

THE REPRESENTATION OF THE PEOPLE (INTERIM
ELECTORAL REFORM) ACT

REGULATIONS
(*under section 9*)

The Representation of the People (Electoral Advisory Committee)
(Employees Retiring Benefits) Regulations, 1990

L.N. 26/90
(d.d.
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The Representation of the People (Electoral Advisory Committee)
(Director of Elections Retiring Benefits) Regulations, 1995

L.N. 77/95

THE REPRESENTATION OF THE PEOPLE (INTERIM
ELECTORAL REFORM) ACT

REGULATIONS
(under section 9)

THE REPRESENTATION OF THE PEOPLE (ELECTORAL ADVISORY
COMMITTEE) (EMPLOYEES RETIRING BENEFITS) REGULATIONS,
1990

(Made by the Electoral Advisory Committee and approved by the
Minister on the 11th day of April, 1990)

L.N. 267/90
G.S. d.d.
11.4.1990
106F/2004

PART I. Preliminary

1. These Regulations may be cited as the Representation of the
People (Electoral Advisory Committee) (Employees Retiring Benefits)
Regulations, 1990.

Citation.

2.—(1) In these Regulations—

Interpretation

“Committee” means the Electoral Advisory Committee;

“house allowance” does not include such allowance granted on
condition that it shall not be pensionable but, subject to that,
includes—

- (a) the estimated value of free quarters;
- (b) the estimated value of any quarters provided in con-
nection with a specified office:

Provided that—

- (i) where the estimated value of quarters is taken into
account pursuant to paragraph (b) such estimated value
shall, subject to paragraph (ii) of this proviso, be the
annual rate of the allowance payable in lieu of quarters;
- (ii) house allowance shall not exceed, for the purposes of
these Regulations, one-sixth of the salary of the office;

“Minister” means the Minister responsible for the public service;

“parochial service” means service in a civil capacity under a Parish
Council or the Council of the Kingston and St. Andrew
Corporation;

“pensionable emoluments” includes salary, wages, personal allowance
and house allowance but does not include duty allowance,
entertainment allowance or any other emoluments whatsoever;

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“pensionable office” means an office which is declared to be a pensionable office by the Committee and approved by the Minister and notified in the *Gazette*;

“pensionable service” means service which may be taken into account in computing pension under these Regulations;

“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;

“public service” means—

(a) service in a civil capacity under the Government of Jamaica;

(b) service in an organization listed in the First Schedule; and

(c) such other service as the Committee, with the approval of the Minister, may declare to be either—

(i) service of such a nature as to warrant being treated as if it were service under paragraph (b);
or

(ii) service which, although not of that nature, may nevertheless be taken into account for the purpose of these Regulations as qualifying service, hereinafter referred to as “special service”;

“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;

“specified office” means an office—

(a) in respect of which quarters are provided on terms whereby, if such quarters are not available as respects the holder of any such office, an allowance is payable in lieu of such quarters; and

(b) which has been declared by the Committee with the approval of the Minister by a notification published in the *Gazette* to be a specified office; and any such notification may prescribe the rate of allowance payable in lieu of such quarters and may from time to time be amended or revoked by another notification so made and published;

Provided that where by virtue of any such amendment or revocation any office ceases to be a specified office or the rate of allowance in respect thereof is varied, 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 specified office and any variation which would but for this proviso have the effect of reducing the rate of allowance payable to him shall not apply as respects that person.

(2) The offices set out in the Second Schedule shall be pensionable offices until other provision is made pursuant to the powers to declare such offices conferred by paragraph (1); and the exercise of those powers shall be deemed to include the power to amend or revoke that Schedule.

Second
Schedule.

(3) Where, by virtue of the exercise of powers under paragraph (1) any office ceases to be a pensionable office then, so long as any person holding that office at the time of such exercise as aforesaid continues therein, the office shall as respects that person continue for the purposes of these Regulations, to be a pensionable office.

(4) Public service which is special service may be taken into account as qualifying service but shall not be taken into account for any other purpose under these Regulations.

(5) The Committee, with the approval of the Minister, may amend the First Schedule.

First
Schedule.

PART II. *Pensions, Gratuities and Other Allowances*
Award of Pension

3.—(1) The Committee may grant, in approved circumstances, a pension, gratuity or other allowance to, or in respect of, any person who immediately prior to retirement, held a pensionable office in the service of the Committee.

Power to
grant
retiring
and
similar
benefits
under
these
Regula-
tions.

(2) In paragraph (1) "approved circumstances" means, in relation to any officer, his retirement—

- (a) on or after attaining the age of fifty-five years;
- (b) on the abolition of his office;
- (c) on compulsory retirement for the purpose of facilitating improvement in the organization of the Electoral Office by which greater efficiency or economy may be effected;

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- (d) on medical evidence to the satisfaction of the Committee that he is incapable by reason of any infirmity of mind or body to discharge the duties of his office and that such infirmity is likely to be permanent;
- (e) on termination of his employment in the public interest.

(3) The grant of any pension, gratuity or other allowance pursuant to paragraph (1) shall be determined in accordance with the provisions of these Regulations.

(4) Notwithstanding that an officer may retire in approved circumstances specified in paragraph (2) (a), the Committee may require any officer to retire from service with the Committee at any time after he attains the age of fifty-five years.

(5) For the avoidance of doubt it is declared that, without prejudice to the provisions of paragraph (2) (a) and paragraph (4), the normal retiring age of any officer shall be sixty years.

**Maximum
pension.**

4.—(1) Except in cases provided for by paragraph (2), a pension granted to any person under these Regulations shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service with the Committee.

(2) Where an officer has been granted a pension in respect of service with the Committee and also in respect of public or parochial service that officer shall not at any time draw in respect of his service with the Committee an amount of pension which when added to the amount of any pension or pensions drawn in respect of public or parochial service, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service with the Committee or with the public or parochial service, so, however, that where an officer receives in respect of some period of any such service both a gratuity and a pension, the amount of such pension shall be deemed to be four-thirds of its actual amount.

(3) Where the limitation specified by paragraph (2) operates, the amount of pension to be drawn from the funds of the Committee in respect of service with the Committee shall be determined by the Committee with due regard to the amount of any pension or pensions to be drawn in respect of public or parochial service.

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(4) For the purpose of this regulation an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension under these Regulations, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his service with the Committee or in public or parochial service.

5.—(1) There shall be charged on and paid out of the amount appropriated to the Committee each year for the annual expenditure of the Committee all such sums of money as may from time to time be payable pursuant to a grant of pension, gratuity or other award by the Committee.

Pension,
gratuity
and other
awards pay-
able out of
funds of
Committee.

(2) Where the Minister responsible for finance so directs there shall be paid out of the Consolidated Fund by way of subvention such sums of money as the Minister considers necessary to enable the Committee to pay any pension, gratuity or other award granted by the Committee.

6. Where the Committee has ceased to exist or is for any other reason unable to pay any pension, gratuity or other award which is payable pursuant to these Regulations, the Minister responsible for finance may, subject to such conditions as he may either generally or in any special case impose, authorize payment of that pension, gratuity or other award out of the Consolidated Fund.

Alternate
payment
from Con-
solidated
Fund.

Suspension of Pension During Re-employment

7. Where a person to whom a pension or other allowance has been granted under these Regulations is appointed to another office in the service of the Committee or of the public or parochial service, the payment of his pension or other allowance, or any part thereof, may, with his consent, if the Committee thinks fit, be suspended during the period of his re-employment.

Suspension
of pension.

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*Pension, Gratuity or Other Allowance not
Assignable or Transferable Except
in Certain Circumstances*

**Pension,
gratuity
or other
allowance
not as-
signable
or trans-
ferable
except in
certain
circum-
stances.**

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

- (a) a debt due to the Committee;
- (b) a debt due to the Government of Jamaica; or
- (c) 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 Committee or to the Government.

(2) An assignment or transfer of not more than one-fifth of any commuted pension gratuity payable by virtue of these Regulations may be made for the purpose of repaying a debt due to the Jamaica Civil Service Mutual Thrift Society Limited.

(3) In paragraph (2) “commuted pension gratuity” means the gratuity payable if an officer elects, under regulation 25, to take a reduced pension and a gratuity or, where an officer dies while in the service of the Committee, the gratuity payable to his legal personal representative in accordance with regulation 26.

*Pension, Gratuity or Other Allowance
to Cease on Bankruptcy*

**Pension,
gratuity
or other
allowance
to cease
on bank-
ruptcy.**

9.—(1) Where any person to whom a pension, or other allowance has been granted under these Regulations is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or other 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 these Regulations, 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,

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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 regulation, it shall be lawful for the Committee, 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 Committee 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 person's dependents as the Committee may determine, in such proportions and manner as the Committee thinks proper, and such moneys shall be paid or applied accordingly.

(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 regulation shall, for the purposes of this regulation, 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 regulation, obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Committee 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 paragraph (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.

Officers with Committee Service Only

10. Subject to the provisions of these Regulations, every officer holding a pensionable office under the Committee who has been in the service of the Committee for ten years or more may be granted, on retirement, a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service.

Persons to whom pension payable and rates to be granted.

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Gratuities where length of service does not qualify for pension.

11. Every officer, otherwise qualified for a pension, who has not been in the service of the Committee 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 10.

Pension to persons not otherwise eligible for retiring benefits under this Part who attain age sixty.

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

- (a) had been in the service of the Committee—
 - (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 with the Committee; 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 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 six-hundredth of his pensionable emoluments for each complete month of his pensionable service with the Committee.

(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 the service of the Committee on the ground of misconduct unless the Committee in any case, on such terms and conditions as the Committee 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;
- (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 17 (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) (b).

Transferred Officers

13.—(1) Any officer who is transferred to or from the service of the Committee from or to the public service or parochial service and whose aggregate service would have qualified him, had it been wholly in the service of the Committee, for a pension under these Regulations, may on his retirement from the service of the Committee or the public or parochial service in circumstances in which he is permitted by the law, regulations or other instrument prescribing retiring benefits for the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service with the Committee, 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 Committee as the length of his service with the Committee bears to the total length of his public service (other than special service), parochial service and service with the Committee.

Officers
with pub-
lic or
parochial
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 in the service of the Committee—

- (a) in the application of regulation 19, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of his retirement, whether from service with the Committee or from parochial service or from public service which is not special service, whichever is the later, or during the three years or lesser period preceding that date, as the case may be;
- (b) no regard shall be had to an additional pension under regulation 22, 23 or 24;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of his highest pensionable emoluments;
- (d) no period of public or parochial service in respect of which no pension or gratuity is granted to him shall be taken into account;

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(e) no regard shall be had to any pension which might be payable pursuant to regulation 12.

(3) For the purposes of paragraph (2), a person who—

(a) retires from special service; and

(b) had service with the Committee, public service or parochial service immediately prior to the special service,

shall be treated as if he had retired from the immediately preceding service at the date immediately prior to the commencement of the special service.

Gratuities where length of service does not qualify for pension.

14. Any officer who is transferred to or from the service of the Committee from or to the public or parochial service and who retires from any such service in circumstances in which he is permitted by the law, regulations or other instrument prescribing retiring benefits for the service in which he is last employed to retire on pension or gratuity but whose aggregate service in the public or parochial service and with the Committee does not qualify him for pension under regulation 13, may be granted in respect of his service with the Committee 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 that regulation.

Application of regulation 12 where officer not otherwise eligible for pension.

15.—(1) An officer who is transferred to or from the service of the Committee from or to public or parochial service and who would if his aggregate service had been under the Committee have been eligible for a pension under regulation 12 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 12, in respect of his service with the Committee, 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 with the Committee as the length of his service with the Committee bears to the total length of his public service (other than special service), parochial service and service with the Committee.

(2) For the purposes of this regulation no regard shall be had to the service of any person prior to his dismissal from the service of the Committee or from the public or parochial service on the ground of misconduct unless the Committee in any case, on such terms and conditions as the Committee thinks fit, otherwise directs.

PART III. *General*

16.—(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 or parochial service or service with the Committee and the date of his leaving such 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 the public service, parochial service or service with the Committee shall be taken into account as qualifying service or as pensionable service.

17.—(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.

(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 Committee in any particular case, on such terms and conditions as the Committee 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

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Act and by such contribution became eligible for any payment under section 22 or 23 of that Act;

- (d) any period of service in respect of which the officer was previously awarded any retiring benefits under these Regulations or under the Pensions 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.

(4) An officer—

- (a) whose pension or other allowance has been suspended under regulation 7 or under a corresponding provision in any law, regulation or other instrument relating to the grant of pensions in respect of public or parochial service; or
- (b) who has retired from the public service or parochial service or service with the Committee 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 service of the Committee or in the public service or parochial service,

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

- (i) any pension previously granted to him from the funds of the Committee; 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.

Leave
without
salary.

18. 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 Committee.

19.—(1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years pensionable service before his retirement—

Emolu-
ments to be
taken for
computing
pension or
gratuity.

- (a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by grant of any scale increment, the full annual pensionable emolument enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that—

- (i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years those annual pensionable emoluments shall be taken; and
- (ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the Committee, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his retirement.

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(3) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than three years pensionable service before his retirement—

- (a) the average annual pensionable emoluments enjoyed by him during such period shall be taken; and
- (b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period.

(4) Where an officer has had a period of less than three years pensionable service immediately preceding the date of his retirement, but, pursuant to regulation 17 (2) any break in his service is disregarded in determining his pensionable service that break shall also be disregarded for the purpose of determining his pensionable emoluments under this regulation; and, accordingly, the period of service prior to the break shall be treated as if it immediately preceded the period of service subsequent to the break.

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

Provided that—

- (i) where a period of continuous service in a 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 Committee may determine, may, if the Committee thinks fit, be so taken into account;
- (ii) any break in service which may be disregarded under the provisions of regulation 17 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;
- (iii) 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 Committee,

Service otherwise than in a pensionable office.

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be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer, at the pensionable emoluments which were payable to him at the date of transfer;

- (iv) 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 22 and 23 to be holding a pensionable office, and where that period is taken into account under paragraph (iii), to have been confirmed therein.

21.—(1) 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,
service
under 18
years of
age or on
probation
or agree-
ment.

(a) is not taken into account as part of the officer's own pensionable service with the Committee or in the public or parochial service; and

(b) is immediately preceded or followed by service in a substantive capacity in a pensionable office in the service of the Committee or in the public or parochial service,

and not otherwise.

(2) Save as otherwise provided in these Regulations there shall not be taken into account as pensionable service—

(a) any period of service while the officer was under the age of 18 years; or

(b) any period of service while the officer was on probation or agreement unless without break of service he was confirmed in a pensionable office with the Committee or in the public or parochial service:

Provided that any break in service that may be disregarded under regulation 17 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

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PART IV. *Supplementary*

Abolition
of office
and re-
organiza-
tion.

22. If an officer holding a pensionable office retires from service with the Committee in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the Committee by which greater efficiency or economy may be effected, he may if his service with the Committee or, where relevant, public or parochial service amounted to a total of ten or more years, 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—

- (i) the addition shall not exceed ten-sixtieths; and
- (ii) 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 55 years, having received all increments for which he would have been eligible by that date.

Officers
retiring
on account
of injury
or disease.

23.—(1) This regulation applies to an officer in the service of the Committee 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 Committee to or from this Island at the commencement or termination of his service therein, or of a period of secondment, duty leave, or

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leave therefrom, is permanently injured as a result of damage or any act of violence to the vessel, aircraft or vehicle in which he is travelling, if the Committee is satisfied that the damage or act is attributable to circumstances arising out of any war in which Her Majesty is engaged.

(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 service of the Committee or public or parochial service for a total of less than ten years, be granted, in lieu of any gratuity under regulation 11 or 14, a pension under regulation 10 or 13, so, however, that where a pension is granted under regulation 10 the words “for ten years or more” shall not apply;
- (b) if he was permanently injured while in the service of the Committee, be granted 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—

- (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 Committee thinks reasonable where the injury is not the cause or the sole cause of the retirement.

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(4) An officer holding a pensionable office in which he has not been confirmed who is permanently injured while in the service of the Committee may be granted on retirement a pension of the same amount as the additional pension which might be granted to him under paragraph (3) if he had been confirmed in his office, so, however, that the provisions of regulation 25 shall not apply to a pension granted under this paragraph.

(5) 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.

(6) The Committee may take into account in such manner and to such extent as it may think fit against an injury award that may be granted to an officer in respect of an injury—

- (a) any damages that it is satisfied have been or will be recovered by the officer in respect of that injury; and
 - (b) any benefits that have been or may be awarded to the officer under the National Insurance Act in respect of that injury,
- and the Committee may withhold or reduce the injury award accordingly.

(7) In paragraphs (5) and (6) "injury award" means an award in respect of injury that may be granted to an officer under paragraph (3) (b) or under paragraph (4).

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

- (a) retires from the service of the Committee in the circumstances described in regulation 3 (2) (d); and
- (b) at the date of his retirement has been in the service of the Committee or public or parochial service for a total of more than ten years but less than twenty years,

he may be granted an additional pension at the rate of one six-hundredth of his pensionable emoluments for each month by which his service falls short of twenty years, or by which his age at such date falls short of sixty years, whichever is the lesser.

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

Officers
retiring
on account
of ill
health.

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- (a) who is permanently injured and is entitled to benefits under the National Insurance 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 23:

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.

25. Any officer to whom a pension is granted under these Regulations may, at his option exercisable on his retirement from the service of the Committee or from the public or parochial service 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.

Provided that in the application of this regulation to cases where the limitation prescribed by regulation 4 (2) operates the words "such pension" shall mean the amount of pension which the officer might have drawn in respect of his service with the Committee if he had not exercised his option under this regulation.

26.—(1) Where an officer holding a pensionable office in which he has been confirmed dies while in the service of the Committee, the Committee may grant to the legal personal representative of such officer a gratuity of an amount not exceeding—

Gratuity where an officer dies in the service of the Committee.

- (a) an amount equivalent to one year's pensionable emoluments of the officer at the time of his death; or
- (b) 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.

(2) Where an officer who is in receipt of a pension under these Regulations and on whose death while in the service of the Committee, the Committee might have granted a gratuity under paragraph (1) dies after retirement from such service, the Committee may grant to the legal personal representative of such officer a gratuity of an amount not exceeding one year's pensionable 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 these Regulations or in respect of any public or parochial service.

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(3) In this regulation—

“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 circumstances described in regulation 3 (2) (d);

“commuted pension gratuity” means the gratuity, if any, which might have been granted to the officer under regulation 25 if he had retired at the date of his death in circumstances described in regulation 3 (2) (d) and had elected to receive a gratuity and reduced pension.

27.—(1) Where an officer holding a pensionable office with the Committee dies as a result of injuries received—

- (a) in the actual discharge of the officer’s duty; and
- (b) in circumstances in which the injury received is not wholly or mainly due to, or seriously aggravated by, the officer’s own serious and culpable negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of the officer’s duty,

while in the service of the Committee, the Committee may grant a gratuity of an amount—

- (i) not exceeding one hundred thousand dollars; or
- (ii) equivalent to the aggregate of one year’s pay of the officer at the date of his death plus the amount of commuted pension gratuity mentioned in regulation 26, for which he would have been eligible if he had retired at the date of his death,

whichever is the greater.

(2) In addition to the gratuity payable under paragraph (1), there shall, subject to the provisions of paragraphs (3) to (7) inclusive, be paid a pension in accordance with the Table of Pension Payments set out in the Third Schedule.

(3) The terms and conditions under which a pension is payable pursuant to regulation (2)—

- (a) in the case of a child or children of a deceased officer—
 - (i) a pension shall not be payable at any time in respect of more than six children of a deceased officer, and where there are more than six children in respect of

Gratuity and pensions to dependents when an officer dies as a result of injuries received or disease contracted in the discharge of his duties in the service of the Committee.

Third Schedule.

whom, but for this sub-paragraph, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children under the age of nineteen years;

(ii) a child shall cease to be eligible for pension under Item No. 2 of the Table of Pension Payments on attaining the age of nineteen years except—

(A) where such child who was mentally or physically incapacitated at the time of the officer's death and was wholly or mainly dependent on the officer for support that child may, if the Committee so directs, be treated as continuing to be eligible, after attaining the age of nineteen years, during the period of incapacity or for such shorter period as the Committee may determine; and the Committee may, if it thinks fit, increase or reduce the amount of pension payable in respect of that child to such amount as the Committee thinks fit;

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

(b) in the case of a mother of the deceased officer, if the mother was wholly or mainly dependent on the deceased officer for support or where the mother is dead, if the father was wholly or mainly dependent on the deceased officer for support and while without adequate means of support—

(i) payment of a pension to the mother of a deceased officer shall be made only if the mother was wholly or mainly dependent on the deceased officer for support and, if the mother is unmarried, divorced or widowed, 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 remarriage; and if it appears to the Committee, at any time that the mother is adequately provided with other means of support, such pension shall

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cease as from such date as the Committee may determine;

- (ii) payment of a pension to a father of a deceased officer shall be made if the father was wholly or mainly dependent on the officer for support and while the father is without adequate means of support and, if it appears to the Committee, at any time that the father is adequately provided with other means of support such pension shall cease as from such date as the Committee may determine;
- (c) in the case of a brother or sister of a deceased officer—
 - (i) if such brother or sister was wholly or mainly dependent on the deceased officer for support;
 - (ii) such brother or sister shall cease to be eligible for pension under Item No. 4 of the Table of Pension Payments on attaining the age of nineteen years except in circumstances specified in sub-paragraph (a) (ii) (A).

(4) In paragraph (3)—

- (a) the word “child” includes—
 - (i) a posthumous child;
 - (ii) an adopted child, adopted in a manner recognized by law before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
 - (iii) a step-child born before the date of the injury and wholly or mainly dependent on the officer for support;
- (b) references to an officer being injured in the circumstances detailed in sub-paragraphs (a), (b) and (c) of paragraph (1) and to the date on which an injury is sustained shall respectively be construed as including references to the officer contracting a disease to which the officer 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.

(5) 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 sub-paragraphs (a) and (c) of paragraph (1).

(6) The Committee may take into account in such manner and to such extent as it may think fit against any award made under this regulation—

- (a) any damages that it is satisfied have been or will be recovered by the dependents of a deceased officer consequent on the injury to the officer which resulted in the officer's death; and
- (b) any benefits that have been or may be awarded to such dependents under the Workmen's Compensation Act or the National Insurance Act in respect of such injury,

and it may withhold or reduce the award accordingly.

(7) Nothing in the regulation 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.

PART V. *Compassionate Gratuities*

28. The Committee may grant compassionate gratuities in respect of any office, other than a pensionable office, in accordance with the provisions of the Fourth Schedule.

Power to
award com-
passionate
gratuities
Fourth
Schedule.

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FIRST SCHEDULE

(Regulation 2)

*Service in the following Organizations to be regarded as
Public Service*

4-H Clubs
Institute of Jamaica
Jamaica Agricultural Society
Jamaica Library Service
Jamaica National Heritage Trust Commission
Jamaica Railway Corporation
National Water Commission
Social Development Commission.

SECOND SCHEDULE

(Regulation 2)

Pensionable Offices

Accountant	Messenger (Female)
Accounting Clerk	Messenger (Male)
Accounting Clerk / Typist	Office Administrator
Accounting Technician 1	Office Attendant
Accounting Technician 2	Office Automation and Equipment Engineer
Administrative Assistant	Operations Assistant
Administrative Secretary	Operations Manager
(Electoral Advisory Committee)	Personal Assistant
Analyst Programmer	Personnel Assistant
Assistant Accountant	Personnel Officer
Assistant Director	Plant Supervisor
Assistant Draughtsman	Procurement and General Services Officer
Assistant Maintenance Technician	Public Assistant and Research Clerk
Assistant Office Administrator	Public Education Officer
Assistant Procurement Inventory Officer	Records Officer
Assistant Training Officer	Regional Supervisor
Assistant Vault Supervisor	Registrar / Librarian
Audit Clerk	Secretary
Auditor	Secretary / Stenographer
Card Production Supervisor	(Electoral Advisory Committee)
Card System Operator	Security Guard
Cashier / Clerk	Security Supervisor
Cleaner / Attendant	Senior Accounting Clerk
Chief Internal Auditor	Senior Draughtsman
Computer Technician	Senior Driver
Database Administrator	Senior Machine Operator
Data Control and Field Liaison Clerk	Senior Secretary
Data Entry Clerk	Stationery Clerk
Director, Finance and Accounts	Stenographer
Driver	Stores Clerk
Draughtsman	Supervisor Key Punch Operator
Field Co-ordinator	System Administrator
Fixed Centre Help Desk Co-ordinator	Systems Manager
Fixed Centre Manager	Technical Support Manager
General Communication Technician	Telephone Operator
Handyman	Training and Research Officer
Library Assistant	Vault Assistant
Machine Administrator	Vault Supervisor.
Maintenance Technician	

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THIRD SCHEDULE

(Regulation 27)

Table of Pension Payments to Dependents

<u>Item</u>	<u>Persons Entitled and Conditions Applicable</u>	<u>Annual Rate of Pension</u>
No. 1	The surviving spouse of the deceased officer payable while the said spouse is unmarried.	Ten-sixtieths of the deceased officer's annual pensionable emoluments at the time of his death.
No. 2	The child or children of the deceased officer a pension in respect of each child— (a) if the officer leaves a surviving spouse to whom a pension is granted under Item No. 1; (b) if the officer leaves no surviving spouse to whom a pension is granted under Item No. 1; (c) if the pension to a child or children is payable pursuant to paragraph (a) and subsequently on the death of the surviving spouse, pension ceases to be payable under Item No. 1 then, pension shall be payable under this paragraph as from the date of cessation.	Not exceeding one-eighth of the pension specified in Item No. 1. Double the amount of pension payable under paragraph (a). Double the amount of pension payable under paragraph (a).
No. 3	The mother of the deceased officer, if wholly or mainly dependent on the officer for support, or where the mother is dead, the father of the deceased officer, if wholly or mainly dependent on the officer for support and while without adequate means of support, a pension— (a) if the officer leaves no surviving spouse to whom pension is payable under Item No. 1; (b) if the officer leaves a surviving spouse to whom pension is payable under Item No. 1.	Not exceeding ten-sixtieths of the officer's annual pensionable emoluments at the time of his death. Not exceeding one-half of the amount which might have been granted under paragraph (a).
No. 4	The brother or sister of the deceased officer a pension if no pension is payable under Item No. 2.	Not exceeding the pension payable under paragraph (a), (b) or (c) of Item No. 2.

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FOURTH SCHEDULE

(Regulation 28)

Compassionate Gratuities

Interpretation.

1.—(1) In this Schedule—

“calendar year” means a period of twelve months commencing on the date of the actual commencement of the employee’s service or on any anniversary of such date and ending on the day immediately prior to the corresponding date in the same month of the following year;

“dependents” means the spouse, child or parent of an employee if such spouse, child or parent was wholly or mainly dependent upon the employee for support;

“effective year” means a calendar year in which the employee has worked for one hundred and fifty-six or more working days and for the purposes of this definition any day on which the employee was on leave with full or half pay (whether by reasons of sickness or otherwise) shall be counted as a working day as if he had worked thereon;

“non-effective year” means a calendar year which is not an effective year;

“wages” in relation to an employee to whom this Schedule applies, means the regular amount paid to the employee in respect of his services, but does not include any amount paid in respect of overtime work or by way of bonus.

(2) For the purposes of this Schedule the total wages of an employee during the last effective year of the service of such employee means the amount derived from multiplying the number of days worked during that year by that employee by the daily rate of pay (calculated by dividing the weekly rate of wages by five) applicable to that employee’s rate of salary at the date of retirement:

Provided that, in respect of an employee who has, during the last effective year of his service been granted leave on halfpay or without pay, such employee shall, for the purposes of determining the total wages paid to him during the last effective year of his service, be deemed to have been in receipt of full pay during the period of such leave.

Award of compassionate gratuities.

2.—(1) Subject to the provisions of this paragraph, employees of the Committee may be granted on retirement from the Committee’s service, a compassionate gratuity of an amount not exceeding four weeks’ wages (which shall be ascertained by dividing the total wages of an employee during the last effective year of service by thirteen) for each complete effective year of service with the Committee.

(2) No such gratuity shall be granted where the employee is eligible for retiring benefits in respect of such service pursuant to Part II, III or IV of these Regulations or under any other law, regulations or other instrument providing for the award of retiring benefits.

(3) No such gratuity shall be granted unless—

- (a) the employee has attained the age of sixty years or the service of the employee has been terminated prior to his attaining that age otherwise than by reason of voluntary resignation or misconduct; and
- (b) the employee has had ten or more effective years of service with the Committee or partly with the Committee and partly in the public service or the parochial service; and
- (c) subject to sub-paragraph (4), the employee has given service to the satisfaction of the Committee

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FOURTH SCHEDULE, *contd.*

(4) If in the opinion of the Committee, the service of an employee, although not entirely satisfactory, included periods of satisfactory service then the employee may be granted such reduced gratuity as the Committee may direct.

(5) No regard shall be had to any period of service—

- (a) prior to three or more consecutive non-effective years save where the major portion of such sequence of non-effective years was caused through the illness of the employee;
- (b) prior to voluntary resignation or dismissal for misconduct.

3.—(1) Where an employee who has been granted a compassionate gratuity under paragraph 2 upon the termination of his service in the circumstances mentioned in sub-paragraph (3) thereof—

- (a) is re-employed by the Committee or in the public or parochial service, within a period not exceeding thirty-six months from the termination of such service; and
- (b) serves thereafter for three or more effective years (hereinafter referred to as "subsequent service"),

he may, subject to the provisions of sub-paragraphs (2) and (3), be granted a compassionate gratuity on retirement from the Committee's service at the expiration of the subsequent service as if the subsequent service had followed immediately after the termination of his previous service.

(2) An employee shall not be granted a compassionate gratuity under sub-paragraph (1) unless the subsequent service is terminated in circumstances referred to in sub-paragraph (3) of paragraph 2.

(3) The compassionate gratuity granted to the employee at the termination of his previous service shall in every case be set off against the gratuity granted to him at the expiration of his subsequent service.

4.—(1) Where an employee has had an effective year of service partly with the Committee and partly in the public service or parochial service, then for the purposes of paragraphs 2 and 3, such year shall be reckoned as an effective year of service with the Committee but the gratuity which may be granted under this Schedule to the employee in respect of that year shall bear to the gratuity which might have been granted if his service in that year had been wholly with the Committee the same proportion as the number of working days of his service in that year with the Committee bears to the total number of working days of service with the Committee and with the public service or parochial service in such year.

(2) Where an employee who has had ten or more years of effective service partly with the Committee and partly with the public service or parochial service retires from the public or parochial service in circumstances in which he is eligible for a gratuity under any law or regulations relating to such public or parochial service, then such employee may be granted in respect of his service with the Committee, a compassionate gratuity of an amount not exceeding the sum he would have received under paragraph 2 had his retirement been from the Committee.

5. Where an employee dies while in the service of the Committee and a compassionate gratuity might have been granted under paragraph 2 had he retired on the ground of ill health at the date of his death, a compassionate gratuity of an amount not exceeding six months' wages (ascertained by dividing the total wages of the employee during the last effective year of service by two) may be granted to the dependents of such employee and shall be divided among such dependents in such proportions as the Committee may deem fit and where there are no dependents of such employee the compassionate gratuity shall be paid to the legal personal representative of such employee.

Grant of compassionate gratuities in respect of service subsequent to termination of previous service.

Compassionate gratuities where service partly with Committee and partly under the Government or a Parish Council or the Kingston and St. Andrew Corporation.

Compassionate gratuities where employee dies while in the service of the Committee.

**THE REPRESENTATION OF THE PEOPLE (INTERIM
ELECTORAL REFORM) ACT**

REGULATIONS
(under section 9)

**THE REPRESENTATION OF THE PEOPLE (ELECTORAL ADVISORY
COMMITTEE) (DIRECTOR OF ELECTIONS RETIRING
BENEFITS) REGULATIONS, 1995**

*(Made by the Electoral Advisory Committee and approved by the
Minister on the 15th day of June, 1995)* **L.N. 77/95**

[1st January, 1993.]

1. These Regulations may be cited as the Representation of the
People (Electoral Advisory Committee) (Director of Elections Retiring
Benefits) Regulations, 1995. **Citation.**

2. In these Regulations “pensionable emoluments” has the same
meaning as in the Pensions Act and, in so far as the emoluments of
a Director of Elections includes house allowance, the office of Director
of Elections shall be deemed to be a specified office. **Interpretation.**

3.—(1) Where a person holding the office of Director of Elections
retires in pensionable circumstances, he shall be paid pension and
gratuity in accordance with these Regulations. **Entitlement
to pensions
and gratuities
in respect of
service as
Director of
Elections.**

(2) A person entitled to pension or gratuity pursuant to paragraph
(1) and who is also eligible for a grant of pension or gratuity under
the Pensions Act may, by memorandum in writing to the Governor-
General, elect to forego his entitlement under these Regulations and
be granted instead such award under the Pensions Act as would be
payable if the office of Director of Elections were a pensionable office
under that Act.

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(3) For the purposes of paragraph (1) and regulation 5, a person retires in pensionable circumstances if he retires—

- (a) on or after the expiration of ten years from the date of his appointment to the office of Director of Elections;
- (b) by reason of ill health; or
- (c) on or after attaining the age of sixty years.

(4) For the purposes of paragraph (3) (b), a person retires from the office of Director of Elections on the ground of ill health if—

- (a) he retires on medical evidence, to the satisfaction of the Committee, 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; or
- (b) his appointment is revoked pursuant to paragraph 3 (3) (c) of the Schedule to the Act, on the basis of inability, arising from infirmity of mind or body, to perform the functions of his office.

(5) Pension payable in accordance with this regulation shall—

- (a) be charged on and payable out of the Consolidated Fund; and
- (b) be paid monthly in arrears with effect, subject to regulation 5, from the date of retirement in pensionable circumstances and shall, subject to the provisions of these Regulations, continue to be paid during the lifetime of the person entitled thereto.

**Rate of
pension.**

4. The rate of pension payable pursuant to regulation 3 to any person shall be an annual rate equivalent to the sum of one-half of his pensionable emoluments at the date of retirement and one-third

hundred and sixtieth of such pensionable emoluments in respect of each month of service as Director of Elections :

Provided that the rate of pension shall not exceed the annual rate of such pensionable emoluments.

5. Where in accordance with regulation 3 (3) a person retires in pensionable circumstances before he has attained the age of fifty-five years—

Special provision where Director of Elections retires before attaining age fifty-five.

- (a) the date with effect from which any pension due to him under these Regulations shall be payable shall be the date on which he attains that age, but, if he elects pursuant to regulation 6 to take a reduced pension and commuted pension gratuity, nothing in this paragraph shall prevent payment of the commuted pension gratuity at any time prior to the attainment of that age; and
- (b) if he dies before attaining that age, and he has not made an election to receive a reduced pension and commuted pension gratuity as aforesaid, he shall, for the purposes of regulation 7, be deemed to have died while holding the office of Director of Elections.

6.—(1) Any person to whom a pension (in this regulation referred to as “the original pension”) is payable pursuant to regulation 3 may, at his option exercisable at his retirement in pensionable circumstances or within such period prior or subsequent to his retirement as the Committee may allow, be paid in lieu of the original pension, a reduced pension at the rate of three-fourths of the annual rate of the original pension together with a gratuity (in these Regulations referred to as a “commuted pension gratuity”) equal to twelve and one-half times one-quarter of the annual rate of the original pension.

Reduced pension and gratuity.

(2) The option referred to in paragraph (1) shall be irrevocable unless the Committee, on such terms as it considers reasonable, otherwise permits.

7.—(1) Where a person dies while holding the office of Director of Elections there shall be paid to his legal personal representative, a gratuity of an amount equivalent to—

Gratuity on death.

- (a) one year’s pensionable emoluments; or

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BENEFITS) REGULATIONS, 1995*

- (b) the commuted pension gratuity for which the person aforesaid had a right to opt pursuant to regulation 6 on the assumption that he retired in pensionable circumstances at the date of his death,

whichever is the greater.

(2) Where a person dies while in receipt of a pension pursuant to regulation 3, there shall be paid to his legal personal representative a gratuity of an amount equivalent to one year's pensionable emoluments of that person at the date of his retirement, from which gratuity shall be deducted any pension or gratuity already paid to that person under these Regulations.

Pensions to dependants when a Director of Elections dies as a result of injuries received or disease contracted in the discharge of his duties.

8. Where a person holding the office of Director of Elections dies as a result of injuries received—

- (a) in the actual discharge of his duties;
- (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 serving in that office, it shall be lawful for the Committee to grant to the deceased officer's widow, children, parents or other dependants such awards as would have been made under the Pensions Act if the office of Director of Elections were a pensionable office⁷ for the purposes of that Act.

Pensions, etc., not to be assigned.

9. A pension or gratuity payable under these Regulations shall not be assignable or transferable except for the purpose of satisfying—

- (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 a spouse, or former spouse or minor children, of the person to whom pension or gratuity is payable,

and shall not be liable to be attached, sequestered or levied upon, for or in respect of any debt due or claim whatever except a debt due to the Government.

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10.—(1) For the purposes of the Pensions (Civil Service Family Benefits) Act, the office of Director of Elections shall be deemed to be a pensionable office in the service of the Island. Family benefits, pensions to widow.

(2) Where a person dies while holding the office of Director of Elections or while entitled to a pension under regulation 3, there shall be paid to his widow a pension at the annual rate equivalent to one-fifth of the pensionable emoluments of the person aforesaid at the date of his death or, if at that date he was entitled to receive a pension under regulation 3, at the date of his retirement.

(3) Pension payable to a widow pursuant to paragraph (2) shall—

- (a) be charged on and payable out of the Consolidated Fund; and
- (b) be paid monthly in arrears with effect from the date of her husband's death and shall, subject to the provisions of these Regulations, continue to be paid during her lifetime.

(4) Pension payable to a widow pursuant to paragraph (2) shall be without prejudice to any pension to which she may be entitled under the Pensions (Civil Service Family Benefits) Act.

(5) In regulation 8 and paragraphs (2), (3) and (4) of this regulation, references to a widow shall, in the case of a female appointed Director of Elections, be deemed to include references to a widower and cognate expressions shall be construed accordingly and similarly, references to a husband shall be deemed to include references to a wife.