

JAMAICA

No.35 -2005

I assent,

[L.S.]

(Sgd) H.F. Cooke

Governor-General.

29th December 2005

AN ACT to Amend the Pensions (Prime Minister) Act.

[30th December 2005]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Pensions (Prime Minister) (Amendment) Act, 2005, and shall be read and construed as one with the Pensions (Prime Minister) Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title,
construction
and
commence-
ment.

(2) Subject to subsection (3), the provisions of this Act shall come into operation forthwith.

(3) The provisions of—

- (a) section 2, in relation to the definition of “entitled child”, shall be deemed to have come into operation on the 1st day of January, 1997;

- (b) section 4, other than the new subsection (1)(b) of section 4 of the principal Act, shall be deemed to have come into operation on the 1st day of January, 1992;
- (c) section 6(c)(ii) shall be deemed to have come into operation on the 1st day of January, 1997;
- (d) section 8 in relation to—
 - (i) the First Schedule to the principal Act, shall be deemed to have come into operation on the 1st day of January, 1992;
 - (ii) the Second Schedule to the principal Act with the exception of items 3 and 5, shall be deemed to have come into operation on the 1st day of January, 1992;
 - (iii) the Third Schedule to the principal Act shall be deemed to have come into operation on the 1st day of January, 1997.

Amendment
of section 2
of principal
Act.

2. Section 2 of the principal Act is amended by deleting the definition of “entitled child” and substituting therefor the following definitions—

“entitled child” means a person who—

- (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—

- (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;

“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*.”

First
Schedule.

3. Subsection (4) of section 3 of the principal Act is amended—

Amendment
of section 3
of principal
Act

- (a) by inserting in the definition of “emoluments” next after the words “duty allowance” the words “, house allowance”;
- (b) by deleting the definition of “legislator”.

4. Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following—

Amendment
of section 4
of principal
Act.

“ (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—

- (a) the annual salary appertaining to the office of Prime Minister for the time being if the person to whom it is payable has retired from office as a legislator; or
- (b) 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.”

Insertion of
new section
4A in
principal
Act

5. The principal Act is amended by inserting next after section 4 the following as section 4A—

“ Allowances payable to person in receipt of Prime Minister’s pension. Second Schedule 4A. A person in receipt of a Prime Minister’s pension pursuant to section 4(1) (a) shall be paid the allowances specified in the Second Schedule.”.

Amendment
of section 5
of principal
Act.

6. Section 5 of the principal Act is amended—

- (a) by deleting from subsection (1) (a) the words “of the rate of pension prescribed by subsection (1) of section 4” and substituting therefor the words “of the annual salary appertaining to the office of Prime Minister for the time being”;
- (b) by inserting next after subsection (1) the following as subsection (1A)—

“ (1A) A widow mentioned in subsection (1) shall be entitled to be paid the allowances specified in the Third Schedule.”;

(c) in subsection (2) by—

- (i) inserting next after the word “pension” the words “or allowances”;
- (ii) deleting paragraph (a);
- (iii) re-lettering paragraph (b) as paragraph (a); and
- (iv) inserting next after paragraph (a), as re-lettered, the following as paragraph (b)—

“ (b) if she remarries.”.

Amendment
of section 7
of principal
Act.

7. Section 7 of the principal Act is amended by inserting next after the word “pension” the words “and allowances”.

8. The principal Act is amended by inserting next after section 8 the following Schedules as the First, Second and Third Schedules, respectively—

Insertion of
First, Second
and Third
Schedules in
principal Act.

FIRST SCHEDULE

(Section 2)

Office

Minister

President of the Senate

Parliamentary Secretary

SECOND SCHEDULE

(Section 4A)

*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
 - (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/TS1) (inclusive of uniform allowance and laundry allowance) in the Central Government Service.

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."

Passed in the House of Representatives this 29th day of November, 2005.

MICHAEL PEART

Speaker.

Passed in the Senate this 16th day of December, 2005.

SYRINGA MARSHALL- BURNETT, C. D.

President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.