

13. Technical qualification pay and additional qualification pay shall cease to be paid when an officer, warrant officer or marine no longer meets the qualification standard laid down by the Minister or voluntarily relinquishes the appropriate qualification.

Cessation or additional pay.

14. Members of the Reserve shall be paid for every day they are undergoing training or called out on temporary or permanent service and shall receive, while so employed, the same rates of pay as those laid down for members of the Regular Force of corresponding rank, seniority and service.

Members of the Reserve, rates of Pay.

DEFENCE (PENSIONS AND GRATUITIES) REGULATIONS

S.I. 46/1984

(SECTION 205)

[Commencement 20th September, 1984]

1. These Regulations may be cited as the Defence (Pensions and Gratuities) Regulations.

Citation.

2. (1) In these Regulations unless the context otherwise requires and subject to paragraph (2) —

Interpretation.

“officer” means a member of the Defence Force of the rank of midshipman or above;

“pay” includes technical qualification pay, additional qualification pay and allowances;

“pensionable emoluments” means the amount of pay received by an officer, warrant officer or marine in the final month of his service;

“permanent partial disablement” means such disablement as is of a permanent nature and which reduces the earning capacity of an officer, warrant officer or marine in every employment which he is capable of undertaking;

“permanent total disablement” means such disablement as is of a permanent nature and which incapacitates an officer, warrant officer or marine for any employment in the Defence Force or elsewhere;

“public claim” means any public debt or disallowance, including any over-issue or advance of pay, pension or emoluments made through an error as to facts; or the sum required to make good any loss, deficiency or irregular expenditure of public money, and deficiency, loss, damage or destruction of public stores, buildings or other public property of which, after due investigation, no explanation satisfactory to the Minister is given by the person responsible for the same;

“reckonable service” means —

- (a) such periods or the aggregate of such periods as a person shall have been paid as an officer, warrant officer, or marine of the Defence Force;
- (b) a continuous period of full-time paid service in the Marine Division of the Royal Bahamas Police Force immediately prior to service in the Defence Force and prior to 1st May 1980; and
- (c) any other equivalent service approved in each case by the Minister;

“service claim” means any debt or sum required to make good any loss, deficiency or irregular expenditure of service money pertaining to any service mess, club, institution or other service organization for which, after due investigation, no explanation satisfactory to the Minister is given by the person responsible for the same; and

“warrant officer” has the same meaning as in the Defence (Regular Force Enlistment and Service) Regulations and the Defence (Reserve) Regulations.

(2) References in these Regulations to officers, warrant officers and marines do not include a person serving in the Defence Force by virtue of a contract between that person and the Government of The Bahamas.

3. Subject to regulation 7, an officer, warrant officer or marine may on termination of his service be granted —

- (a) if his reckonable service is less than twenty-five years, but he has attained the age of fifty-five years, a pension of one-six hundredth of the amount of his pensionable emoluments for each completed month of reckonable service; or

Calculation of pensions.

- (b) if his reckonable service is not less than twenty-five years and not more than thirty years, a pension of one-half of the amount of his pensionable emoluments; or
- (c) if his reckonable service exceeds thirty years, a pension of one-seven hundred and twentieth of his pensionable emoluments for each completed month of his reckonable service:

Provided that a pension granted under this regulation shall not exceed the amount of two-thirds of a person's highest pensionable emoluments.

4. An officer, warrant officer or marine who has qualified for a pension under regulation 3 may, at his option exercisable on a day not later than the day preceding the termination of his 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 ten times the amount of the reduction so made in the pension:

Reduced pensions and gratuities.

Provided that a person who has exercised his option before the day preceding the termination of his service may revoke this option on or before, but not later than, that day.

5. Subject to regulation 7, where the service of an officer, warrant officer or marine terminates and he has completed at least ten years reckonable service but has not qualified for a pension under regulation 3, he may be granted a gratuity being a sum amounting to four per centum of his annual pay at the date of the termination of his service for each completed year of reckonable service.

Gratuities.

6. No person shall have an absolute right to a pension or other grant under these Regulations.

Pensions or other grants not as of right.

7. No pension or other grant shall be payable where the service of an officer, warrant office or marine is terminated for irregular enlistment or misconduct or pursuant to a sentence of death, imprisonment or dismissal, with or without disgrace, from the Defence Force pronounced by a court of competent jurisdiction or by a commanding officer.

Exclusion of pensions and other grants.

Invalidity
pension.

8. (1) Any officer, warrant officer or marine who has not qualified for a pension under regulation 3 whose services are terminated on grounds of ill-health or injury occasioned, without his own default, in the discharge of his service as a member of the Defence Force, may be granted, instead of the gratuity provided for by regulation 5, a pension —

- (a) amounting to one-nine hundredth of the amount of his pensionable emoluments for each completed month of reckonable service; or
- (b) if in the opinion of the Medical Officer to the Defence Force the injury has resulted or is likely to result in permanent total disablement, the full amount of the pension which would have been payable had he completed twenty-five years service together with compensation equivalent to twelve months pay; or
- (c) if in the opinion of the Medical Officer to the Defence Force the injury has resulted or is likely to result in permanent partial disablement, a pension equivalent to such percentage of the pension which would have been payable had he completed twenty-five years service as is set out in the Schedule.

Schedule.

(2) Where an officer, warrant officer or marine has suffered permanent partial disablement on account of ill-health or injury occasioned, without his own default, in the discharge of his service as a member of the Defence Force but his service has not been terminated, the Minister may, in addition to any pension payable under regulation 3, award such invalidity pension as he may think fit, but so that the total amount of the pensions payable shall not exceed two-thirds of the beneficiary's pensionable emoluments.

Invalidity
gratuity.

9. It shall be lawful for the Minister to grant to any officer, warrant officer or marine who is constrained from infirmity of mind or body to leave the Defence Force without having qualified for any other pension or gratuity under these Regulations, such sum by way of gratuity as the Minister may think proper, but so that no such gratuity shall exceed the amount of one month's pay for each year of service.

10. If a pensioner is or becomes of unsound mind, the Minister may direct that his pension, or such part of it as appears necessary for his care and maintenance, be paid to his wife, son, daughter or other person in whose care he is or who may be responsible for the cost of his care and maintenance and the receipt of the person to whom the whole or part of a pension is so paid shall be a sufficient discharge therefor.

Persons of
unsound mind.

11. In the event of the death of an officer, warrant officer or marine who may or may not have qualified for a pension under these Regulations, a gratuity may be granted to the legal personal representative of the deceased —

Death.

- (a) in a sum equal to the annual pensionable emolument the deceased was in receipt of immediately prior to his death; or
- (b) in a sum equal to twice the annual pensionable emolument the deceased was in receipt of immediately prior to his death, if in the opinion of the Minister the death was the direct result of an injury received during the discharge of the deceased's service,

and in any case the Minister may, in his absolute discretion, make a grant not exceeding one thousand dollars towards the funeral expenses of the deceased.

12. Payment of pensions shall cease on the death of a pensioner.

Cessation of
pension.

13. Where the computation of the pension or other grant which may be awarded under these Regulations includes a period of reckonable service otherwise than in the Defence Force, no payment shall be made from the public funds of The Bahamas in respect of that other service unless either —

Restriction on
payment from
Bahamian funds
in respect of
other service.

- (a) arrangements have been made to the satisfaction of the Minister for the reimbursement of the public funds of The Bahamas by or on behalf of the Government or other authority for whose benefit such service was given; or
- (b) the Minister is satisfied that such service does not qualify for the payment of retiring benefits by the Government or other authority for whose benefit it was given.

Revision of terms.

14. Except where otherwise provided, no person shall be entitled to claim any pension or other grant conferred by any provision of these Regulations in the event of such provision being at any time added to, varied or cancelled.

Time barred claims.

15. Except in such exceptional cases as may be approved by the Minister, no claim shall be admitted for any pension or other grant under these Regulations relating to any period more than twelve months prior to the date of the claim.

Compulsory deductions.

16. Any pension or other grant awarded under these Regulations shall be liable to deductions on the order of the Minister to meet any public or service claim.

Payment of pensions or other grants may be made provisionally.

17. The payment of any pension or other grant awarded under these Regulations may be made provisionally or on any other basis and for such period as the Minister may think fit and, either generally or in any particular case or class of cases, any pension or other grant awarded in terms of a monthly amount may be paid monthly in arrears.

Power of Minister to reduce pensions and other grants.

18. (1) The Minister may withhold or reduce any pension or other grant awarded under these Regulations —

- (a) if he is satisfied that it was obtained by the wilful suppression of material facts or granted in ignorance of facts which, had they been known at the time of the grant, would have justified the reduction or withholding of it; or
- (b) if the person to or in respect of whom the pension or grant is awarded is sentenced to death or to any term of imprisonment by any court of competent jurisdiction, whether in The Bahamas or elsewhere, for any crime or offence, or is the opinion of the Minister unworthy of a grant from public funds.

(2) Where any pension or other grant has been withheld or reduced under the previous paragraph, the Minister may, if in any case he considers it equitable to do so, restore the whole or part of the pension or grant.

Pensions or other grants to cease on bankruptcy.

19. (1) No pension or other grant shall be awarded to a person who, having been adjudicated bankrupt or declared insolvent by a judgement of a court of competent jurisdiction, whether in The Bahamas or elsewhere, has not

obtained his discharge from such adjudication or declaration.

(2) If any person to whom a pension or other grant has been awarded under these Regulations is adjudicated bankrupt or declared insolvent by a judgement of a court of competent jurisdiction, whether in The Bahamas or elsewhere, then the pension or other grant shall forthwith cease:

Provided that the Minister may pay such pension or other grant, or any part of it and for such period or periods and in such proportions as he thinks fit to that person, his wife and children, and any money applied for the discharge of his debts shall, for the purposes of this paragraph, be regarded as applied for his benefit.

(3) When a person to whom this regulation applies obtains a discharge from his bankruptcy or insolvency, the pension or other grant payable under these Regulations may be awarded or restored to him with effect from the date of discharge.

20. If a person to whom a pension or other grant under these Regulations has been awarded enters the service of a foreign power without the consent of the Minister or if he continues in that service after consent has been withdrawn, his pension or other grant may be suspended or withheld at the discretion of the Minister.

Service of a
foreign power.

SCHEDULE (Regulation 8)

PERMANENT PARTIAL DISABLEMENT

Type of Injury	Percentage of full pension payable
Loss of either arm above or at the elbow	70
Loss of either arm below the elbow	60
Loss of leg at or above the knee	60
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25

Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger	5
in the case of any injury not specified above	such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity caused by the injury. Such loss of earning capacity shall be determined by the Minister on the advice of the Defence Force Medical Officer.

S.I. 48/1984

DEFENCE (MISCELLANEOUS) REGULATIONS

(SECTION 203)

[Commencement 20th September, 1984]

Citation. **1.** These Regulations may be cited as the Defence (Miscellaneous) Regulations.

Low flying. **2.** (1) For the purposes of section 48 of the Defence Act, flying at less than the height above ground or water level prescribed in paragraph (2), or such other minimum height as shall be laid down by the aircraft operating authority, is prohibited, except —

- (a) when taking off, landing, preparing to land, or making a forced landing;
- (b) when necessitated by the weather;
- (c) when required in connection with exercises involving co-operation from the ground or water;
- (d) when necessitated by the mission;
- (e) when specially authorised by an officer empowered by higher authority to authorise flights; and
- (f) when authorised by, and carried out for training purposes over areas approved by the Minister.