
CHAPTER 11**PARLIAMENTARY PENSIONS**

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FIRST SCHEDULE

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CHAPTER 11

PARLIAMENTARY PENSIONS

An Act to provide contributory pensions for Senators and members of Parliament, for allowances for their widows and for matters connected therewith or incidental thereto. 24 *cf* 1995
23 *cf* 1996
13 *cf* 1997
22 *cf* 2007
42 *cf* 2007

*[Assent 14th September, 1995]
[Commencement 1st December, 1995]*

1. This Act may be cited as the Parliamentary Pensions Act. Short title.

2. In this Act unless the context otherwise requires — Interpretation.

“award” means any amount, other than a refund, paid or payable out of the Consolidated Fund to any person pursuant to this Act;

“basic salary” means the emoluments, whether by stipend or honorarium, provided in the Approved Estimates, (exclusive of housing allowance, entertainment allowance and any other allowance of whatever kind), being the average annual salary calculated by reference to the three highest annual salaries received by a Senator or member of Parliament, as the case may be, during the period of fifteen years immediately prior to the date on which the Senator or member of Parliament ceased to be such; 42 *cf* 2007

“contributions” means contributions made to the Consolidated Fund pursuant to section 3 or section 12; 22 *cf* 2007

“contributor” means a Senator or member of Parliament who by virtue of section 3 or section 12 becomes a contributor under this Act;

“former Act” means the Parliamentary Pensions Act, 1989; 8 *cf* 1989

“former legislative service” means any service as a Senator or member of Parliament prior to the date of the coming into operation of this Act;

“full parliamentary term” means the period commencing on the date of the commencement of the first session of Parliament next after a general election and expiring on the date of the next ensuing dissolution of Parliament;

“member of Parliament” means a person who is a member of the House of Assembly;

“Minister” means the Minister assigned responsibility for the administration of this Act or, where such responsibility has not been assigned, the Minister of Finance, except that in the First Schedule it means any Minister;

First Schedule.

“one year’s salary” for the purposes of an award under section 9 refers to the basic salary paid to the Senator or member of Parliament in respect of whom the award is payable;

“pension” means a pension payable pursuant to section 5;

“pensioner” means a former member of the House of Assembly or of the Senate, who has been awarded a pension pursuant to this Act or the former Act;

“salary” means the basic salary payable or paid to a Senator or member of Parliament, but so that where a Senator or member of Parliament is or at any relevant time has been the holder of any specified office, it includes the basic salary payable or paid to him in respect of that office;

“Senator” means a person who is a member of the Senate;

“specified office” means any office specified in the First Schedule;

First Schedule.

“widow” includes a “widower” as the case may be and for this purpose all necessary adaptations shall be made.

3. (1) Every person who at the commencement of this Act is a Senator or member of Parliament, and every person who thereafter becomes a Senator or member of Parliament, shall, by virtue of being a Senator or member of Parliament, become a contributor under this Act.

Contributors and
contributions

(2) This section shall not apply to any person who, within thirty days after the coming into operation of this Act or of his becoming a Senator or member of Parliament, notifies the Treasurer in writing of his intention not to become a Contributor under this Act; and such person shall not re-apply to become a participant during the four years immediately following his notification, and the period of service during which he did not contribute shall not be recognised for the eligibility to or computation of a pension.

(3) The Treasurer shall retain from the salary of every person who has elected to become a contributor by virtue of subsection (1) an amount equal to six per centum of the salary of that person, and amounts retained by the Treasurer pursuant to this subsection shall be deemed to be for the purposes of this Act contributions made to the Consolidated Fund by the Senator or member of Parliament in question.

(4) The Treasurer shall also retain from the pension paid or payable to a pensioner six per centum of the amount that is or would have been payable as a full pension, pursuant to section 5(1), and which funds shall be used for the contingent awards or allowances to widows and children.

(5) A person who has elected to become a contributor by virtue of subsection(1) and who served as a Senator or member of Parliament at any time during the period commencing on 9th February, 1994 and expiring at the date of commencement of this Act, shall, either immediately or in any case not later than two years from the date of commencement of this Act, pay to the Treasurer an amount equal to the contributions which were not actually paid by the Senator or member of Parliament in respect of his service as such during the period commencing and expiring as aforesaid, at the rate of six per centum of the salary paid to such Senator or member of Parliament in respect of such service.

(6) Where a person fails to immediately pay the amount referred to in subsection (5), then, if such person —

- (a) is a Senator or member of Parliament, the Treasurer may with the consent of that person deduct, from any salary payable to the Senator or member of Parliament, from month to month a sum of money until the amount of the contributions not actually paid by the Senator or member of Parliament is fully paid; or
- (b) is a pensioner who retired whether before or after the coming into operation of this Act, the Treasurer may deduct, from the pension, the amount of the contributions not actually paid by the pensioner,

together with interest thereon at the rate of five per centum per annum.

Circumstances in which pensions shall be paid

4. (1) Subject to the provisions of this Act, a contributor shall become eligible to receive a pension under this Act if he —

- (a) has served as a Senator or member of Parliament or both either for eight years or two full parliamentary terms which ever is the lesser and has attained the age of fifty-five years; or
- (b) has served as a Senator or member of Parliament or both and has satisfied the Minister by medical evidence that he is incapable by reason of infirmity of mind or body of continuing to discharge the duties of a Senator or member of Parliament and that such infirmity is likely to be permanent,

and has ceased to be a Senator or member of Parliament.

(2) For the purposes of this section a person shall not be deemed to have ceased to be a Senator or member of Parliament by reason only of a dissolution of Parliament; but a person who immediately before such a dissolution was a member of either chamber of Parliament shall be deemed to have ceased, with effect from the date of the poll for the next ensuing general election of members to the House of Assembly, to be such a member if he is not a member of either chamber when it first meets after the dissolution.

(3) Notwithstanding subsection (2) in the case of a person to whom subsection (1)(b) applies if that person ceases to be a member of Parliament or a Senator in consequence of the dissolution of Parliament he shall be treated as having so ceased because of infirmity of mind or body if, but only if, he satisfies the Minister that as a direct consequence of his ill-health he did not seek re-election or nomination to Parliament or was not reappointed a Senator as the case may be after the dissolution.

(4) Account shall only be taken of former legislative service for the purposes of this section and of section 5 if contributions were paid pursuant to the provisions of the former Act and of this Act in respect of the period or part thereof constituting that service.

5. (1) The amount payable annually as pension to any person to whom paragraph (a) of section 4(1) applies shall be a full pension being —

Rate and manner
of payment of
pensions

- (a) if he has served not less than four full parliamentary terms or sixteen years, whichever is the lesser, one hundred per centum of the equivalence of four per centum of his basic salary multiplied by the number of years, not exceeding sixteen, of his recognized service or fraction thereof to a maximum of two-thirds of the basic salary received by him; or
- (b) if he has served not less than three full parliamentary terms or twelve years, whichever is the lesser, seventy-five per centum of the equivalence of four per centum of his basic salary multiplied by the number of years of his recognized service or fraction thereof to a maximum of two-thirds of the basic salary received by him; or
- (c) if he has served two full parliamentary terms or eight years, whichever is the lesser, fifty per centum of the equivalence of four per centum of his basic salary multiplied by the number of years of his recognized service or fraction thereof to a maximum of two-thirds of the basic salary received by him.

(2) A Senator or member of Parliament to whom a pension is payable under subsection (1) may elect to receive —

- (a) a reduced pension, that is to say, a pension at an annual rate equivalent to three-quarters of the full pension to which he would otherwise be entitled; and
- (b) in addition to the reduced pension, a gratuity equivalent to twelve and one half times the difference between the reduced pension and the full pension aforesaid.

(3) A person to whom paragraph (b) of section 4(1) applies shall if he has served as a Senator or member of Parliament for —

- (a) a period not less than eight years be paid a pension; and the pension payable to such a person shall be calculated in accordance with the provisions of paragraphs (a), (b) and (c) of subsection (1) as the case may be; or
- (b) a period less than eight years be paid a gratuity equal to the contributions paid by that person together with interest thereon at the rate of five per centum per annum.

(4) Every pension —

- (a) shall be paid with effect from the date on which the person to whom the pension is payable becomes entitled to the pension pursuant to section 4;
- (b) subject to the provisions of this Act, shall continue to be paid during the lifetime of that person; and
- (c) shall be paid monthly in equal instalments as far as possible.

(5) For the purposes of this section and of sections 7(2), 8(5) and 9 a reference to the total amount of the contributions paid by a person under this Act shall notwithstanding anything to the contrary in this Act, include amounts actually contributed by that person in respect of any period of his former legislative service under the former Act, or pursuant to the provisions of this Act.

(6) For the purposes of this section, the term “recognized service” means the aggregate of service as a Senator and member of Parliament after the coming into operation of this Act in respect of which contributions were paid and any former legislative service pursuant to section 4(4).

6. (1) A pension payable under this Act, shall, if the person in receipt thereof again becomes a Senator or member of Parliament, cease to be payable during the period in respect of which that person is in receipt of salary as a Senator or member of Parliament:

Cessation of pension if person in receipt thereof again becomes Senator or member of Parliament

Provided that where the rate of such pension exceeds the rate of such salary nothing in this subsection shall prevent the payment of pension to the extent of the excess.

(2) At the expiration of the period referred to in subsection (1) the rate of pension shall be recalculated in accordance with, and subject to, the principles set out in section 5(1) to take into account any further contributions paid by that person during that period.

(3) A pension recalculated in accordance with subsection (2) shall be paid at the recalculated rate with effect from the date of cessation of the period of service as a Senator or member of Parliament giving rise to the recalculation, but without the option set out in section 5(2).

7. (1) Where any person —
- (a) has made contributions pursuant to this Act; and
 - (b) has ceased to be a Senator or member of Parliament in circumstances such that he is not eligible for a pension or gratuity,

Refund of contributions

he shall be refunded an amount equal to the total amount of the said contributions, together with interest thereon at the rate of five per centum per annum.

(2) Where a contributor has ceased to be qualified to be a Senator or member of Parliament and at the date of the disqualification that contributor was not entitled to a pension or gratuity, the Minister may direct that the total amount of the contributions paid by the contributor shall be refunded to him together with interest thereon at the rate of five per centum per annum.

(3) Where a refund has been made to any person under this section, no other award shall be made under this Act to, or in respect of, that person in relation to his service as a Senator or member of Parliament prior to the date of the refund.

(4) Any interest payable under this section shall be at the rate of five per centum per annum.

Wards

8. (1) Where a person dies, after the coming into operation of this Act —

- (a) in receipt of a pension;
- (b) having served as a Senator or member of Parliament and was at the time of death eligible to receive a pension but for his age; or
- (c) while serving as a Senator or member of Parliament, having served not less than eight years or two parliamentary terms, whichever is the lesser,

and leaving a widow, there shall be paid to the widow in respect of any period after the coming into operation of this Act, during her lifetime and while unmarried or, where she remarries, then for a period of one year during her remarriage, commencing with the date of her remarriage, a widow's allowance at an annual rate equivalent —

- (i) in a case to which paragraph (a) of this subsection applies, to sixty per centum of her late husband's pension;
- (ii) in a case to which paragraph (b) of this subsection applies, to sixty per centum of the amount of pension to which her late husband would have been entitled whether or not he had attained the age of fifty-five years or if he had satisfied the requirements of paragraph (b) of section 4(1); or
- (iii) in a case to which paragraph (c) of this subsection applies, to sixty per centum of the amount of pension to which her late husband would have been entitled whether or not he had attained the age of fifty-five years.

(2) A widow to whom an allowance is payable under paragraph (ii) or (iii) of subsection (1) may elect to receive, in lieu of the allowance, a gratuity of one year's salary of her late husband.

(3) A widow's allowance under this section shall be paid monthly in equal instalments as far as possible.

(4) Where a person who is serving as a Senator or member of Parliament dies in circumstances such that his widow does not qualify for a widow's allowance under the preceding provisions of this section there shall be paid to the widow a gratuity of six months' salary of her late husband plus an amount equal to the total contributions paid by the Senator or member of Parliament together with interest thereon at the rate of five per centum per annum.

(5) Where a widow entitled to an award under subsection (1) dies before she has received by way of widow's allowance an amount equal to a gratuity payable pursuant to subsection (4), there shall be paid to her legal personal representative the amount of such gratuity aforesaid but to the extent only that that amount exceeds the aggregate of —

- (a) the amount of widow's allowance paid to her (and for the purposes of this subsection she shall be deemed to have been paid during the preceding period the full amount of such widow's allowance notwithstanding any cessation or reduction thereof pursuant to subsection (3)); and
- (b) the amount of any pension paid to her late husband in respect of whose service the allowance is payable.

(6) The aggregate of a widow's allowance under this section and a children's allowance under section 10 shall not exceed an amount equal to one hundred per centum of the amount of pension to which her late husband would have been entitled.

(7) The foregoing provisions of this section shall also apply to a person mentioned in subsection (1)(c) who died prior to the coming into operation of this Act and who actually paid contributions under the former Act.

Award to
personal
representatives

9. (1) Subject to the provisions of subsection (2) where a Senator or member of Parliament dies without leaving a widow there shall be paid to the legal personal representative of such Senator or member of Parliament —

- (a) in the case of a person who has served as a Senator or member of Parliament for periods equal in the aggregate to less than eight years, a gratuity equal to the total contributions paid by that person with interest thereon at the rate of five per centum per annum together with an amount equivalent to one-half of one year's salary of that person;
- (b) in the case of a person who has served as a Senator or member of Parliament for periods equal in the aggregate to eight years or more, a gratuity equal to the total contributions paid by that person with interest thereon at the rate of five per centum per annum plus one year's salary of that person.

(2) There shall be deducted from any gratuity payable pursuant to subsection (1) the amount of any pension paid to the person in respect of whose service as a Senator or member of Parliament the gratuity is payable.

Children's
allowance

10. (1) Subject to this Act, where a person who comes within section 8(1) (hereinafter in this section referred to as the "deceased legislator") dies leaving one or more children, a children's allowance shall be payable in respect of such a child or children while under the age of sixteen years or, while the child or children being above the age of sixteen years and under the age of eighteen years, is or are receiving full-time education or training otherwise than under a contract of service under which wages are paid.

(2) Only one children's allowance is payable in respect of service of any one person as a legislator, but —

- (a) the rate therefor may vary according to the number of children entitled thereto, so however, 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 may from time to time direct, and different parts thereof may be directed to be paid to different persons;

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- (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 or for the benefit of such of them as the Minister may from time to time direct.
- (3) Where the deceased legislator leaves a widow the annual rate of the children's allowance during her lifetime shall be —
- (a) one-third of the rate of the pension of the deceased legislator, not being the widow's allowance, specified in section 8(1) 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 legislator leaves no widow, or where he leaves a widow, then, after her death, or after any allowance payable to her ceases to be paid before her death, the annual rate of the children's allowance shall be —
- (a) one-half of the rate of the pension, not being the widow's allowance, specified in section 8(1) 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.
- (5) Notwithstanding subsection (1), a child who marries while under the age of eighteen years shall cease to be entitled to the children's allowance.
- (6) For the purpose of this section the expression "child" includes —
- (a) a posthumous child;
- (b) a step-child;
- (c) a child (not being a child of the deceased legislator) who in the case of any marriage to which the deceased legislator was at any time a party, was treated by the deceased legislator as a child of the family in relation to that marriage;

- (d) an adopted child adopted in a manner recognized by law, in the case of a person referred to in paragraph (a) of section 8(1), before that person last ceased to be a Senator or member of Parliament; and
- (e) any child (not being a child included in the foregoing paragraphs of this subsection) who immediately before the death of the deceased legislator was being maintained, either wholly or partly, by the deceased legislator.

Awards to
former legislators
who served prior
to 1st January,
1987

11. (1) Notwithstanding anything to the contrary in the foregoing provisions a person to whom this section applies shall be paid with effect from the coming into operation of this Act —

- (a) if he held office as a Minister, Speaker, President of the Senate or Leader of the Opposition, an annual pension of nine thousand dollars;
- (b) if he was a member of Parliament other than the holder of an office mentioned in paragraph (a), an annual pension of six thousand dollars; and
- (c) if he was a Senator other than the holder of an office mentioned in paragraph (a), an annual pension of four thousand dollars.

(2) This section applies to a person being not less than fifty-five years who —

- (a) was deemed a contributor under the former Act;
- (b) (i) is not in receipt of or has not received, a pension or a reduced pension under the former Act; or
 - (ii) has received a reduced pension but has not received a gratuity under the former Act;
- (c) prior to 1st January, 1987, served as a Senator or member of Parliament or both for six years or two full parliamentary terms, whichever is the lesser, or, by reason of illness shown to the satisfaction of the Minister, such other shorter period; and
- (d) who within ninety days of the coming into operation of this Act by notice in writing to the Treasurer states that he wishes this section to apply to him in lieu of any pension rights that he had or may have had under the former Act.

(3) The widow of a person who at the time of his death was in receipt of a pension under this section or of a person to whom this section would have applied but for his death prior to the coming into operation of this Act shall be paid upon application to the Treasurer the amount of pension that would have been payable to the deceased spouse pursuant to subsection (1) but for his death.

12. (1) Notwithstanding the foregoing provisions, a person to whom this section applies, shall be paid a pension in accordance with, and subject to, the principles set out in section 5(1) if, within one year of the coming into operation of this Act, by notice in writing to the Treasurer, he states that he wishes this section to apply to him in lieu of any rights that he had or may have had to pension or gratuity under the former Act.

Awards to former legislators who served between 1st January, 1987 and 1st October, 1989
23 cf 1996, s 2

(2) A person to whom this section applies may, in the notice given under subsection (1), inform the Treasurer that he wishes to make contributions in respect of that period of his prior service during which contributions were not actually paid by him, at the rate of five per centum of the salary received by him and in that notice authorise the Treasurer to make any deductions for that purpose from the sum payable as pension.

(3) In this section “prior service”, in relation to a person, is a reference to a period of former legislative service at any time between 1st January, 1987 and 1st October, 1989 and for which period that person was in receipt of a salary.

(4) In the payment of any pension in respect of the service of a person to whom this section applies account shall be taken of monies previously paid out of the Consolidated Fund as pension in regards to that service, and the rate of pension shall be recalculated in accordance with, and subject to, the principles set out in section 5(1).

(5) This section applies to a person who served as a Senator or member of Parliament at any time during the period commencing on 1st January, 1987 and expiring on 1st October, 1989) and who —

- (a) was deemed a contributor under the former Act;
- (b) is in receipt of or has received a reduced pension under the former Act;

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- (c) is eligible to receive a pension or gratuity under the former Act; and
 - (d) has served as a Senator or member of Parliament or both for eight years or two full parliamentary terms, whichever is the lesser.

Additional years
may be bought

13. (1) A person to whom this section applies may subject to subsection (2) no later than twenty-eight days prior to the receipt of any gratuity or pension payable to him under this Act inform the Treasurer by notice in writing that he wishes to make contributions in respect of that period of his prior service during which contributions were not actually paid by him, at the rate of five per centum of the salary received by him and in that notice authorise the Treasurer to make any deductions for that purpose from the sum payable as gratuity or pension, as the case may be.

(2) A person who exercises the right given by subsection (1) shall not be entitled to exercise the option conferred by section 5(2) unless the right exercised under subsection (1) relates to all his prior service in respect of which a pension is payable.

(3) In this section “prior service”, in relation to a person is a reference to a period of former legislative service prior to 1st October, 1989 and for which period that person was in receipt of a salary.

(4) Subject to subsection (6), this section applies to a person who at the coming into operation of this Act is a Senator or member of Parliament or a person who was formerly one, and who was or is a contributor under the former Act by virtue of the retention by the Treasurer of a percentage of his salary under that Act or being a former Senator or member of Parliament was such on 1st January, 1987.

(5) In the payment of any pension or awards in respect of the service of a person to whom this section or section 8 or 11 applies account shall be taken of monies previously paid out of the Consolidated Fund as a gratuity, pension, advance or otherwise in regards to that service.

(6) A person to whom this section applies shall only be entitled to receive benefits under this Act if within one year of its coming into operation by notice in writing to the Treasurer he states that he wishes this section to apply to him in lieu of any pension rights that he had or may have had under the former Act. *23 cf 1996, s 3*

14. (1) Any pension, allowance, gratuity or refund payable under this Act is hereby charged on the Consolidated Fund. Awards charged on Consolidated Fund.

(2) No person who has received or is in receipt of a pension or gratuity paid or payable pursuant to any provision of this Act, shall be entitled to a further pension or gratuity under any other provision of this Act.

(3) The provisions of the Second Schedule shall apply for the purpose of effecting payment of any award and for the keeping of accounts in respect of such payments. Second Schedule.

15. An award shall not be assignable or transferable except for the purpose of satisfying — Awards not assignable, etc.

(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 husband or wife, former husband or wife or child (being a minor) as the case may be of the Senator or member of Parliament 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).

16. The Minister may by order amend the provisions of the Schedules. Alteration of Schedules.

17. The provisions of this Act shall not apply to a person who is in receipt of a pension or other like allowance under the Governor-General’s Pension Act, 1988 or the Prime Minister’s Pension Act, 1997: Application of Act.
13 cf 1997, s 10 and Sch
Ch. 44.
Ch. 12.

Provided that this Act shall apply to a person who has served as Prime Minister for less than eight years.

*13 of 1997, s 10
and Sch*

(2) A pension payable under this Act, shall, if the person in receipt thereof becomes the holder of the office of Governor-General or Prime Minister cease to be payable during the period in respect of which that person is in receipt of salary or pension for that office:

Provided that where the rate of pension exceeds the rate of such salary nothing in this section shall prevent the payment of pension to the extent of that excess.

FIRST SCHEDULE (Sections 2(1) and 16)

Minister
Parliamentary Secretary
Speaker
Deputy Speaker
Leader of the Opposition
Government Whip
Deputy Government Whip
Opposition Whip

SECOND SCHEDULE (Sections 13(2) and 16)

Date of payment
of awards

1. Each payment under any award shall be made in arrears on the fifth day of each month, but in the event that the fifth day of any month falls on a Saturday, Sunday or public holiday the payments shall, in lieu of being made on that day, be made on the next following day not being itself a Saturday, Sunday or public holiday.

Payment other
than to recipient
of award

2. Where the recipient of an award is incapable of managing his affairs, the Minister may direct that payments under the award may be made to the spouse, son or daughter of the recipient, or to any other person in whose care the recipient is or who may be responsible for the cost of the care and maintenance of the recipient, and the receipt of the person to whom the whole or part of a pension is so paid shall be a sufficient discharge therefor.

Accounts

3. The Minister may in writing designate such persons as the Minister sees fit as the persons responsible for keeping and recording the accounts of contributions and awards under the Act and, thereupon, the accounts shall be kept and recorded, by the persons so designated, in such manner as may be approved by the Minister.