

THE PENSIONS ACT

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SCHEDULE

Regulations for the Granting of Pensions, Gratuities and
Other Allowances to Officers.

THE PENSIONS ACT

[21st November, 1947.]

Cap. 285.	36 of 1976
Laws	Sch.,
28 of 1953,	28 of 1979,
36 of 1955,	21 of 1994,
23 of 1958,	37 of 1997,
44 of 1961,	20 of 2003.
15 of 1962	
S. 35.	
Acts	
27 of 1966,	
49 of 1975,	

1. This Act may be cited as the Pensions Act.

Short title.

2.—(1) In this Act—

Interpretation.

“pensionable office” means—

(a) in respect of service in this Island, an office established pursuant to the Civil Service Establishment Act and which has been declared by the Minister by a notification published in the *Gazette* to be pensionable; and any such notification may from time to time be amended, added to, or revoked, by another notification so made and published; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;

49/1975
S. 2.

44/1961
S. 2.

(b) in respect of other public service, an office which is for the time being a pensionable office under the law or regulations in force in such service;

“non-pensionable office” means—

(a) in respect of service in this Island, an office established pursuant to the Civil Service Establishment Act and which has been declared by the Minister by a notification published in the *Gazette* to be a non-pensionable office for the purposes of this Act; and any such notification

49/1975
S. 2.

44/1961
S. 2.

may from time to time be amended, added to, or revoked, by another notification so made and published; but where by virtue of any such amendment or revocation any office ceases to be a non-pensionable office but does not become a pensionable office then so long as any person holding that office at the time of the amendment or revocation continues therein the office shall as respects that person continue to be a non-pensionable office;

(b) in respect of other public service, an office which is not a pensionable office;

“pensionable emoluments”—

(a) in respect of service in this Island, includes salary, personal allowance and house allowance, but does not include duty allowance or any other emoluments whatever;

(b) in respect of other public service, means emoluments which count for pension in accordance with the law or regulations in force in such service;

“salary” means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office, but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

“house allowance” means the house allowance which is granted in respect of the office to which an officer is appointed, but does not include such allowance granted on condition that it shall not be pensionable:

Provided that where an officer is appointed to an

office in respect of which no house allowance is granted but that officer is provided with quarters, an amount equal to fifteen per cent of the minimum salary of the office to which the officer is appointed shall, for the purposes of this Act, be regarded as house allowance;

“public service” means service in a civil capacity under the Government of this Island, or under the Kingston and St. Andrew Corporation or any Parish Council, or under the Government of any Commonwealth country or of the New Hebrides or the Anglo-Egyptian Sudan, or service which is pensionable under the United Kingdom Teachers’ (Superannuation) Act, 1925, or any enactment amending or replacing the same, or under the Oversea Superannuation Scheme, or in a University College within the Commonwealth or pensionable employment under a local authority in the United Kingdom, or any such other service as the Minister may determine to be “public service” for the purpose of any provision of this Act; and, except for the purposes of computation of pension or gratuity and of section 9, includes service as a Governor-General, Governor, or High Commissioner in any Commonwealth country, of the Anglo-Egyptian Sudan;

23/1958
S. 2.

44/1961
S. 2.

“other public service” means public service not under the Government of this Island;

“service of this Island” or “service in this Island” means, subject to the provisions of any regulations made under this Act, public service in a civil capacity under the Government of this Island.

28/1979
S. 2.

(2) For the avoidance of doubts it is hereby declared that, where an officer has been confirmed in a pensionable or non-pensionable office and is thereafter appointed to another pensionable or non-pensionable office, then, unless

the terms of such appointment otherwise require, such last mentioned office is, for the purposes of this Act, an office in which he has been confirmed.

37/1997
S. 2.

(3) The definition of "house allowance" in subsection (1) shall be deemed to have come into operation on the 1st day of January, 1986.

Pension
regulations.
23/1958
S. 3 (1).
Schedule.

3.—(1) Pensions, gratuities and other allowances may be granted by the Governor-General, in accordance with the Regulations contained in the Schedule, to officers who have been in the service of this Island.

44/1961
S. 2.

(2) The Regulations contained in the Schedule may from time to time be amended, added to, or revoked, by regulations made by the Minister, and all regulations so made shall be laid before the House of Representatives and published in the *Gazette*.

44/1961
S. 2.

(3) Whenever the Minister is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose:

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

23/1958
S. 4.

(4) Any pension, gratuity or other allowance granted under this Act shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

(5) All regulations made under this section shall have the same force and effect as if they were contained in the Schedule, and the expression "this Act" shall, wherever it occurs in this Act, be construed as including a reference to such Schedule.

4. There shall be charged on and paid out of the Consolidated Fund of this Island all such sums of money as may from time to time be granted by way of pension, gratuity, or other allowance, in pursuance of this Act.

Pensions, etc., to be paid out of the Consolidated Fund.

5.—(1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Act affect the right of the Crown to dismiss any officer at any time and without compensation.

Pensions, etc., not of right.

(2) Where it is established to the satisfaction of the Governor-General that an officer has been guilty of negligence, irregularity, or misconduct, the pension, gratuity, or other allowance, may be reduced or altogether withheld.

23/1958
S. 3 (1).

6.—(1) Subject to subsection (3), no pension, gratuity, or other allowance, shall be granted under this Act to any officer except on his retirement from the public service in one of the following cases—

Circumstances in which pension may be granted.
28/1979
S. 3(a).

(i) on or after attaining the age of fifty-five years or in special cases with the approval of the Governor-General, fifty years;

44/1961
S. 2.

(ii) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity:

Provided that if his service in such other public service is superannuated under the Federated Superannuation System for Universities or a similar insurance scheme, he has retired on one of the grounds mentioned in paragraphs (i), (iii), (iv), (v) and (vi);

28/1953
S. 2.

(iii) on the abolition of his office;

[The inclusion of this page is authorized by L.N. 146/1999]

- (iv) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected;
- 23/1958
S. 3 (1).
44/1961
S. 2.
- (v) on medical evidence, to the satisfaction of the Governor-General, that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- 23/1958
S. 5 (a).
- (vi) in the case of service in this Island, on retirement in the public interest as provided in this Act or, in the case of transfer to other public service—
 (a) on retirement in the public interest; or
 (b) on removal on the ground of inefficiency, under the provisions of any law or regulations relating to the grant of pension in respect of public service;
- (vii) on retirement in circumstances, not mentioned in the preceding paragraphs, rendering him eligible for a pension under the United Kingdom Pensions (Governors of Dominions, etc.) Acts, 1911 to 1956, or any Statute amending or replacing those Acts:
- 23/1958
S. 5 (b).

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Act, who resigns on or with a view to marriage or is required to retire on account of her marriage, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity, or other allowance.

(2) For the avoidance of doubt it is declared that without prejudice to the right of the Governor-General to

44/1961
S. 2.

require any officer to retire from the service of this Island in accordance with the provisions of section 8 or of any officer to elect to retire from the service of this Island on or after attaining the age of fifty-five years, the normal retiring age of any officer shall be sixty years.

(3) A person who, having held a pensionable or non-pensionable office in the service of this Island, left that service in circumstances in which, having regard to the provisions of subsection (1), he was not entitled to a pension, gratuity or other allowance, may, on such terms and conditions as may be prescribed, be granted a pension, gratuity or other allowance on attaining the age of sixty years, so, however, that if he dies before attaining that age, there may be paid to his legal personal representatives, the gratuity which he would have been eligible to receive if he had attained the age of sixty years and had elected to receive a gratuity and reduced pension.

28/1979
S. 3(b).

21/1994
S. 3.

(4) The provisions of subsection (3) shall not apply to any person who, having left the public service prior to the appointed day, was not in that service or in the parochial service on the appointed day, unless that person is re-appointed to a pensionable or non-pensionable office in the service of this Island or other public service after the appointed day, and any pension, gratuity or allowance granted to any person pursuant to that subsection shall be computed in accordance with the provisions in force at the date when that person finally left the public service.

23/1979
S. 3(b).

28/1979
S. 3(b).

(5) In this section "appointed day" means the 1st day of April, 1972.

Retirement
in the public
interest.
23/1958
S. 6.

Schedule.

7. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Act, the Governor-General may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in paragraph (v) of subsection (1) of section 6 and was not eligible for an additional pension under regulation 29 of the Regulations contained in the Schedule.

Compulsory
retirement.
23/1958
S. 3 (1).

8. It shall be lawful for the Governor-General to require an officer to retire from the service of this Island—

- (a) at any time after he attains the age of fifty-five years; or
- (b) in special cases, at any time after he attains the age of fifty years; or
- (c) in the case of a female officer, on account of her marriage.

44/1961
S. 2.

9. [Repealed by Act 37 of 1997.]

10.—(1) Every pension or other allowance granted under this Act shall be subject to the condition that unless or until the officer attains the age of fifty years, he may, if physically fit for service, be called upon, by the Governor-General, to accept, an office, whether in the service of this Island or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he held at the date of his retirement; and where a pensioner or person in receipt of an allowance so called upon declines to accept such office, the payment of his pension or allowance may be suspended until he has attained the age of fifty years.

Liability of pensioners, etc., to be called upon to take further employment.
23/1958
S. 7.
44/1961
S. 2.

(2) The provisions of subsection (1) shall not apply in any case where the Governor-General, being of opinion that the officer is not qualified for other employment in the public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

11. Where an officer to whom a pension or other allowance has been granted under this Act is appointed to another office in the public service, the payment of his pension or other allowance, or any part thereof, may with his consent, if the Governor-General thinks fit, be suspended during the period of his re-employment.

Suspension of pensions, etc., on re-employment.
23/1958
Ss. 3 (1), 8.

12.—(1) A pension, gratuity, or other allowance, granted under this Act shall not be assignable or transferable except for the purpose of satisfying—

Pensions, etc., not to be assignable.
23/1958
S. 9 (a).

- (a) a debt due to the Government; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child, of the officer to whom the pension, gratuity, or other allowance has been granted,

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 due to the Government:

23/1958
S. 9 (b).

Provided that an assignment or transfer of not more than one-fifth of any commuted gratuity payable by virtue of this Act may be made for the purpose of repaying a debt due to the Jamaica Civil Service Mutual Thrift Society Limited.

23/1958
S. 9 (c).

(2) For the purposes of this section "commuted gratuity" means—

Schedule.

(a) in the case of an officer holding a pensionable office, the gratuity payable if the officer elects, under regulation 31 of the Regulations contained in the Schedule, to take a reduced pension and a gratuity or, where the officer dies while in the service of the Island, the gratuity payable to his legal personal representative in accordance with section 16; or

(b) in the case of an officer holding a non-pensionable office, the gratuity payable if the officer elects, under paragraph (4) of regulation 31 of the Regulations contained in the Schedule, to take a reduced monthly allowance and a gratuity or, where the officer dies while in the service of this Island, the gratuity payable to his legal personal representative in accordance with section 16.

Pensions,
etc., to cease
on bank-
ruptcy.

13.—(1) Where any person to whom a pension or other allowance has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) Where any person is adjudicated bankrupt or declared insolvent by judgment of any competent court either—

- (a) after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance, under this Act, but before the pension, gratuity, or other allowance, is granted; or
- (b) before such retirement, and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case any pension or other allowance eventually granted to him shall cease as from the date of adjudication or declaration (as the case may be) and, in the latter case, the pension or other allowance may be granted, but shall cease forthwith and not become payable, and in either case the gratuity may be granted but shall not be paid to him.

(3) Where a pension or other allowance ceases, or where any gratuity is not paid, by reason of this section, it shall be lawful for the Governor-General from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous or discontinuous, as the Governor-General thinks fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or other allowance, had he not become bankrupt or insolvent, to be paid to, or applied for, the maintenance or benefit of, all or any to the exclusion of the other or others, of the following, that is to say, such person and his wife, child, or children, or such other dependents as the Governor-General may determine, in such proportions and manner as the Governor-General thinks proper, and such moneys shall be paid or applied accordingly.

44/1961
S. 2.
23/1958
S. 3 (1).

(4) Moneys applied for the discharge of the debts of the person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, shall, for the purposes of this section, be regarded as applied for his benefit.

(5) Where a person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Governor-General to direct that the pension or other allowance shall be restored, and the gratuity, or so much thereof (if any) as remains after deducting any payments made under subsection (3), paid, as from the date of such discharge or any later date, and the pension or other allowance shall be restored, and the gratuity, or such remainder thereof (if any), paid, accordingly.

23/1958
S. 3 (1).

44/1961
S. 2.

Pensions,
etc., may
cease on
conviction.
23/1958
Ss. 3 (1), 10.
44/1961
S. 2.

14.—(1) Where any person to whom a pension or other allowance has been granted under this Act is sentenced to death or a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Governor-General so directs, cease as from such date as the Governor-General determines.

23/1958
S. 10.

(2) Where any person is sentenced to death or a term of imprisonment by any competent court for any offence after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance, under this Act but before the pension, gratuity or other allowance is granted, then—

(a) the provisions of subsection (1) shall apply as respects any pension or other allowance which may be granted to him; and

(b) the Governor-General may direct that any gratuity which may be granted to him shall not be paid. 44/1961
S. 2.
23/1958
S. 3 (1).

(3) Where a pension or other allowance ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Governor-General to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or other allowance, but for the provisions of this section to be paid, or applied, in the same manner in all respects as provided in section 13, and such moneys shall be paid or applied accordingly. 44/1961
S. 2.
23/1958
S. 3 (1).

(4) Where any person, whose pension or other allowance ceases, or whose gratuity is not paid, by reason of this section, after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect or his gratuity shall be paid; but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3).

15. Where any person to whom a pension or other allowance has been granted under this Act, otherwise than under section 17, becomes either a director of any company the principal part of whose business is in any way directly concerned with this Island, or an officer or servant employed in this Island by any such company, without the prior permission of the Governor-General in writing, such pension or allowance shall cease if the Governor-General so directs: Pensions,
etc., may
cease on
accepting
certain
appoint-
ments.
23/1958
S. 3 (1).

Provided that it shall be lawful for the Governor-General, on being satisfied that the person in respect of whose

pension or other allowance any such direction has been given has ceased to be a director of such company or to be employed as an officer or servant of such company in this Island, to give directions for the restoration of such pension or allowance, with retrospective effect, if he thinks fit, to such a date as he may specify, and the pension or other allowance shall be restored in accordance with any such directions.

Gratuity
where an
officer dies
in the
service.

23/1958
S. 3 (1).

16.—(1) Where an officer holding a pensionable or non-pensionable office in which he has been confirmed, dies while in the service of this Island, it shall be lawful for the Governor-General to grant to the legal personal representative of such officer—

36/1955
S. 2 (a).

(a) in the case of an officer who held a pensionable office, or a non-pensionable office to which he had been transferred from a pensionable office in which he had been confirmed, a gratuity of an amount not exceeding either one year's pensionable emoluments of such officer or his commuted pension gratuity, if any, whichever is the greater;

36/1955
S. 2 (b).

(b) in the case of an officer who held a non-pensionable office during the entire period of the five years immediately preceding his death, a gratuity of an amount not exceeding either nine months' emoluments of such officer or his commuted monthly allowance gratuity, if any, whichever is the greater.

23/1958
S. 3 (1).

(2) Where an officer, who is in receipt of a pension or other allowance under this Act and on whose death while in the service of this Island the Governor-General might have granted a gratuity under subsection (1), dies

after retirement from such service, it shall be lawful for the Governor-General to grant to the legal personal representative of such officer—

- (a) in the case of an officer who retired from a pensionable office in such service, a gratuity of an amount not exceeding one year's pensionable emoluments of such officer; or

- (b) in the case of an officer who retired from a non-pensionable office in such service, a gratuity of an amount not exceeding nine months' emoluments of such officer,

from which gratuity shall be deducted the amount of any pension, gratuity or other allowance already paid to such officer under this Act or in respect of any public service.

(3) For the purpose of this section—

- (a) "pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (v) of subsection (1) of section 6;

(b) “emoluments” means the emoluments enjoyed by the officer which would have been pensionable if the office held by him had been a pensionable office and which are computed in accordance with paragraph (a);

36/1955
S 2 (d)

Schedule.

(c) “commuted pension gratuity” means the gratuity, if any, which might have been granted to the officer under regulation 31 of the Regulations contained in the Schedule if his public service had been wholly in this Island, and if he had retired at the date of his death in the circumstances described in paragraph (v) of subsection (1) of section 6 and had elected to received a gratuity and reduced pension,

36/1955
S 2 (d)

(d) “commuted monthly allowance gratuity” means the gratuity, if any, which might have been granted to the officer under paragraph (4) of regulation 32 of the Regulations contained in the Schedule if he had retired at the date of his death in the circumstances described in paragraph (v) of subsection (1) of section 6 and had elected to receive a gratuity and reduced monthly allowance.

36 1955
S 2 (e).

(4) The provisions of this section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Oversea Superannuation Scheme in respect of such death.

17.—(1) Where an officer holding a pensionable or non-pensionable office in the service of this Island dies as a result of injuries received—

Pensions and gratuities on death of officer in the course of duty. 20/2003 S. 2.

- (a) in the actual discharge of his duties; and

- (b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and

- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of this Island, it shall be lawful for the Governor-General to grant pensions and gratuities as specified in regulation 33 of the Regulations contained in the Schedule and in the Appendix to those Regulations. Schedule.

(2) For the purposes of this section—

- (a) “child” includes—
 - (i) a posthumous child;
 - (ii) an adopted child, adopted in a manner recognized by law before the date of the injury; and

- (iii) a step-child wholly or mainly dependent on the officer for support;
- (b) “surviving spouse” means the widow or widower of the officer;
- (c) references to an officer being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (1) and to the date on which an injury is sustained, shall respectively be construed as including references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct and to the date on which such disease is contracted.
- (3) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1).
- (4) In making an award under this section, the Governor-General may take into account in such manner and to such extent as he may think fit—

(a) any damages that he is satisfied have been or will be recovered by the dependants of a deceased officer consequent on the injury to the officer which resulted in his death; and

(b) any benefits that have been or may be awarded to such dependants under the Workmen's Compensation Act or the National Insurance Act in respect of such injury consequent upon the death of the officer,

and withhold or reduce the award accordingly.

(5) Nothing in this section shall authorize the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the officer's death.

(6) Where the Governor-General is satisfied that the death of the officer resulted from the infliction of injuries which, although not inflicted upon him while he was acting in the execution of his duty, were nevertheless inflicted upon him wholly or mainly because he was in the public service of this Island, it shall be lawful for the Governor-General to grant to the dependants of that officer, pensions and gratuities as if his death had occurred in the circumstances described in paragraphs (a), (b) and (c) of subsection (1).

Death or
injury owing
to war
conditions.

18. Where an officer holding a pensionable or non-pensionable office in the service of this Island and proceeding by a route approved by the Governor-General to or from this Island at the commencement or termination of his service therein, or of a period of secondment, duty leave, or leave therefrom, dies or is permanently injured as the result of damage to the vessel, aircraft, or vehicle, in which he is travelling, or of any act of violence directed against such vessel, aircraft, or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such officer shall be deemed to have died or to have been injured (as the case may be) as the result of injuries received—

(a) in the actual discharge of his duty; and

23/1958
S. 12.

(b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and

(c) on account of circumstances specifically attributable to the nature of his duty.

Application
of Act.

19.—(1) The provisions of this Act shall apply—

[The inclusion of this page is authorized by L.N. 87/2004]

(a) to every officer first appointed to the service of this Island—

(i) after the commencement of this Act; or

(ii) before the commencement of this Act, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law of this Island; and

(b) to every other officer in the service of this Island at the commencement of this Act or transferred from the service of this Island to any other public service before the date of such commencement and still in the public service on that date, unless not later than twelve months after such commencement, or within such further period as the Governor or the Governor-General, as the case may be, may in any special case allow, he gives notice in writing to the officer prescribed by law, for the time being, of his desire that the provisions

of the Laws and Regulations repealed by this Act which applied to him prior to such commencement should continue to apply to him, in which case they should continue to apply accordingly, or unless he elects before the commencement of this Act in accordance with the provisions of any law for the time being in force relating to the establishment of a Provident Fund for employees in the Public Service of this Island to become a depositor in such fund.

(2) If any officer who has given notice under paragraph (b) of subsection (1) is thereafter reappointed to the service of this Island the provisions of this Act shall apply to him in respect of his whole service:

Provided that, except where such an officer eventually becomes eligible for a pension or gratuity under this Act in respect of his service both before and after his re-employment, a pension or gratuity granted to him solely in respect of service prior to such re-employment shall not be recomputed.

(3) Where an officer gives notice under paragraph (b) of subsection (1), of his desire that the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act should continue to apply to him, he may, by a further notice in writing to the officer prescribed by law, for the time being, finally and irrevocably withdraw the previous notice and, upon such withdrawal, unless he has elected before the commencement of this Act in accordance with the provisions of any law for the time being in force relating to the establishment of a Provident Fund for employees in the Public Service of this Island to become a depositor to such fund, the provisions of this Act shall apply to him in lieu of the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act. 23/1958
S. 13 (1).

(4) Any person who gives notice under paragraph (b) of subsection (1) of his desire that the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act should continue to apply to him and subsequently retires in circumstances in which he would have been eligible for a pension or gratuity under this Act if the provisions of this Act had applied to him, may, by a further notice in writing to the officer prescribed by law, for the time being, withdraw the notice given in accordance with paragraph (b) of subsection (1) and, upon such 23/1958
S. 13 (1).

withdrawal, such provisions of this Act as were in force at the date of such person's retirement in the circumstances aforesaid shall, unless he elected before the commencement of this Act in accordance with the provisions of any law for the time being in force relating to the establishment of a Provident Fund for employees in the Public Service of this Island to become a depositor to such fund, apply to such person in lieu of the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act.

23/1958
S. 13 (1).

(5) Where, pursuant to subsection (4), an award of pension or gratuity is made to any person in accordance with the provisions of this Act such award shall be in lieu of any award made to such person in accordance with the provisions of any Laws or Regulations repealed by this Act which applied to such person prior to the commencement of this Act, and any payments made to such person by virtue of any award so superseded by an award under this Act shall be set off against the payment to be made to such person by virtue of the award thereunder.

44/1961
S. 2.

(6) Any notice which pursuant to any of the foregoing provisions of this section is required to be given shall from and after the 27th December, 1961, be given to the Financial Secretary.

SCHEDULE

(Section 3)

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES
AND OTHER ALLOWANCES TO OFFICERS

PART I. *Preliminary*

1. These Regulations may be cited as the Pensions Regulations. Short title.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 “pensionable service” means service which may be taken into account in computing pension under these Regulations;
 “qualifying service” means service which may be taken into account in determining whether an officer is eligible by length of service for pension, gratuity, or other allowance.

PART II. *Officers without other public service*

3. Save when the Governor-General in any special case otherwise directs, this Part shall not apply in the case of any officer transferred to or from the service of this Island from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity, for which the officer would have been eligible, if the service of the officer had been wholly under the Government of this Island. Application of Part II. 23/1958 S. 3 (1).
L.N. 115/1959.

4. Subject to the provisions of this Act and of these Regulations every officer holding a pensionable office under the Government of this Island, who has been in the service of this Island in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one five-fortieth of his pensionable emoluments for each complete month of his pensionable service. Pensions; to whom and at what rates to be granted.
L.N. 115/1959. 37/1997 S. 4 w.e.f. 10.6.96.

5. Every officer, otherwise qualified for a pension, who has not been in the service of this Island in a civil capacity for ten years, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 4. Gratuities where length of service does not qualify for pension.

6.—(1) Where a female officer having held a pensionable or non-pensionable office or offices in the service of this Island for not less than five years and having been confirmed in such office, resigns from the service of the Island on or with a view to marriage or is required to retire from the service of this Island on account of her marriage, and is not eligible— Marriage gratuities.
L.N. 115/1959.

- (a) for the grant of any pension or otherwise eligible for gratuity under this Part; or
- (b) for the grant of any allowance or gratuity under regulation 32, she may be granted, on production within six months after her resigna-

tion or retirement, or such longer period as the Governor-General may in any particular case allow, of satisfactory evidence of her marriage, a gratuity—

- (i) in the case of a pensionable officer, not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service in this Island or one year's pensionable emoluments, whichever is the less;
- (ii) in the case of a non-pensionable officer, not exceeding one-sixteenth of a month's emoluments for each completed month of service in this Island or nine months' emoluments, whichever is the less; and for the purposes of this paragraph emoluments means such emoluments which would have been pensionable emoluments if the office held by the non-pensionable officer had been a pensionable office.

Pension to persons not otherwise eligible for retiring benefits who attain the age of sixty.
28/1979 Sch.

6A.—(1) This regulation applies to every person who—

- (a) had been in the service of this Island in a civil capacity—
 - (i) for a continuous period of not less than ten years; or
 - (ii) for periods which when added together total not less than fifteen years; and
- (b) immediately prior to the expiration of the period or periods referred to in sub-paragraph (a), held a pensionable office under the Government of this Island; and
- (c) having vacated that office, is not, other than pursuant to this regulation, eligible for pension, gratuity or allowance under these Regulations.

(2) Subject to the provisions of this Act and of these Regulations, a person to whom this regulation applies may be granted, on attaining the age of sixty years, a pension at the annual rate of one five-fortieth of his pensionable emoluments for each complete month of his pensionable service, so, however, that where that person dies before attaining the age of sixty years, there may be paid to his legal personal representatives the gratuity which he would have been eligible to receive if he had attained the age of sixty years and had elected to receive a gratuity and reduced pension.

(3) For the purposes of paragraphs (1) and (2) no regard shall be had to the service of any person prior to his dismissal from public service on the ground of misconduct unless the Governor-General in any case, on such terms and conditions as the Governor-General thinks fit, otherwise directs.

(4) For the purposes of this regulation—

- (a) any action which, pursuant to these Regulations, may be taken by, or in relation to, an officer on his retirement may, in the case of a person to whom this regulation applies, be taken as if the reference to his retirement were a reference to the attainment by him of the age of sixty years;

37/1997
S. 4.
w.e.f.
10.6.96.
21/1994
S. 4.

- (b) in determining for the purpose of paragraph (1) (a) whether or not a period of service is continuous no regard shall be had to the provisions of regulation 15(2);
- (c) the pensionable emoluments of a person to whom this regulation applies shall be determined as if reference to the date of his retirement were a reference to the date on which he vacated the office referred to in paragraph (1) (c).

PART III. *Transferred Officers*

7. Subject to the provisions of regulation 22, this Part shall apply only in the case of an officer transferred to or from the service of this Island from or to other public service.

Application
of Part III.
L.N.
89/1967.

8.—(1) In this Part and in Part IV—
“scheduled Government” means—

- (a) the Government of any territory, or any authority, mentioned in the Schedule to these Regulations;
- (b) the Government of Ceylon, in respect of any officer appointed to the service of that Government prior to the 4th February, 1948;
- (c) the Government of Palestine, in respect of any officer appointed to the service of that Government prior to the 15th May, 1948;
- (d) the East African Common Services Organization, in respect of any person deemed to have been appointed or appointed to service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for East Africa by or under the East African Court of Appeal Order in Council, 1961;
- (e) the Interim Commissioner of the West Indies, in respect of any person deemed to have been appointed or appointed to service as Judge, Registrar, officer or servant of the British Caribbean Court of Appeal by or under the British Caribbean Court of Appeal Order in Council, 1962;

Interpreta-
tion.
L.N.
204/1964.
Schedule.

“service in the Group” means service under the Government of this Island and under a scheduled Government or scheduled Governments.

(2) For the purposes of these Regulations—

- (a) any office in public service under the Government of the Federation of Rhodesia and Nyasaland immediately before the 1st January, 1964, who was immediately before that date employed on secondment to service under the Government of Southern Rhodesia, or Northern Rhodesia or Nyasaland, or was as from that date so employed, shall be deemed to continue to serve in public service under the Government of the Federation of Rhodesia and Nyasaland until his employment on secondment is terminated;
- (b) any pension awarded on or after the 1st January, 1964 in

L.N.
367/1964.

respect of service under the Government of the Federation of Rhodesia and Nyasaland shall be deemed to have been granted by that Government notwithstanding the provisions of The Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963.

Pension for
service
wholly
within the
Group.
L.N.
115/1959.

9.—(1) Where the other public service of an officer to whom this Part applies has been wholly under one or more scheduled Governments and his aggregate service would have qualified him had it been wholly under the Government of this Island for a pension under this Act, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service in this Island a pension of such an amount as bears the same proportion to the amount of pension for which he would have been eligible had his service been wholly under the Government of this Island, as the aggregate amounts of his pensionable emoluments during his service in this Island bears to the aggregate amounts of his pensionable emoluments throughout his service in the Group.

L.N.
115/1959.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly under the Government of this Island—

(a) in the application of regulation 23, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of retirement from the public service, except that where the officer is not serving a scheduled Government at that date, the date upon which he was last transferred from the service of a scheduled Government shall be deemed to be the date of his retirement for the purposes of this sub-paragraph;

23/1958
S. 15.

(b) no regard shall be had to an additional pension under regulation 27 or regulation 28 or regulation 29;

(c) [*Deleted by Act 37 of 1997 w.e.f. 10.6.96.*]

(d) no period of other public service under a scheduled Government in respect of which no pension or gratuity is granted to him shall be taken into account;

28/1979
Sch.

(e) no regard shall be had to any pension which might be payable pursuant to regulation 6A.

(3) For the purposes of this regulation the aggregate amount of an officer's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the Group subsequent to the attainment of the age of—

(a) in the case of an officer whose first appointment was in the service of this Island or of the Kingston and St. Andrew Corporation or any Parish Council, eighteen years;

- (b) in the case of an officer whose first appointment was in other public service, twenty years:

Provided that—

- (a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under a scheduled Government in respect of which no pension or gratuity is granted to him;
- (b) where under regulation 24 part only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, a proportionate part only of the officer's aggregate pensionable emoluments during that service shall be taken into account for such calculation.

10.—(1) Where the other public service of an officer to whom this Part applies has not included service under any of the scheduled Governments, and his aggregate service would have qualified him, had it been wholly under the Government of this Island, for a pension under these Regulations, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service in this Island a pension at the annual rate of one five-fortieth of his pensionable emoluments for each complete month of his pensionable service in this Island.

Pension where other service not within the Group.
L.N.
115/1959.

37/1997
S. 4,
w.e.f.
10.6.96.

(2) Where the officer is not in the service of this Island at the time of his retirement in the circumstances referred to in paragraph (1), his pensionable emoluments for the purposes of such paragraph shall be those which would have been taken for the purpose of computing his pension if he had retired from the public service and been granted a pension at the date of his last transfer from the service of this Island.

11. Where a part only of the other public service of an officer to whom this Part applies has been under one or more of the scheduled Governments, the provisions of regulation 9 shall apply; but in calculating the amount of pension, regard shall be had only to service in the Group.

Pension when other service both within and not within the Group.

12. Where an officer to whom this Part applies retires from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, but has not been in the public service in a civil capacity for ten years, he may be granted in respect of his service in this Island a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 9, 10 or 11, as the case may be.

Gratuities where length of service does not qualify for pension.

13. A female officer to whom this Part applies who resigns from public service on or with a view to marriage or is required to retire from public service on account of her marriage, and in consequence—

Marriage gratuities.

- (1) would, if the whole of her public service had been under the

L.N.
115/1959

[The inclusion of this page is authorized by L.N. 146/1999]

Government of this Island, have been eligible for a gratuity under regulation 6; and

- (2) if she is at the date of her resignation or retirement in other public service, eligible for a gratuity under provisions corresponding to that regulation in the law or regulations of the public service in which she is last employed, may, if she is not eligible—

(a) for the grant of any pension or otherwise eligible for gratuity under this Part; or

(b) for the grant of any allowance or gratuity under regulation 32, be granted a gratuity which bears to the gratuity for which she would be eligible if the whole of her public service had been in the service in which she is last employed the proportion which her service in this Island bears to her total public service:

Provided that for the purpose of computing such an officer's total public service under this paragraph, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

Applica-
tion of
regulation
6A where
officer
not other-
wise
eligible for
pension.

13A.—(1) An officer to whom this Part applies who would if the whole of his public service had been under the Government of this Island have been eligible for a pension under regulation 6A may, if he is not otherwise eligible for the grant of any pension, gratuity or other allowance under these Regulations, be granted, on such terms as are stipulated in regulation 6A, in respect of his service in this Island, a pension of such an amount as bears the same proportion to the amount of pension for which he would have been eligible had his service been wholly under the Government of this Island as the proportion which his service in this Island bears to his total public service.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly under the Government of this Island—

(a) no regard shall be had to any service under a Government which does not grant a pension to that officer in like circumstances as are prescribed in regulation 6A;

(b) *[Deleted by Act 37 of 1997 w.e.f. 10.6.96.]*

(c) no period of other public service in respect of which no pension or gratuity is granted to him shall be taken into account;

(d) if any part of his other public service is not service in the Group that part may be taken into account as qualifying service but shall not be taken into account as pensionable service;

(e) in the application of regulation 23 his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at—

37/1997
S. 4.
w.e.f.
1.4.93.

[The inclusion of this page is authorized by L.N. 146/1999]

- (i) the date upon which he was last transferred from the service of a scheduled Government; or
 - (ii) if all his other pensionable service is service not in the Group, the date of his last transfer from the service of this Island; and
- (f) if his other public service is wholly within the Group, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him during his service in the Group.

PART IV. *General*

14.—(1) Subject to the provisions of these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of public service and the date of his leaving the public service, without deduction of any period during which he has been absent on leave.

General rules as to qualifying service and pensionable service.

(2) No period which is not qualifying service by virtue of paragraph (1) shall be taken into account as pensionable service.

(3) No period during which the officer was not in public service shall be taken into account as qualifying service or as pensionable service.

15.—(1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service.

Continuity of service. 28/1979 Sch.

(2) Any break in service shall be disregarded for the purposes of paragraph (1) if—

- (a) it is caused by temporary suspension of employment not arising from misconduct or voluntary resignation; or
- (b) subject to paragraph (3), the periods of service when added together total not less than fifteen years.

(3) Unless the Governor-General in any particular case, on such terms and conditions as the Governor-General thinks fit, otherwise directs, the following shall not be taken into account as service for the purposes of paragraph (2) (b)—

- (a) any period of temporary service which was not immediately followed by a permanent appointment in which the officer was confirmed;
- (b) any period of service during which the officer was, by virtue of the terms of his appointment, on probation if either the officer was not confirmed in the appointment or the service was not immediately followed by a permanent appointment in which the officer was confirmed;
- (c) any period of service during which the officer contributed to the Provident Fund established under the Provident Fund Act and by such contribution became eligible for any payment under section 22 or 23 of that Act;

PENSIONS

- (d) any period of service in respect of which the officer was previously awarded any retiring benefits under this Act or under the Pensions (Parochial Officers) Act;
- (e) any period of service which preceded the dismissal of the officer on the ground of misconduct.

28/1979
Sch.

(4) An officer—

- (a) whose pension or other allowance has been suspended under section 11 of this Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or
- (b) who has retired from the public service without pension or other allowance on account of ill-health, abolition of office, or re-organization designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service; or
- (c) who has left pensionable service under the United Kingdom Teachers (Superannuation) Act, 1925, with a view to entering public service not being service pensionable under such Act and has, not later than three months, or such extended period as the Governor-General may in any particular case approve, after leaving such first mentioned service, received any salary in respect of employment in public service not so pensionable; or

23/1958
S. 3 (1).

- (d) who having left public service in this Island with a view to entering teaching service as defined in paragraph (2) of regulation 20 has subsequently been re-employed in such public service,

L.N.
283/1967.

may, if the Governor-General thinks fit, be granted the pension, gratuity, or other allowance, for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment had not occurred, such pension or other allowance to be in lieu of—

- (i) any pension or other allowance previously granted to him from the funds of this Island; and
- (ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation,

but additional to any gratuity so granted which is not required to be so refunded:

L.N.
283/1967.

Provided that the provisions of this paragraph shall not prevent the operation, simultaneously, of regulation 19 as respects an officer mentioned in sub-paragraph (d) who retires in the circumstances described in that regulation.

Leave with-
out salary.

16. No period during which an officer has been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave has been granted on grounds of public policy with the approval of the Governor-General.

17. Where an officer, during some period of his service, has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of this Island or of any scheduled Government and have not been refunded, such period shall not be taken into account as pensionable service.

Service in Her Majesty's Forces.

18. Where an officer holding a pensionable office serves with Her Majesty's Forces in time of war (in this regulation referred to as "military service"), or in any civilian employment connected with the prosecution of the war (in this regulation referred to as "civilian service"), and before so serving had been employed in the public service, then the following provisions shall have effect—

War service.

(1) during the period of such military or civilian service, including in the case of—

- (a) military service, any period of service with Her Majesty's Forces after the termination of the war (which period shall be included in the expression "military service");
- (b) civilian service, any period of civilian employment which may be approved by the Governor-General, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war connected with the prosecution thereof (which period shall be included in the expression "civilian service"),

23/1958 S. 3 (1).

such officer shall be deemed to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service;

(2) during any period between his leaving the public service for the purpose of serving in Her Majesty's Forces or in any such civilian employment and the date of his commencing such military or civilian service, he shall be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service; and during any period between the termination of his military or civilian service and the date of his re-entering the public service he shall, for such purposes, be deemed to be on leave as aforesaid from the public service, and to have held the substantive office, in which he is re-employed:

Provided that—

- (i) this regulation shall not apply when either period mentioned in paragraph (2) exceeds three months, or such longer period as the Governor-General, may in any special case determine; or if the officer fails after such military or civilian service, to re-enter the public service

44/1961 S. 3 (1).

otherwise than in circumstances in which he would be permitted, under the law or regulations applicable to the public service in which he is last employed prior to such military or civilian service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military or civilian service;

- (ii) if during any period mentioned in paragraph (1), the officer has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (1) shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";
- (iii) if during his military or civilian service the officer is injured or killed he shall not be deemed to have been injured or killed in the discharge of his duty;
- (iv) the provisions of this regulation which require that the officer shall be deemed to have held a specified office and to have been on leave from the public service, shall not apply in respect of any period during which he has actually held any other substantive office and has been on leave from any public service.

Teaching
service may
be counted
as pension-
able service.
L.N.
217/1967.
28/1979
Sch.

19. Where an officer holding a pensionable office retires from public service in circumstances in which he is eligible—

- (a) for a pension or gratuity under these Regulations; and
- (b) for a pension or gratuity under the Pensions (Teachers) Act, or any enactment thereby repealed,

then, if his service which is pensionable under the Pensions (Teachers) Act, was followed by pensionable service under these Regulations, the Governor-General may, either generally or in any particular case, direct that such service which is pensionable under the Pensions (Teachers) Act, may be taken into account as though it were pensionable service under these Regulations:

23/1958
S. 3 (1).

28/1979
Sch.

Provided that where any such direction has been given, any pension or gratuity granted under these Regulations shall be in lieu of any pension or gratuity for which the officer is eligible under the Pensions (Teachers) Act, or any enactment thereby repealed.

Transfer of
officer to
teaching
service.
23/1958
S. 15.

20.—(1) Where an officer holding a pensionable office leaves public service in this Island in order to enter teaching service and retires from teaching service in circumstances under which he is eligible for pension or gratuity under the Pensions (Teachers) Act or any enactment thereby repealed, the Governor-General may, either generally or in any particular case, direct that the period of teaching service may be taken into account as qualifying service for the purpose of these Regulations; and a pension or gratuity may be awarded to him in accordance with regulation 4 or

regulation 5, as the case may require, in addition to any pension or gratuity awarded to him under the Pensions (Teachers) Act or any regulations made thereunder and for the purpose of calculating the amount of any pension or gratuity payable under these Regulations his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of leaving the public service.

(2) In this regulation the expression "teaching service" means service in a teaching capacity—

- (a) in a secondary school;
- (b) in a training college;
- (c) in a primary school; or
- (d) in an institution approved by the Governor-General,

which is entered in the registers in accordance with the provisions of the Pensions (Teachers) Act, and any such other service as the Governor-General may determine to be teaching service for the purpose of this regulation.

21.—(1) Where an officer holding a pensionable office retires from the service of this Island, then if his service which is pensionable under these Regulations follows a period of service as a constable within the meaning of Part III of the Constabulary Force Act in respect of which he continues to be eligible for an award of retiring benefits under that Act or any regulations made thereunder, the Governor-General may, either generally or in any particular case, direct that such period of service may for the purposes of these Regulations be taken into account as pensionable service or as qualifying service; and, notwithstanding anything to the contrary, any pension or gratuity awarded to him under these Regulations shall—

Service as constable may be counted as pensionable service or qualifying service.
44/1961
S. 3 (1).
28/1979
Sch.

- (a) where such period has been taken into account as pensionable service be in substitution for; or
- (b) where the period has been taken into account as qualifying service, be in addition to,

any pension or gratuity for which he may be eligible under the Constabulary Force Act or any regulations made thereunder in respect of such period of service.

22.—(1) The Governor-General may, either generally or in any special case, direct that where service as the holder of a pensionable office is immediately followed by service as a Constable within the meaning of Part III of the Constabulary Force Act, then in such case the officer concerned shall, for the purposes of these Regulations, be treated as if he had been transferred from the service of this Island to other public service under a scheduled Government and thereupon the provisions of Part III of these Regulations shall with such modifications as may be necessary apply accordingly.

Service in a pensionable office followed by service as a constable.
L.N.
89/1967.

(2) Any break in service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining for the purposes of this regulation whether the period of service as the holder of a pensionable office was immediately followed by service as a constable as aforesaid.

Service as member of Defence Force or Local Forces may be counted as pensionable or qualifying service.
28/1979 Sch.

22A.—(1) Subject to paragraph (2), where an officer holding a pensionable office retires from the service of this Island, then if his service which is pensionable under these Regulations follows a period of service as an officer or member of the Local Forces constituted under the Local Forces Law (repealed) or as an officer or soldier of the regular Force of the Jamaica Defence Force, as the case may be, in respect of which he continues to be eligible for an award of retiring benefits under the Local Forces Law (repealed) or under the Defence Act, as the case may be, or any regulations made thereunder, the Governor-General may, either generally or in any particular case direct that such period of service may for the purposes of these Regulations be taken into account as pensionable service or as qualifying service; and notwithstanding anything to the contrary, any pension or gratuity awarded to him under these Regulations shall—

- (a) where such period has been taken into account as pensionable service be in substitution for; or
- (b) where the period has been taken into account as qualifying service, be in addition to any pension or gratuity for which he may be eligible under those Acts or any regulations made thereunder in respect of such period of service.

(2) Where an officer to whom paragraph (1) applies, has been awarded benefits under the Local Forces Law (repealed) or the Defence Act, as the case may be, or any regulations made thereunder, in respect of his period of service as an officer or member of the Local Forces or as an officer or soldier of the regular Force of the Jamaica Defence Force, as the case may be, such period of service shall not be taken into account for the purposes of paragraph (1).

(3) Any break in service shall be disregarded in determining for the purpose of this regulation whether the period of service as an officer or member of the Local Forces aforesaid or as an officer or soldier of the Jamaica Defence Force, as the case may be, was followed by pensionable service under these Regulations.

(4) Where the Governor-General makes a direction under paragraph (1), the period of service in relation to which such direction is made shall, for the purposes of these Regulations, be deemed to be service in this Island.

Emoluments to be taken for computing pension or gratuity.
L.N.
55/1994.

23. For the purpose of computing the amount of pension or gratuity of an officer—

- (a) the annual pensionable emoluments enjoyed by him at the date of his retirement shall be taken; and
- (b) he shall be deemed to have been on duty on full pensionable emoluments at that date.

24. Only service in a pensionable office shall be taken into account as pensionable service:

Service otherwise than in a pensionable office.

Provided that—

- (1) where a period of continuous service in a civil capacity otherwise than in a pensionable office is immediately followed by **service in a pensionable office and the officer is confirmed therein**, that period, or such portion thereof as the Governor-General may determine, may, with the approval of the Governor-General, be so taken into account; 23/1958
S. 3 (1).
- (2) any break in service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining for the purposes of the preceding proviso whether **the period of service otherwise than in a pensionable office** is immediately followed by the period of service in a pensionable office; 28/1979
Sch.
- (3) where an officer has been transferred from a pensionable office in which he has been confirmed to an office other than a pensionable office and subsequently retires either from a pensionable office or from such other office, his service in such other office may, with the approval of the Governor-General be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer, so, however, that in the case of an officer who has elected after the commencement of this Act under any law for the time being in force in relation to the establishment of a Provident Fund for public officers to become a depositor in such fund, his service subsequently to his so electing shall **be treated as qualifying service but not as pensionable service**; 23/1958
S. 3 (1).
- (4) where a period of service otherwise than in a pensionable office is taken into account under this regulation, the officer shall, during that period, be deemed for the purposes of regulations 6, 27 and 28 to be holding a pensionable office, and where that period is taken into account under proviso (3), to have been confirmed therein. 23/1958
S. 15.

25. Any period during which an officer has performed only acting service in a pensionable office may be taken into account as pensionable service if the period of such acting service— Acting service.

- (1) is not taken into account as part of the officer's own pensionable service in other public service; and
- (2) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same government or authority,

and not otherwise.

Service under age of eighteen or twenty or on probation or agreement.

26. Save as otherwise provided in these Regulations there shall not be taken into account as pensionable service—

- (1) any period of service while the officer was under the age of—
 - (a) in the case of an officer whose first appointment was in the service of this Island or of the Kingston and St. Andrew Corporation or any Parish Council, eighteen years;
 - (b) in the case of an officer whose first appointment was in other public service, twenty years; or
- (2) any period of service while he was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service:

Provided that any break of service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

PART V. *Supplementary*

Abolition of office and re-organization.

27. If an officer holding a pensionable office retires from the public service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the Department to which he belongs, by which greater efficiency or economy may be effected, he may—

- (1) if he has been in the public service for less than ten years, be granted in lieu of any gratuity under regulation 5 or regulation 12, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words “for ten years or more” were omitted from such regulation 4;
- (2) if he retires from the service of this Island, be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of three years’ pensionable service:

Provided that—

- (a) the addition shall not exceed ten-sixtieths; and
- (b) the addition together with the remainder of the officer’s pension shall not exceed the pension for which he would have been eligible if he had continued to hold the office held by him at the date of his retirement, and retired on reaching the age of fifty-five years, having received all increments for which he would have been eligible by that date.

44/1961
S. 3 (1).

28.—(1) This regulation applies to an officer who—

- (a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (c) is permanently injured as a result of an accident or damage to the aircraft while travelling by air in pursuance of official instructions and the injury was not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (d) while proceeding by a route approved by the Governor-General to or from this Island at the commencement or termination of his service therein, or of a period of secondment, duty leave, or leave therefrom, is permanently injured as the result of damage or any act of violence to the vessel, aircraft or vehicle in which he is travelling, if the Governor-General is satisfied that that damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged.

Officers
retiring on
account of
injury or
disease.
23/1958
S. 15.

(2) In this regulation, unless the contrary intention appears, references to an officer being injured and to the date on which an injury is sustained shall respectively be construed as including reference to his contracting such a disease as is mentioned in paragraph (1) and to the date on which such disease is contracted.

(3) An officer holding a pensionable office in which he has been confirmed may—

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the public service for less than ten years, be granted, in lieu of any gratuity under regulation 5 or regulation 12, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words "for ten years or more" were omitted from regulation 4;
- (b) if he was permanently injured while in the service of this Island, be granted on retirement an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table—

When his capacity to contribute to his own support is—
slightly impaired, five-sixtieths;
impaired, ten-sixtieths;
materially impaired, fifteen-sixtieths;
totally destroyed, twenty-sixtieths:

Provided that—

PENSIONS

- (i) if he was permanently injured while travelling by air in pursuance of official instructions, the relevant proportion in the table shall be increased by one-half;
- (ii) the amount of the additional pension may be reduced to such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of the retirement.

(4) An officer holding a non-pensionable office in which he has been confirmed and whose service therein is not taken into account under regulation 24 may—

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the public service for less than ten years, be granted an allowance under paragraph (1) of regulation 32 as if the words “for ten years or more” were omitted from sub-paragraph (a) of that paragraph;
- (b) if he was permanently injured while in the service of this Island be granted on retirement an additional allowance of the same amount and subject to the same conditions as the additional pension which might be granted to him under paragraph (3) if his office were a pensionable office; and for the purpose of calculating such additional allowance the expression “pensionable emoluments” in that paragraph means the emoluments enjoyed by the officer which would have been pensionable emoluments if the office held by him had been a pensionable office.

(5) An officer holding a pensionable or non-pensionable office in which he has not been confirmed who is permanently injured while in the service of this Island may be granted on retirement a pension or allowance of the same amount as the additional pension or allowance which might be granted to him under paragraph (3) or (4) if he had been confirmed in his office. The provisions of regulation 31 and paragraph (5) of regulation 32 shall not apply to a pension or allowance granted under this paragraph.

(6) (a) In this paragraph “injury award” means an award in respect of injury that may be granted to an officer under sub-paragraph (b) of paragraph (3) or under sub-paragraph (b) of paragraph (4) or under paragraph (5).

(b) If, for the purpose of assessing the amount of an injury award, the degree of permanent impairment of his capacity to contribute to his support is in doubt, an officer may be granted a provisional award to have effect until such time as the degree of permanent impairment can be ascertained.

(c) The Governor-General may take into account in such manner and to such extent as he may think fit against an injury award that may be granted to an officer in respect of an injury—

- (i) any damages that he is satisfied have been or will be recovered by the officer in respect of that injury; and

- (ii) any benefits that have been or may be awarded to the officer under the Workmen's Compensation Act or under the Oversea Superannuation Scheme in respect of that injury,

and he may withhold or reduce the injury award accordingly.

29.—(1) If an officer holding a pensionable office in which he has been confirmed—

Officers retiring on account of ill health. 23/1958 S. 15.

- (a) retires from the public service in the circumstances described in paragraph (v) of subsection (1) of section 6 of the Act; and
- (b) at the date of his retirement has been in the public service for more than ten years but less than twenty years,

he may be granted an additional pension at the rate of one five-fortieth of his pensionable emoluments for each month by which his public service falls short of twenty years, or by which his age at such date falls short of sixty years, or, in the case of a Judge of the Court of Appeal or of the Supreme Court, sixty-two years, whichever is the less.

37/1997 S. 4. w.e.f. 10.6.96. 15/1962 S. 35. 44/1961 S. 3 (1).

(2) This regulation shall not apply in the case of an officer—

- (a) who is permanently injured and is entitled to benefits under the Oversea Superannuation Scheme, or the Workmen's Compensation Act or any enactment amending or replacing that Act; or
- (b) who is injured in the discharge of his duty and is eligible to receive an award under regulation 28:

Provided that if such award is less than the additional pension for which he would be eligible under this regulation, he may be granted in lieu thereof an additional pension under this regulation.

30.—(1) For the purpose of computing the qualifying service and the amount of the pension or gratuity of an officer who—

Judges of the Court of Appeal and the Supreme Court. 44/1961 S. 3 (1). 15/1962 S. 35.

- (a) has had a period of service as a Judge of the Court of Appeal or of the Supreme Court of Jamaica; and
- (b) retires from the public service on or after attaining the age of sixty years, or on the abolition of his office, or in the circumstances described in paragraph (v) of subsection (1) of section 6 of the Act,

that period of service or, if it exceeds ten years, then ten years of that period, shall be counted twice.

(2) No period of acting service shall be counted twice under this regulation.

L.N. 163/1959.

31. Any officer to whom a pension is granted under this Act may, at his option exercisable on his retirement from the public service, or within such period prior to his retirement as the Governor-General may allow be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Gratuity and reduced pension. 23/1958 S. 15. L.N. 109/1954.

Non-pensionable officers.

L.N.
603/1969.

32.—(1) Subject to the provisions of this regulation, an officer holding a non-pensionable office, or a person who has held such office (and in either case is not eligible for a pension from the funds of this Island) may—

(a) if he has been in the public service in a civil capacity for ten years or more; and

L.N.
603/1969.

(b) if he retires—

(i) from public service in any of the circumstances mentioned in section 6 of this Act, other than that mentioned in paragraph (vii) of subsection (1) thereof; or

(ii) from teaching service as defined in regulation 20 in the circumstances mentioned in that regulation,

23/1958
S. 15.

be granted a monthly allowance at the rate of three-fourths of the pension for which he would be eligible under regulation 4, 9, 10, 11 or 20 as the case may be, had he been the holder of a pensionable office:

23/1958
S. 3(1).

Provided that for the purpose of this regulation no regard shall be had to any other public service of the officer other than parochial service as defined in the Pensions (Parochial Officers) Act, unless the Governor-General in any particular case otherwise directs.

Further provided that for the purpose of computing the monthly allowance payable to a non-pensionable officer who immediately before his retirement was in receipt of emoluments which did not exceed four dollars per week subsection (2) of section 9 of this Act shall take effect as if there were substituted for the word “two-thirds” the word “three-fourths”.

28/1979
Sch.

(1A) The provisions of regulation 6A shall apply to an officer who held a non-pensionable office as if in that regulation the words “non-pensionable office” were substituted for the words “pensionable office”, the words “monthly allowance” were substituted for the word “pension” and the words “one eight-hundredth” for the words “one six-hundredth”.

44/1961
S. 3(1).

(2) The Governor-General may in any particular case direct that the provisions of regulation 18 shall apply to an officer holding a non-pensionable office and thereupon such regulation shall apply to such officer as if the words “monthly allowance” were substituted for the word “pension” wherever such latter word appears.

(3) The provisions of paragraph (2) of regulation 27 shall apply to an officer who has held a non-pensionable office for at least ten years as if in such application the words “monthly allowance” were substituted for the word “pension”, and the words “eightieth” and “eightieths” were substituted for the words “sixtieth” and “sixtieths” as the case may be.

(4) The provisions of regulation 29 shall apply to an officer who has held a non-pensionable office for at least ten years as if in such application the words "monthly allowance" were substituted for the word "pension" and the words "one eight-hundredth" for the words "one six-hundredth".

23/1958
S. 15.

(5) An officer to whom a monthly allowance is granted under this regulation may at his option exercisable on his retirement from the public service or within such period prior to his retirement as the Governor-General may allow, be paid in lieu of such monthly allowance a monthly allowance at the rate of three-fourths of such monthly allowance together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the monthly allowance.

23/1958
S. 15.
L.N.
109/1954.

(6) An officer, holding a non-pensionable office, who is not eligible for pension or monthly allowance, or otherwise eligible for gratuity from the funds of the Island may—

(a) if he has been in the public service for at least five years but less than ten years; and

(b) if he retires—

(i) from public service in any of the circumstances mentioned in section 6 of this Act, other than that mentioned in paragraph (vii) of subsection (1) thereof; or

(ii) from teaching service as defined in regulation 20 in the circumstances mentioned in that regulation,

L.N.
603/1969.

be granted a gratuity not exceeding five times the annual amount of the monthly allowance, which if there had been no qualifying period, might have been granted to him, under paragraph (1).

(7) For the purposes of this regulation—

(a) the expression "pensionable emoluments" or "pensionable service" wherever either of such expressions appears in this Act or in these Regulations means the emoluments enjoyed by the officer which would have been pensionable emoluments, or such of his service as would have been pensionable service (as the case may be) if the office held by him had been a pensionable office;

(b) regulation 24, regulation 25 and regulation 26 shall apply to non-pensionable officers in the same manner as they apply to pensionable officers and as if in their application to non-pensionable officers the words "non-pensionable office" were substituted for the words "pensionable office".

Pensions and gratuities under section 17.

20/2003

S. 3(a)

Appendix.

20/2003

S. 3 (b).

33. Pursuant to section 17, pensions may be granted in accordance with Part I of the Appendix subject to the terms and conditions specified in Part II; and gratuities may be granted in accordance with Part III.

Appendix

(Section 17 and regulation 33)

PART I

Pension which may be granted pursuant to section 17

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
1	Surviving spouse of the officer		Two-thirds of the officer's annual pensionable emoluments at the date of his death.
2	Each child of the officer	<p>A. If the officer leaves a surviving spouse to whom a pension is granted under item 1 and does not leave a mother or father, as the case may be, who is eligible for pension under item 3</p> <p>B. If the officer leaves a surviving spouse to whom a pension is granted under item 1 and also a mother or father, as the case may be, who is eligible for a pension under item 3</p>	<p>A. An aliquot part, determined in accordance with Part II, of one-third of the officer's annual pensionable emolument at the date of his death.</p> <p>B. An aliquot part (determined as aforesaid) of one-sixth of the annual pensionable emoluments of the officer at the date of his death.</p>

PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
		<p>C. If the officer leaves no surviving spouse to whom a pension is granted under item 1 but leaves a mother or father, as the case may be, to whom a pension is granted under item 3</p>	<p>C. An aliquot part (determined as aforesaid) of the pension specified in item 1.</p>
		<p>D. If the officer leaves neither a surviving spouse to whom a pension is granted under item 1 nor a mother or father, as the case may be, to whom a pension is granted under item 3 and there are not more than three children of the officer eligible for pension under this Table</p>	<p>D. An aliquot part (determined as aforesaid) of the pension specified in item 1.</p>
		<p>E. If the circumstances with regard to a surviving spouse and mother or father are as in paragraph D but the number of children of the officer eligible for pension under this Table exceeds three</p>	<p>E. An aliquot part (determined as aforesaid) of the annual pensionable emoluments of the officer at the date of his death.</p>

[The inclusion of this page is authorized by L.N. 87/2004]

PENSIONS

PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
		<p>F. If the pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the mother or father, as the case may be, pension ceases to be payable under item 3 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B</p>	<p>F. An aliquot part (determined as aforesaid) of one-half of the pension payable under item 1.</p>
		<p>G. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B</p>	<p>G. An aliquot part (determined as aforesaid) of the pension payable pursuant to item 1.</p>

PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
3	The officer's mother or, where the mother is dead, the officer's father	<p>A. If the officer leaves a surviving spouse to whom pension is payable under item 1 and a child or children to whom a pension is payable under item 2</p> <p>B. If the officer leaves a child or children to whom pension is payable under item 2 but leaves no surviving spouse to whom pension is payable under item 1</p> <p>C. If the pension is payable pursuant to paragraph A and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of pension payable under paragraph A</p>	<p>A. One-sixth of the officer's annual pensionable emoluments at the date of his death.</p> <p>B. One-third of the officer's annual pensionable emoluments at the date of his death.</p> <p>C. One-third of the officer's annual pensionable emoluments at the date of his death.</p>

PART II

*Terms and conditions applicable to the payment of pensions
under Part I*

1. Payment of pension to a surviving spouse shall be made only while that spouse is unmarried.

2. In the case of pensions granted to two or more children of an officer under item 2 of Part I, the pension payable to each child shall be determined by dividing the pension which would be payable to one such child equally among such children as are eligible for pension under that Part.

3.—(1) A child shall cease to be eligible for pension under this Part on attaining the age of nineteen years, so, however, that—

(a) a child who is receiving higher education shall continue to be so eligible until that child attains the age of twenty-three years or completes the course of higher education, whichever is the earlier;

(b) a child who was mentally or physically incapacitated at the time of the officer's death and was wholly or mainly dependent on him for support may, if the Governor-General so directs, be treated as continuing to be eligible, after attainment of the age of nineteen years, during the period of incapacity or for such shorter period as the Governor-General may determine; and the Governor-General may, if he sees fit, increase or reduce the amount of pension payable in respect of that child to such amount as the Governor-General thinks fit, so, however, that where such amount is increased, the total amount of pension payable in respect of all dependants of that officer shall not exceed his pay at the date of his death;

(c) a female child shall cease to be so eligible upon the marriage of that child under the age of nineteen years.

(2) For the purposes of sub-paragraph (1) "higher education" means either a course of full-time instruction at any educational establishment approved for the purpose by the Minister responsible for education or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than two years.

4. Payment of a pension to the mother of an officer shall be made only if the mother was wholly or mainly dependent on the deceased officer for support and while the mother is without adequate means of support and, if the mother is unmarried, divorced or a widow, as the case may be, at the time of the grant of the pension and subsequently marries or remarries, as the case may be, such pension shall cease as from the date of marriage or

PART II, *contd.*

remarriage; and if it appears to the Governor-General, at any time, that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

5. Payment of a pension to the father of an officer shall be made only while the father is without adequate means of support and, if it appears to the Governor-General, at any time that the father is adequately provided with other means of support such pension shall cease as from such date as the Governor-General may determine.

PART III

Gratuities which may be granted pursuant to section 17

1. Without prejudice to any pension payable pursuant to Part I, a gratuity may be granted in accordance with this Part to the dependants of an officer or, if there are no dependants, to the officer's legal personal representatives.

2. Such gratuity shall—

(a) in respect of an officer who dies from injuries received after the 1st day of July, 1974, but before the 1st day of January, 1978, not exceed—

(i) ten thousand dollars; or

(ii) a sum equal to two years' pensionable emoluments of the officer at the date of his death; or

(iii) the aggregate of one year's pensionable emoluments of the officer at the date of his death plus the amount of commuted pension gratuity for which he would have been eligible if he had retired at the date of his death,

whichever is the greater;

(b) in respect of an officer who dies from injuries received on or after the 1st day of January, 1978, but before the 1st day of April, 1988, not exceed—

(i) twenty thousand dollars; or

(ii) the aggregate of the amounts specified in paragraph (a)(iii),

whichever is the greater;

(c) in respect of an officer who dies from injuries received on or after the 1st day of April, 1988, but before the 1st day of April, 1992, not exceed—

PART III, *contd.*

- (i) one hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),
- whichever is the greater;
- (d) in respect of an officer who dies from injuries received on or after the 1st day of April, 1992, but before the 1st day of April, 1994, not exceed—
- (i) three hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),
- whichever is the greater;
- (e) in respect of an officer who dies from injuries received on or after the 1st day of April, 1994, but before the 1st day of April, 1996, not exceed—
- (i) five hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),
- whichever is the greater;
- (f) in respect of an officer who dies from injuries received on or after the 1st day of April, 1996, but before the 1st day of October, 1999, not exceed—
- (i) one million dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),
- whichever is the greater;
- (g) in respect of an officer who dies from injuries received on or after the 1st day of October, 1999, but before the 1st day of April, 2000, not exceed—
- (i) one million seven hundred and fifty thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),
- whichever is the greater;

PART III, *contd.*

- (h) in respect of an officer who dies from injuries received on or after the 1st day of April, 2000, but before the 1st day of April, 2005, not exceed— L.N. 27F/2012.
- (i) four million dollars; or
 - (ii) the aggregate of the amounts specified in sub-paragraph (a) (iii),
- whichever is the greater;
- (i) in respect of an officer who dies from injuries received on or after the 1st day of April, 2005, but before the 1st day of April, 2006, not exceed— L.N. 27F/2012.
- (i) four million five hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in sub-paragraph (a) (iii),
- whichever is the greater;
- (j) in respect of an officer who dies from injuries received on or after the 1st day of April, 2006, but before the 1st day of April, 2008, not exceed— L.N. 27F/2012.
- (i) six million dollars; or
 - (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),
- whichever is the greater; and
- (k) in respect of an officer who dies from injuries received on or after the 1st day of April, 2008, not exceed— L.N. 27F/2012.
- (i) eight million dollars; or
 - (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),
- whichever is the greater.

3. [*Deleted by L.N. 27F/2012.*]

4. For the purposes of this Part “dependants” means any person entitled to a pension under Part I.

5. In this Part “commuted pension gratuity” means the gratuity, if any, which might have been granted to the officer under regulation 31 of the regulations contained in the Schedule, if he had retired at the date of his death in the circumstances described in paragraph (v) of subsection (1) of section 6 and had elected to receive a gratuity and reduced pension.

6. A gratuity granted in accordance with this Part shall be divided among the dependants as follows—

- (a) if there is a surviving spouse, that spouse shall be granted fifty per cent of the gratuity or such higher percentage as the Governor-General may approve and the remainder shall be divided among any other dependants in such proportion as the Governor-General thinks fit;
- (b) if there is no surviving spouse, the gratuity shall be divided among the dependants in such proportion as the Governor-General thinks fit.

Regulation 8.

SCHEDULE TO THE REGULATIONS

Aden

L.N.
282/1967. Associated States of the Eastern Caribbean

Bahamas

Barbados

Basutoland

Bechuanaland Protectorate

Bermuda

L.N.
367/1964. British Antarctic Territory

British Guiana

British Honduras

British Solomon Islands Protectorate

L.N.
323/1966. Brunei

Cayman Islands

Colonial Audit Department

(Home Establishment)

Crown Agents for the Colonies

Cyprus

Dominica

SCHEDULE, (contd.)

The East African Common Services Organization	L.N.204/1964.
East Africa High Commission	
East African Railways and Harbours Administration	
Eastern Nigeria	L.N. 48/1967.
Eastern Region of Nigeria	L.N.142/1955.
Employing Authorities under the Colonial Superannuation Scheme	
Falkland Islands	
Federal Republic of Nigeria	L.N. 75/1965.
Federated Malay States	
Federation of Malaya	
Federation of Nigeria	L.N.142/1955.
Federation of Rhodesia and Nyasaland	L.N.142/1955.
Fiji	
Gambia	
Ghana	
Gibraltar	L.N.115/1959.
Gilbert and Ellice Islands Colony	
Gold Coast	
Grenada	
Hong Kong	
The Interim Commissioner for the West Indies	L.N.204/1964.
Kenya	
Kenya and Uganda Railways and Harbours Administration	
Kingston and St. Andrew Corporation	
Leeward Islands	
Malayan Establishment	
Malawi	L.N. 75/1965.
Malayan Union	
Malaysia	L.N. 367/1964.
Malta	

SCHEDULE, (*contd.*)

- Mauritius
- L.N. 48/1967. Mid West Nigeria
- L.N.216/1967. National Water Authority
- Nigeria
- North Borneo
- L.N. 48/1967. Northern Nigeria
- L.N.142/1955. Northern Region of Nigeria
- Northern Rhodesia
- Nyasaland
- Parish Councils of Jamaica
- L.N. 75/1965. Republic of Zambia
- L.N.367/1964. Sabah
- Sarawak
- Singapore
- St. Helena
- St. Lucia
- St. Vincent
- Seychelles
- Sierra Leone
- Somaliland
- Straits Settlements
- Swaziland
- Tanganyika Territory
- Trinidad
- Turks and Caicos Islands
- Uganda
- United Kingdom of Great Britain and Northern Ireland
- L.N. 48/1967. United Republic of Tanzania
- L.N.211/1959. The West Indies (Federation)
- L.N. 48/1967. Western Nigeria
- L.N.142/1955. Western Region of Nigeria
- Zanzibar