

THE PENSIONS (PRIME MINISTER) ACT

Acts
24 of 1965,
52 of 1974,
35 of 2005,
2 of 2008.

[28th June, 1965.]

1. This Act may be cited as the Pensions (Prime Minister) Act. Short title.

2.—(1) In this Act—

Interpreta-
tion.

* “entitled child” means a person who—

35/2005
S. 2.

(a) has not attained the age of nineteen years; or

(b) while being paid a pension, has not attained the age of twenty-three years and is pursuing—

(i) a course of full time instruction at any educational establishment approved for the purpose by the Minister responsible for education; or

(ii) 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,

hereinafter referred to as higher education, so, however, that, if the person ceases to pursue the course of higher education before attaining the age of twenty-three years, he shall cease to be an entitled child at the date of such cessation;

“legislator” means a person who—

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S. 2.

(a) is a member of the House of Representatives;

(b) not being a member of the House of Representatives, is the holder of a specified legislative office;

* Provisions came into operation on 1.1.1997.

“Prime Minister’s pension” means the pension payable under this Act to a person who has ceased to be Prime Minister;

“salary” means the emoluments provided in the estimates of expenditure of the Island, exclusive of duty allowance, entertainment allowance or any other allowance or emoluments whatever or any amount provided as a contribution to office or any other expenses;

35/2005
S. 2.
First
Schedule.

“specified legislative office” means any of the offices specified in the First Schedule or any office prescribed as such by the Minister responsible for the public service by notice in the *Gazette*.

52/1974
S. 2.

(2) Any reference in this Act to a widow shall be construed to include a reference to a widower.

Prime
Minister’s
right to
pension.

3.—(1) Every person who having been appointed Prime Minister on or after the sixth day of August, 1962, ceases at any time after such appointment to be Prime Minister shall be paid a pension under this Act with effect from the date on which he ceases to be Prime Minister and subject to the provisions of subsections (2) and (3) such pension shall continue to be paid during the lifetime of that person.

52/1974
S. 3.

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

52/1974
S. 3(b).

(3) A Prime Minister’s pension or a Governor-General’s pension payable pursuant to section 4 of this Act shall, if the pensioner becomes a legislator, cease to be payable while he is entitled to receive emoluments as a legislator, but if the rate of pension exceeds the rate of the emoluments nothing in this subsection shall preclude the payment of such pension to the extent of such excess.

(4) In subsection (3)—

“emoluments” means emoluments provided in the estimates of expenditure of the Island, inclusive of duty allowance, house allowance and entertainment allowance, but exclusive of any other allowance or emoluments whatever or any amount provided as a contribution to office or any other expenses;

35/2005
S. 3(a).

(5) For the purposes of section 5 or 6 of this Act or section 16 or 17 of the Governor-General (Expenditure, Personal Staff, Tax Exemptions and Pensions) Act, where a person dies during any period for which his pension has ceased to be payable under subsection (3) he shall be deemed to have been entitled to that pension at his death.

4.—*(1) Subject to subsections (2) and (3), a Prime Minister’s pension shall be at such annual rate from time to time as is equivalent to—

Rate of
Prime
Minister’s
pension.
35/2005
S. 4.
2/2008
S. 2 (a) (iii).

*(a) the annual salary appertaining to the office of Prime Minister for the time being, if the person to whom it is payable—

(i) ceases to be Prime Minister on or before the 11th day of September, 2007; and

(ii) has retired from office as a legislator;

(b) subject to subsection (1A), two-thirds of the annual salary appertaining to the office of Prime Minister for the time being, if the person to whom it is payable—

2/2008
S. 2 (a)(iii).

(i) ceases to be Prime Minister after the 11th day of September, 2007, having not held that office at any time before that date; and

(ii) has retired from office as a legislator;

(c) two-thirds of the annual salary appertaining to the office of Prime Minister for the time being if the person to whom it is payable ceases to be Prime Minister but has not retired from office as a legislator.

(1A) A person who—

2/2008
S. 2 (b).

PENSIONS (PRIME MINISTER)

- (a) is Prime Minister on the 11th day of September, 2007; and
- (b) to whom the rate prescribed in subsection (1) (b) would, but for this subsection, apply, may elect to receive a Prime Minister's pension either at—
- (i) such annual rate from time to time as is equivalent to the annual salary appertaining to the office of Prime Minister; or
 - (ii) the rate prescribed in subsection (1) (b).

2/2008
S. 2 (b).

(1B) Any election under subsection (1A) shall be made by notice in writing to the Minister and shall take effect with regard to such monthly instalment of the pension as may become next due after receipt of such notice by the Minister.

52/1974
S. 4 (b).

(2) If the person to whom Prime Minister's pension is payable is appointed Governor-General, the pension payable to him after he ceases to be Governor-General shall be the pension specified in subsection (1) or, in case of his so electing for the time being, the Governor-General's pension specified in the Governor-General (Expenditure, Personal Staff, Tax Exemptions and Pensions) Act, and an election by any person under this subsection may be rescinded by that person, but without prejudice to the making of any further such election by him.

2/2008
S. 2 (c).

(3) Any election, or rescission thereof, under subsection (2) shall be made by notice in writing to the Minister and shall take effect with regard to such monthly instalment of the pension payable in consequence of the notice as may become due next after its receipt by the Minister, and no person shall be entitled to receive monthly instalments of Prime Minister's pension and Governor-General's pension in respect of the same month.

2/2008
S. 2 (c).

(4) If a person to whom Prime Minister's pension is payable is in receipt of a retiring allowance payable to him under the Retiring Allowances (Legislative Service) Act, only so much of the Prime Minister's pension shall be paid to him

* Provisions came into operation on 1.1.1992.

as will, when added to his retiring allowance amount to the annual rate of pension prescribed by subsection (1). 52/1974
S. 4(c).

4A. A person in receipt of a Prime Minister's pension pursuant to subsection (1)(a), (1)(b) or (1A) of section 4 shall be paid the allowances specified in the Second Schedule. Allowances payable to person in receipt of Prime Minister's pension. Second Schedule. 35/2005 S. 5. 2/2008 S. 3.

5.—(1) Where a person dies while he is Prime Minister or while he is entitled to receive Prime Minister's pension— Widow's pension.

(a) if he leaves—

(i) a widow but no entitled child; or

(ii) a widow and entitled children by such widow only,

the widow shall, subject to the to the provisions of subsections (2) and (3), be paid a pension at an annual rate equivalent to two-thirds of the annual salary appertaining to the office of Prime Minister for the time being; 52/1974
S. 5(a).
35/2005
S. 6(a).

(b) if he leaves a widow and any entitled child by a previous marriage only the widow shall, subject to the provisions of subsections (2) and (3), be paid a pension at one-half the annual rate prescribed in paragraph (a) until there is no such entitled child and thereafter a pension at the full rate so prescribed. 52/1974
S. 5(b).

(1A) A widow mentioned in subsection (1) shall be entitled to be paid the allowances specified in the Third Schedule. 35/2005
S. 6(b).
Third
Schedule.

(2) A widow mentioned in subsection (1) shall not be entitled to receive and shall not be paid pension or allowances under this section—

(a) in respect of any period after she becomes Governor-General or Prime Minister;

35/2005
S. 6(c)(iv).

(b) if she remarries.

(3) If the Minister is satisfied that the widow of a former Prime Minister has, while receiving a pension under this section, deserted or abandoned, or failed to maintain or assist in maintaining so far as her means allow, an entitled child—

- (a) of her marriage with that former Prime Minister; and
- (b) whom she is bound by law to maintain,

the Minister may cause to be paid to such child, until he dies or ceases to be an entitled child, such portion of the pension payable to the widow under this section as he may think fit, and the widow shall have no further claim in respect of the portion of pension so paid.

Children's
pension.

52/1974
S. 6 (a).

6. Where a person dies while he is Prime Minister or while he is entitled to receive Prime Minister's pension, leaving entitled children, each of such children (except those referred to in subparagraph (ii) of paragraph (a) of subsection (1) of section 5, if a pension is being paid under that section to their parent) shall be paid, until he dies or ceases to be an entitled child, such pension at such rate as the Minister shall determine; so, however, that the aggregate rate of pension payable to such children shall not exceed—

52/1974
S. 6 (b).

- (a) subject to paragraph (b) of this section, the annual rate prescribed in paragraph (a) of subsection (1) of section 5 in respect of a widow;
- (b) if, and so long as, the Prime Minister's widow is entitled to a pension under that section, one-half of the rate so prescribed.

Source and
method of
payment of
pensions.
35/2005
S. 7.

7. Any pension and allowances payable under this Act—

- (a) shall be charged on and paid out of the Consolidated Fund;
- (b) shall be paid monthly in arrears in equal instalments.

Protection of
pensions.

8. Any pension payable under this Act shall not—

- (a) be assignable or transferable except for the purpose of satisfying a debt due to the Government or an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife, or child being a minor of the person to whom the pension is payable; or
- (b) 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 or any sum recoverable pursuant to such order of any court as is mentioned in paragraph (a).

FIRST SCHEDULE	(Section 2)	35/2005 S. 8.
<i>Office</i>		<i>w.e.f.</i> <i>1.1.1992.</i>
Minister		
President of the Senate		
Parliamentary Secretary		

SECOND SCHEDULE	(Section 4A)	35/2005 S. 8.
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*Allowances payable to a person in receipt of a
Prime Minister's pension, who has retired
from the Office of Prime Minister*

- *1. House allowance at the rate payable to Ministers.
- *2. Secretarial allowance at an annual rate equivalent to the rate of salary for the time being appertaining to the post of Executive 2 (inclusive of uniform allowance) in the Central Government Service.
- 3. A Social Secretary's allowance at a rate equivalent to the minimum rate of salary for the time being appertaining to the post of Senior Secretary OPS/SS3 (inclusive of uniform allowance) in the Central Government Service.
- *4. Chauffeur's allowance at an annual rate equivalent to the sum of—
 - (a) the annual rate for chauffeur's allowance appertaining for the time being to a retired Governor-General; and

* Provisions came into operation on 1.1.1992.

PENSIONS (PRIME MINISTER)**SECOND SCHEDULE, contd.**

(b) such rate for chauffeur's uniform as may be determined from time to time by the Minister responsible for the public service.

5. An assigned personal security by personnel from the Jamaica Constabulary Force in consultation with the Commissioner of Police.

*6. Household helper's allowance at twice the minimum rate of salary inclusive of uniform allowance and laundry allowance applicable to the post classified at the level of LMO/TS 1 in the Central Government Service.

*7. Gardener's allowance at a rate equivalent to the minimum rate of salary for the time being appertaining to the post of Gardener (LMO/TS 1) (inclusive of uniform allowance and laundry allowance) in the Central Government Service.

35/2005
S. 8.
w.e.f.
1.1.1997.

THIRD SCHEDULE**(Section 5)**

*Allowances payable to the surviving spouse
of a former Prime Minister*

1. Chauffeur's allowance as set out in paragraph 3 of the Second Schedule.
2. Household helper's allowance as set out in paragraph 4 of the Second Schedule.
3. Gardener's allowance as set out in paragraph 5 of the Second Schedule.
4. Social Secretary's allowance at such rate as the Minister responsible for the public service may determine from time to time.

* Provisions came into operation on 1.1.1992.