



BERMUDA

EX GRATIA PAYMENTS ACT 1983

1983 : 62

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[preamble and words of enactment omitted]

Short title

1 This Act may be cited as the Ex Gratia Payments Act 1983.

Interpretation

2 In this Act unless the context otherwise requires—

“Minister” means the Minister of Finance;

“repealed Act” means the Ex Gratia Payments (Consolidation) Act 1968.

Persons ceasing government employment not eligible for pension; ex gratia payment

3 (1) Where any person employed in the service of the government retires from or otherwise discontinues such employment at an age other than that at which or in circumstances other than those in which he is eligible for or entitled to a pension or any

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other benefit under any statutory provision, then subject to the approval of the Cabinet but not otherwise, the Minister may direct the Accountant General to pay ex gratia to such person an amount not in excess of a sum computed at the rate of one eight-hundredth of the salary or wage payable to him immediately preceding the date of his retirement or discontinuance, as the case may be, for each complete month of his service whether such service is continuous or not.

(2) An amount granted under subsection (1) may be for a single lump-sum payment or for regular monthly or weekly payments as the Minister may direct and every such payment and every payment under section 5 shall be a charge upon the Consolidated Fund.

Application of sections 3B and 3C

3A The provisions of sections 3B and 3C shall be deemed to have come into operation on 20th December 1983 and apply mutatis mutandis to an employee referred to in section 3(1) who is a female.

[Section 3A inserted by 1990:73 effective 18 December 1990]

Ex gratia allowance payable to dependent

3B (1) Where an employee referred to in section 3(1) dies (hereafter referred to as "the deceased") before or after payment of the amount granted to him under section 3(1), the Minister may, subject to the approval of Cabinet, direct the Accountant General to pay from the date of the deceased's death to the deceased's dependent, if any, an ex gratia allowance as set out in this section.

(2) If the deceased leaves a widow but no children, the widow is entitled to one-half of the ex gratia amount that was granted and paid to the deceased or, as the case may be, one-half of the ex gratia amount that was granted and which would have been paid to the deceased, until her re-marriage or death.

(3) If the deceased leaves a widow and children by the widow or by a previous wife, the widow is entitled until her remarriage or death to one-half of the ex gratia amount that was granted and paid to the deceased or, as the case may be, one-half of the ex gratia amount that was granted and which would have been paid to the deceased, and the children are, subject to section 3C(2), entitled to the other one-half of such ex gratia amount in equal shares except that where the deceased dies leaving a widow and children by the widow or by a previous wife, it shall be lawful for the Minister either in the first instance or at any time while ex gratia amounts are payable to the children, to direct the payment to the widow of part only of such ex gratia amount and to direct the payment of the balance of such ex gratia amount for or towards the maintenance or education of the children in such manner as the Minister may in his discretion think fit.

(4) If the deceased leaves children but no widow the children are, subject to section 3C(2), entitled to one-half of the ex gratia amount that was granted and paid to the deceased, or as the case may be, one-half of the ex gratia amount that was granted and which would have been paid to the deceased, in equal shares.

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(5) If the deceased is survived by only one child that child is entitled to one-fourth of the ex gratia amount that was granted and paid to the deceased, or as the case may be, one-fourth of the ex gratia amount that was granted and which would have been paid to the deceased.

[Section 3B inserted by 1990:73 effective 20 December 1983]

Payment and administration of child's ex gratia allowance

3C (1) In all cases of a child's ex gratia allowance payable under section 3B, the whole or any part of the allowance may be paid either to the mother, father, or legal guardian of the child, or to the child, or to such person or persons as the Minister may in his discretion consider to be fit and proper persons to apply the same for the benefit of the child, and after the payment the Minister is free of all liability in respect of the payment.

(2) Any ex gratia allowance payable to or for a child ceases on that child attaining the age of eighteen years except that the payment continues to be made to or for a child over the age of eighteen and under twenty-one years if that child is wholly or mainly dependent.

[Section 3C inserted by 1990:73 effective 20 December 1983. NB reference to 21 years in subsection (2) not amended by 2001:20 - see s.6(3) & Sch 1 of that Act.]

Application of Pensions (Increase) Act 1972

4 *[Repealed by 2014 : 26 s. 6]*

[Section 4 repealed by 2014 : 26 s. 6 effective 27 June 2014]

Minister of Finance may direct increase in amount

5 Notwithstanding section 4 the Minister may, where the circumstances so warrant, direct the Accountant General to pay to any person to whom an amount has been granted under section 3(1) an increase in the amount so directed to be paid.

Repeal and saving

6 *[omitted]*

[Assent Date: 20 December 1983]

[Amended by:

1990 : 73

2014 : 26]