
CHAPTER 12

PRIME MINISTER'S PENSION

LIST OF AUTHORISED PAGES

1 – 6 LRO 1/2008

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Interpretation.
3. Gratuity and pension payable to Prime Minister.
4. Pension payable to surviving widow of a Prime Minister.
5. Children's allowance.
6. Awards not assignable.
7. Payments to be charged on the Consolidated Fund.
8. Election.
9. Refund of contribution.
10. Cessation of Prime Minister's pension.

CHAPTER 12

PRIME MINISTER'S PENSION

An Act to provide for superannuation benefits for the Prime Minister and for matters incidental thereto.

13 cf 1997
9 cf 2007
37 cf 2007

[Assent 30th June, 1997]
[Commencement 10th July, 1973]

1. (1) This Act may be cited as the Prime Minister's Pension Act.

Short title and commencement.
37 cf 2007, s 3

(2) This Act shall be deemed to have come into operation on 10th July, 1973.

2. In this Act —

Interpretation.

“annual basic salary” means the emoluments provided in the respective Approved Estimates, exclusive of housing allowances, entertainment allowance or any other allowance of whatever kind;

“entitled children” means a person —

- (a) who is under the age of eighteen years; or
- (b) who, having attained the age of eighteen but not twenty-one years, is either receiving full-time instruction at an educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training; or
- (c) whose earning capacity is impaired through illness or disability of the mind or body and who has not attained the age of twenty-one years.

3. Every person who, having held the office of Prime Minister on or after the coming into operation of this Act, ceases at any time thereafter to be Prime Minister and has served as Prime Minister for at least eight years shall be granted —

Gratuity and pension payable to Prime Minister.

- (a) a gratuity equivalent to the annual basic salary; and

- (b) an annual pension equivalent to the annual basic salary then payable to him at the date of his ceasing to hold office as Prime Minister:

Provided that a person who has served as Prime Minister for at least four years shall be granted fifty per cent of the gratuity and pension mentioned in paragraphs (a) and (b).

Pension payable to surviving widow of a Prime Minister.

4. (1) Where a person dies while he is entitled to a pension in respect of his service as a Prime Minister and he leaves a widow, the widow shall be paid a pension at an annual rate equivalent to three fourths of the pension payable to him at the date of his death.

(2) Where a person dies while holding the office of Prime Minister and he leaves a widow, the widow shall be paid —

- (a) a gratuity equivalent to the Prime Minister's basic salary; and
 (b) an annual pension equivalent to three-fourths of the Prime Minister's annual basic salary then payable to him.

(3) Every reference in this Act to a "widow" includes a "widower" as the case may be and for this purpose all necessary adaptations shall be made.

Children's allowance.

5. (1) Where a person dies while he is Prime Minister or while he is entitled to receive the Prime Minister's pension leaving one or more entitled children, a children's allowance shall be payable in respect of such child or children.

(2) Only one children's allowance is payable in respect of the service of a deceased Prime Minister but —

- (a) the rate thereof may vary according to the number of children entitled thereto, so that, the aggregate rate of allowance payable shall not exceed the rate specified in subsection (3)(a) or subsection (4)(a) as the case may be;
 (b) it shall be paid to such person or persons as the Minister of Finance may from time to time direct, and different parts thereof may be directed to be paid to different persons;

(c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the children for the time being entitled thereto or for the benefit of such of them as the Minister of Finance may from time to time direct.

(3) Where the deceased Prime Minister leaves a widow the annual rate of the children's allowance during her lifetime shall be —

(a) one-quarter of the rate of the pension mentioned in section 3(b) where there are two or more children entitled to the children's allowance;

(b) one sixth of the rate of such pension where there is only one child entitled to the children's allowance.

(4) Where the deceased Prime Minister leaves no widow, or where he leaves a widow, then after her death, or after any pension payable to her ceases to be paid before the death, the annual rate of the children's allowance shall be —

(a) one-half of the rate of the pension mentioned in section 3(b) where there are two or more children entitled to the children's allowance;

(b) one-quarter of the rate of such pension where there is only one child entitled to the children's allowance.

6. Any pension or gratuity payable under this Act shall not be assigned or transferable except for the purpose of satisfying —

Awards not assignable.

(a) a debt due to the Government; or

(b) any sum of money ordered by any court to be paid (whether periodically or not) towards the maintenance of the spouse, former spouse or child (being a minor) of the Prime Minister in respect of whom the award is payable,

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 or sum of money mentioned in paragraph (a) or (b).

Payments to be charged on the Consolidated Fund.

7. Every payment of the pensions, gratuities and allowances to be made in pursuance of this Act is hereby charged on the Consolidated Fund and such pensions and allowances shall for any period ensuing after the enactment of this Act be paid monthly in arrears in equal instalments as far as possible.

Election.

8. Where a person has held the office of Prime Minister for less than eight years and has made contributions under the Parliamentary Pensions Act he may elect that this Act or the Parliamentary Pensions Act shall apply to him:

Ch. 11.

Provided that in no case shall the Prime Minister's pension be less than he would have been entitled to under the Parliamentary Pensions Act.

Refund of contribution.

9. Where any person holding the office of Prime Minister at the date of the enactment of this Act or who has held such office before such date has made any contributions under any Parliamentary Pensions Act, such contributions shall be refunded to him together with interest thereon of five per cent per annum of the amount paid for each year of contribution.

Cessation of Prime Minister's Pension.
37 *cf* 2007

10. (1) Subject to subsections (2) and (3), a pension payable under section 3 shall, if the person to whom it is payable continues to be or again becomes a member of the House of Assembly, cease to be payable during the period in respect of which that person is in receipt of a salary as such member.²

(2) Where the quantum of the pension payable under section 3 exceeds the quantum of the salary referred to in subsection (1) the pension is payable only to the extent of such excess.

(3) A pension payable under section 3 shall, if the person to whom it is payable is appointed Governor-General or is again appointed Prime Minister, cease to be payable during the period in respect of which that person holds office of Governor-General or again holds the office of Prime Minister.³

² By section 3 of Act 37 of 2007, it was provided "Any amount that accrued and became payable as salary prior to the 4th day of May, 2007 to a person in receipt of a pension pursuant to section 3, by reason of that person being a member of the House of Assembly, may with the consent of that person be paid into the Consolidated Fund."

³ Subsection (3) of section 10 is deemed to have come into operation on 3rd May, 2007.