; or
- (b) was dismissed from the service between the period 1st January, 2004 and 30th June 2014 as a result of victimization or discrimination but who, had it not been for the said victimization or discrimination, would have more likely than not, remained in the service of the Government in a civil capacity; and
- (c) is not otherwise in receipt of a pension resulting from his years of service in the Government in a civil capacity; and
- (a) had not been severed from the service of the Government by virtue of having received a separation package.

13B. Gratuity and reduced pension

(1) Subject to Regulation 13C, an officer to whom this Part applies shall be paid a reduced pension only.

(2) For the purpose of calculating the reduced pension entitlement to an officer, the officer shall be treated as having opted to receive a gratuity and reduced pension at the date of his retirement from the service.

13C. Treatment of previously received payment of gratuity under Regulation 5 or 12

Where a retired officer had received a gratuity under Regulation 5 or 12 of the principal Regulations –

- (a) The amount of the gratuity received by the officer shall be taken into consideration in calculating the payment of the gratuity and reduced pension to which the officer would be entitled; and
- (b) If the gratuity previously received by the officer is in excess of the gratuity that the officer would have received had he opted to receive a gratuity and reduced pension under Regulation 25, the payment in excess shall be deducted from any pension payment to which the officer would have been entitled at the date of his retirement.

13D. Pension Protected

The pension payable under this Part shall not –

- (a) Be assignable or transferable except for the purpose of satisfying a debt to the Government or an Order of a Court; more
- (b) Be liable to be attached, sequester or levied upon for or in respect of any debt or claim whatever except a debt due to the Government or any sum recoverable pursuant to an order of the court as mentioned in sub-paragraph (a).

13E. Non applicability of Regulation 25

The provisions of regulation 25 shall not apply to this Part, except as referenced herein.

13F. Applicability of Part IV of these Regulations

Part IV (General) of these Regulations shall apply with the necessary modifications to give effect to this Part.”

5. Amendment to have retrospective effect

This amendment to the Pensions Regulations shall have retrospective effect.

Made this 29th day of December, 2022

BY ORDER OF THE CABINET

Kanata Lee,
Secretary to the Cabinet.

Passed by a Resolution of the House of Representatives on the 1st day of December, 2022

Sir Gerald Watt,
Speaker

Mrs. Rosemarie Weston,
Clerk to the House of Representatives (Ag.)

Passed by a Resolution of the Senate on the 12th day of December, 2022

Mrs. Alincia Williams-Grant,
President of the Senate

Mrs. Rosemarie Weston,
Clerk to the Senate (Ag.)