



MONTSERRAT

CHAPTER 6.07

PENSIONS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

	Page
PENSIONS ACT	3
Act 3 of 2011 .. in force 23 May 2011 Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)	
PENSIONS REGULATIONS – Section 22	17
S.R.O. 58/2011 .. in force 23 May 2011	
PENSIONABLE OFFICES ORDER – Section 2	27
S.R.O. 23/1990 .. in force 12 September 1990 Amended by S.R.O. 30/1993	

Continued on the Inside Cover ...

The following Pension (Increase) Acts are not included in this revised edition and they may be found as follows—

Caps: 186 of the 1962 Revised Edition, volume 3, page 1593
187 of the 1962 Revised Edition, volume 3, page 1599
188 of the 1962 Revised Edition, volume 3, page 1603
Amended by Act 10 of 1963

Acts: 10 of 1963
18 of 1963
Amended by Act 22 of 1965

Acts: 11 of 1968
2 of 1972
18 of 1974
Amended by Act 1 of 1975

Acts: 33 of 1979
3 of 1982
6 of 1985

- NOTE: (1) There have been numerous Acts which were designed to increase the pension payable according to different criteria and circumstances—to establish any individual pension entitlement, these Pension (Increase) Acts must be consulted.
- (2) Act 6 of 1960 (Cap. 185 of 1962 Revised Edition) shortly clarified what law applies and its effect is shown in a footnote to section 3(5) of the Pensions Act.
- (3) Act 3 of 1974 provides that pensions are a charge on the Consolidated Fund.
- (4) Personal Pensions Acts are omitted.



MONTSERRAT

CHAPTER 6.07

PENSIONS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

	Page
PENSIONS ACT	3
Act 3 of 2011 .. in force 23 May 2011 Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)	
PENSIONS REGULATIONS – Section 22	17
S.R.O. 58/2011 .. in force 23 May 2011	
PENSIONABLE OFFICES ORDER – Section 2	27
S.R.O. 23/1990 .. in force 12 September 1990 Amended by S.R.O. 30/1993	

Continued on the Inside ...

The following Pension (Increase) Acts are not included in this revised edition and they may be found as follows—

Caps: 186 of the 1962 Revised Edition, volume 3, page 1593

187 of the 1962 Revised Edition, volume 3, page 1599

188 of the 1962 Revised Edition, volume 3, page 1603

Amended by Act 10 of 1963

Acts: 10 of 1963

18 of 1963

Amended by Act 22 of 1965

Acts: 11 of 1968

2 of 1972

18 of 1974

Amended by Act 1 of 1975

Acts: 33 of 1979

3 of 1982

6 of 1985

- NOTE: (1) There have been numerous Acts which were designed to increase the pension payable according to different criteria and circumstances—to establish any individual pension entitlement, these Pension (Increase) Acts must be consulted.
- (2) Act 6 of 1960 (Cap. 185 of 1962 Revised Edition) shortly clarified what law applies and its effect is shown in a footnote to section 3(5) of the Pensions Act.
- (3) Act 3 of 1974 provides that pensions are a charge on the Consolidated Fund.
- (4) Personal Pensions Acts are omitted.

CHAPTER 6.07
PENSIONS ACT
ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

SECTION

1. Short title
2. Interpretation
3. Application of Act

PART 2

PENSION BENEFITS

4. Pension Benefits
5. Entitlement
6. Eligibility
7. Normal Retirement
8. Early Retirement
9. Retirement on medical grounds
10. Time for payment
11. Suspension of pension
12. Social Security Board reporting obligation

PART 3

OTHER BENEFITS

13. Early exit benefit for ten years or more service
14. Suspension of early exit deferred benefit
15. Gratuity for less than ten years service

PART 4

DEATH BENEFITS

16. Gratuity where officer dies in the service or after retirement
17. Death from injury or disease in the course of employment

PART 5

PROTECTION OF AWARDS

18. Pensions, etc., not to be assignable
19. Power of Governor in case of bankruptcy
20. Power of Governor in case of conviction

PART 6

TRANSITIONAL PROVISIONS

21. Protection of persons with twenty years of service

PART 7

MISCELLANEOUS

22. Regulations
SCHEDULE

CHAPTER 6.07

PENSIONS ACT

(Acts 3 of 2011 and 9 of 2011)

Commencement

[23 May 2011]

PART 1

PRELIMINARY

Short title

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

Interpretation

2. In this Act—

“**average pensionable emolument**” means $\frac{1}{3}$ of the sum of the highest 3 pensionable emoluments of the pensionable officer;

“**commuted gratuity**” means the gratuity prescribed to be paid to a pensionable officer who elects to receive, instead of pension, a gratuity and a reduced pension;

“**commuted pension**” means the reduced pension prescribed to be paid to a pensionable officer who elects to receive, instead of pension, a gratuity and a reduced pension;

“**death benefits**” means the benefits contained in Part 4;

“**early exit benefit**” means a benefit under section 13;

“**early retirement**” means retirement under section 8;

“**early retirement age**” in respect of—

(a) an existing officer—means the age referred to in section 8(1)(a)(ii); and

(b) a new officer—means the age referred to in section 8(1)(b)(ii);

“**existing officer**” means a person who held a pensionable office on or before 31 May, 2011, and includes a person whose office was non-pensionable before the commencement of this Act, but which became a pensionable office under this Act; (*Amended by Act 9 of 2011*)

“**minor child**” means a child who has not yet attained the age of eighteen;

“**new officer**” means a person who first assumed a pensionable office after 31 May, 2011; (*Amended by Act 9 of 2011*)

“**non-pensionable office**” means an office which is not a pensionable office;

“**normal retirement**” means retirement under section 7;

“**normal retirement age**” in respect of—

(a) existing officers—means the age referred to in section 7(1)(a); and

(b) new officers— means the age referred to in section 7(1)(b);

“**pension benefits**” means the benefits prescribed under section 4;

“**pensionable emoluments**”—

(a) in respect of a police officer of the rank of Sergeant or Constable—means his annual salary and all allowances, including the estimated value of free quarters up to a maximum of $\frac{1}{6}$ of the total pensionable emolument, but excluding transport and entertainment allowance; and

(b) in respect of any other pensionable officer—means annual salary and any allowance for which income tax is payable under the Income and Corporation Tax Act (Cap. 17.07);

“**pensionable office**” means an office prescribed by Order of the Governor to be a pensionable office;

“**pensionable officer**” means a person who holds a pensionable office;

“**prescribed**” means prescribed by regulations under this Act;

“**public officer**” has the same meaning as in the Montserrat Constitution Order, 2010, but does not include a person who holds office as a member of any board, panel, committee or other similar body (whether incorporated or not) established by any law; (*Inserted by Act 9 of 2011*)

“**public service**” has the same meaning as in the Montserrat Constitution Order, 2010; (*Inserted by Act 9 of 2011*)

“**public service law**” means any law relating to the matters referred to in section 24(2)(a) to (c) of the Montserrat Constitution Order, 2010;

(*Inserted by Act 9 of 2011*)

“**retirement on medical grounds**” means retirement under section 9;

“**social security benefit**” means any age benefit and invalidity benefit payable under the Social Security Act (Cap. 18.09); and

“**Social Security Board**” means the Social Security Board established under section 4 of the Social Security Act (Cap. 18.09)

Application of Act

3. This Act applies to retirement benefits to be awarded after the commencement of this Act.

PART 2

PENSION BENEFITS

Pension Benefits

4. Subject to section 22, the Governor acting on the advice of Cabinet may, by regulations, establish the pension, gratuity or other allowance that may be awarded to a pensionable officer who is eligible under section 6. *(Amended by Act 9 of 2011)*

Entitlement

5. (1) This Act does not confer on a pensionable officer the right to compensation for past services.

(2) The entitlement, if any, to compensation for past services, and the circumstances in which any such compensation may be reduced, suspended or withheld is determined under the public service law. *(Amended by Act 9 of 2011)*

Eligibility

6. A pensionable officer is eligible for pension benefits upon—

- (a) normal retirement;
- (b) early retirement;
- (c) retirement on medical grounds;
- (d) termination of employment, to the extent that the public service law provides that he is so eligible. *(Amended by Act 9 of 2011)*

Normal Retirement

7. (1) A pensionable officer may take normal retirement if he has ten years or more service and—

- (a) is an existing officer who—
 - (i) was born in a year set out in Column 1 of the Schedule;
- and

(ii) has attained the corresponding age set out in Column 2 of the Schedule; or

(b) is a new officer who has attained the age of sixty five.

(2) For the purpose of this section, a person does not have the required years of service unless he served consecutively at least five of the required number of years.

Early Retirement

8. (1) Subject to subsection (2), a pensionable officer may take early retirement if—

(a) he is an existing officer and—

(i) he has completed the years of service set out in Column 4 of the Schedule that corresponds to the year of his birth in Column 1; or

(ii) he has completed at least ten years—but not the years required under sub-paragraph (i)—and has attained the age set out in Column 3 of the Schedule that corresponds to the year of his birth in Column 1; or

(b) he is a new officer and—

(i) he has completed thirty five years of service; or

(ii) he has completed ten or more, but less than thirty five, years of service, and he has attained the age of sixty.

(2) For the purpose of this section, a person does not have the required years of service unless he served consecutively at least five of the required number of years.

Retirement on medical grounds

9. A pensionable officer must retire on medical grounds if the Governor is satisfied on medical evidence that the officer 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.

Time for payment

10. Subject to the regulations, the prescribed pension benefit is due and payable from the day after the date of retirement.

Suspension of pension

11. If a pensionable officer is granted a pension under this Part, and the officer subsequently assumes a pensionable office, the payment of his pension must be suspended while he holds the pensionable office.

Social Security Board reporting obligation

12. The Social Security Board must, as soon as possible after a claim is made for a social security benefit by a person in respect of whom the Government of Montserrat has paid a contribution, inform the Office of the Deputy Governor of the claim, the amount of social security benefit payable to the person, the date from which the benefit is to be paid and the total number of weeks contribution from the Government or other employer.

PART 3

OTHER BENEFITS

Early exit benefit for ten years or more service

13. (1) A pensionable officer with ten years or more service may retire and opt to receive one of the following early exit benefits—

- (a) a lump sum payment of the prescribed amount; or
 - (b) a deferred benefit of the prescribed amount, calculated at the date of retirement but starting no earlier than his early retirement age.
- (2) If a pensionable officer opts for the early exit benefit under—
- (a) subsection (1)(a) and subsequently assumes a pensionable office—
 - (i) he must return the lump sum payment, with *interest*, in order for his prior years of service to be taken into consideration for any future pension benefits; and
 - (ii) his prior years of service must be excluded from the calculation of any future pension benefits unless he completes at least three years service consecutively upon his return to office; or
 - (b) subsection (1)(b) and subsequently assumes a pensionable office the aggregate of all previous and future years of service must be taken into consideration for future pension benefits, only if—
 - (i) the officer has not received any pension payment for his prior years of service; and
 - (ii) he completes at least three years service consecutively upon his return to office.

(3) In this section “**interest**” means the annual average of the discount rates declared by the Eastern Caribbean Central Bank for the year in which the repayment is made.

Suspension of early exit deferred benefit

14. If a pensionable officer retires and is granted an early exit benefit under section 13(1)(b), and the officer subsequently assumes a pensionable office, the payment of the deferred benefit must be suspended while he holds the pensionable office.

Gratuity for less than ten years service

15. A pensionable officer with less than ten years service may retire and receive a gratuity of the prescribed amount.

PART 4

DEATH BENEFITS

Gratuity where officer dies in the service or after retirement

16. (1) (a) If a pensionable officer dies while in the public service, the Governor may grant to his legal personal representative a gratuity of an amount not exceeding either his pensionable emoluments, or his commuted gratuity, if any, whichever is the greater.

(b) For the purposes of this section—

(i) “**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 on medical grounds;

(ii) “**commuted gratuity**” means the gratuity, if any, which might have been granted to the officer under the Pensions Regulations if his public service had been wholly in Montserrat and if he had retired at the date of his death on medical grounds and had elected to receive a gratuity and reduced pension. (*Amended by Act 9 of 2011*)

(2) If a person dies after retirement from the public service, and the sums paid or payable to him at his death on account of the pension benefit are less than the amount of the pensionable emoluments enjoyed by him at the date of his retirement, the Governor may grant to his legal personal representative a gratuity equal to the deficiency.

(3) Despite subsections (1) and (2), the Governor may in any case where the amount of the gratuity payable does not exceed the sum of \$10,000, dispense with the production of probate or letters of administration and cause the gratuity to be paid to the dependant of the officer and, where there is more than one such dependant, may divide the gratuity among the dependants in such proportion as he may think fit.

Death from injury or disease in the course of employment

17. (1) If a public officer dies—

- (a) as a result of an injury sustained in the actual discharge of his duty, 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) as a result of contracting a disease to which he is specifically exposed 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—

while in service under the Government of Montserrat, and the death occurs within seven years after the date of the injury or contracting the disease, the Governor may grant an award to his estate equal to twice the amount payable under section 16, in addition to any grant made under section 16.

(2) If the officer—

- (a) dies after retiring from the public service, the expression “**pensionable emoluments**” in subsection (1) refers to the last pensionable emoluments before retirement; and
- (b) is not a pensionable officer, the expression “**pensionable emoluments**” in subsection (1) means the emoluments enjoyed by him which would have been pensionable emoluments if he were a pensionable officer;

(3) If a public officer proceeding by a route approved by the Governor to or from Montserrat, at the commencement or termination of his service in Montserrat, or of a period of leave, dies 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 is satisfied that such damage or act is attributable to circumstances arising out of war in which Her Majesty may be engaged, the officer is considered, for the purposes of this section, to have died in the circumstances described in subsection (1)(a). However, this subsection does not apply if the officer is eligible to receive an award under subsection (4).

(4) An officer who dies as a result of an injury received while travelling by air in pursuance of official instructions, which injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, is considered for the purposes of this section to have died in the circumstances described in subsection (1)(a).

(5) If the Governor is satisfied that damages have been or will be recovered in respect of the death for which an additional award may be granted under subsection (1), the Governor may take those damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly.

(6) For the purposes of subsection (5) an officer is considered to recover damages whether they are paid in pursuance of a judgment or order of a court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

PART 5

PROTECTION OF AWARDS

Pensions, etc., not to be assignable

18. A pension benefit, death benefit or other benefit under this Act granted under this Act is not assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Government of Montserrat; or
- (b) an order of any Court for the payment of periodical sums of money towards the maintenance of the spouse or former spouse or minor child of the officer to whom the pension benefit, death benefit or other benefit is granted, and is not 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.

Power of Governor in case of bankruptcy

19. (1) If a person to whom a pension benefit, death benefit or other benefit has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment of any competent Court, then a pension benefit, death benefit or other benefit must cease.

(2) If the person is adjudicated bankrupt or is declared insolvent either—

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

then, in the former case any pension benefit, death benefit or other benefit eventually granted to him ceases from the date of the adjudication or declaration as the case may be and, in the latter case, the pension benefit, death benefit or other benefit may be granted, but must cease and not become payable.

(3) If a pension benefit, death benefit or other benefit ceases under this section, the Governor may direct all or any part of the pension benefit to which the person would have been entitled 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, in the proportion that the Governor considers just, of the following—

- (a) the person;
- (b) the person's spouse;
- (c) the person's child;
- (d) others related to the person by blood or marriage and dependent on the person.

(4) Moneys applied for the discharge of the debts of the person whose pension benefit has so ceased must, for the purposes of this section, be regarded as applied for his benefit.

(5) When a person whose benefit has ceased obtains his discharge from bankruptcy or insolvency, the Governor may direct that it be restored from the date of the discharge or a later date, and the pension benefit is restored accordingly.

Power of Governor in case of conviction

20. (1) If a person to whom a pension benefit, death benefit or other benefit is granted under this Act is sentenced to a term of imprisonment by a competent Court for an offence, the pension benefit, death benefit or other benefit must, if the Governor, so directs, cease from the date that the Governor determines.

(2) If the person is sentenced after retirement in circumstances in which he is eligible for a pension benefit, death benefit or other benefit under this Act, but before it is granted, then subsection (1) applies as respects any pension benefit, death benefit or other benefit which may be granted to him.

(3) If a pension benefit, death benefit or other benefit ceases by reason of this section the Governor may direct all or any part of the pension benefit to which the person would have been entitled had he not been sentenced to be paid in the same manner as set out in section 19.

(4) If the person after conviction at any time receives a free pardon, the pension benefit, death benefit or other benefit must be restored with retrospective effect; but in determining whether arrears of pensionable benefit are payable and in computing the amount, account must be taken of the moneys paid under subsection (3).

PART 6

TRANSITIONAL PROVISIONS

Protection of persons with twenty years of service

21. A pensionable officer with twenty or more years continuous service (within the meaning of the Pensions Act 1947, (Act 12 of 1947) repealed by section 23) at the date of commencement of this Act, at any time after the commencement of this Act may elect to receive pension benefits under Part 2 as if they were an existing officer born in 1961. *(Amended by Act 9 of 2011)*

PART 7

MISCELLANEOUS

Regulations

22. (1) The Governor acting on the advice of Cabinet may make regulations, published in the *Gazette*, for carrying out the purposes and provisions of this Act.

(2) Subject to subsection (3), regulations made under subsection (1) may be amended, added to or revoked by regulations made by the Governor acting on the advice of Cabinet.

(3) If the Governor acting on the advice of Cabinet is satisfied that it is equitable that any regulation has retrospective effect in order to confer a benefit upon, or remove a disability attaching to, a public officer the regulation may be given retrospective effect for that purpose.

(4) However, the regulation does not have retrospective effect unless it receives the prior approval of the Legislative Assembly signified by resolution.

(Amended by Act 9 of 2011)

SCHEDULE

(Sections 7 and 8)

**RETIREMENT AGE AND YEARS OF SERVICE REQUIREMENTS
FOR EXISTING OFFICERS**

Column 1	Column 2	Column 3	Column 4
Birth year	Normal* Retirement Age	Early Retirement	
		Age*	Years of* Service
Before 1961	55	N/A	N/A
1961	60	55	30
1962	60	55	31
1963	60	55	31
1964	61	56	32
1965	61	56	32
1966	61	56	33
1967	62	57	33
1968	62	57	34
1969	62	57	34
1970	63	58	35
1971	63	58	35
1972	63	58	35
1973	64	59	35
1974	64	59	35
1975	64	59	35
After 1975	65	60	35

*If the pensionable officer is a police officer below the rank of Inspector, the values in these columns must be reduced by five.

PENSIONS REGULATIONS
ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

REGULATION

1. Short title
2. Interpretation

PART 2

TYPES OF PENSION BENEFITS

3. Options
4. Notice required for commuted gratuity
5. Information required for survivor options
6. Option irrevocable

PART 3

RECKONING SERVICE

7. Leave
8. Suspension for misconduct is not service
9. Acting service
10. Service in Her Majesty's Forces

PART 4

CALCULATING PENSION

11. Annual pension on normal or early retirement
12. Maximum annual pension
13. Annual pension on retirement on medical grounds
14. Annual pension on abolition of office

PART 5

CALCULATING COMMUTED BENEFITS

15. Commuted pension
16. Commuted gratuity

PART 6

CALCULATING SURVIVOR OPTION

17. Spouse option
18. Ten year guarantee option

PART 7

CALCULATING OTHER BENEFITS

19. Early exit benefit for more than ten years service
20. Gratuity for pensionable officer with less than ten years
21. Notice required

SCHEDULE

PENSIONS REGULATIONS – SECTION 22

(S.R.O. 58/2011)

Commencement

[23 May 2011]

PART 1

PRELIMINARY

Short title

1. These Regulations may be cited as the Pensions Regulations.

Interpretation

2. In these Regulations—

“**A.P.E.**” means average pensionable emoluments;

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

PART 2

TYPES OF PENSION BENEFITS

Options

3. (1) A pensionable officer who is eligible for pension benefits under sections 6(a), 6(b) and 6(c) of the Act may opt to receive any one of the following—

- (a) a pension terminating upon his death calculated in accordance with Part 4;
- (b) a commuted pension terminating upon his death and a commuted gratuity both calculated in accordance with Part 5;
- (c) a pension calculated in accordance with Part 6 terminating upon his death or the death of his spouse, whichever is the later;
- (d) a commuted pension calculated in accordance with Part 6 terminating upon his death or the death of his spouse, whichever is the later, and a commuted gratuity;
- (e) a pension calculated in accordance with Part 6 terminating upon his death or the expiration of ten years after the date of his retirement, whichever is the later; or
- (f) a commuted pension calculated in accordance with Part 6 terminating upon his death or the expiration of ten years after the date of his retirement, whichever is the later, and a commuted gratuity.

(2) Subject to regulation 14, a pensionable officer who is eligible for pension under section 6(d) of the Act may be granted pension, gratuity or other allowance as provided under the public service law.

Notice required for commuted gratuity

4. A commuted gratuity is payable no earlier than six months from the date that the pensionable officer gives to the Financial Secretary notice of his intention to opt for the pension benefit under regulation 3(1)(b), 3(1)(d) or 3(1)(f) unless the notice requirement is waived by the Financial Secretary.

Information required for survivor options

5. Before the officer exercises an option under—

- (a) regulation 3(1)(c) or 3(1)(d), he must be informed of the value of the pension under regulation 3(1)(c) or 3(1)(d) calculated under regulation 17 and the value of the pension under regulation 3(a) or (b), respectively; and
- (b) regulation 3(1)(e) or 3(1)(f), he must be informed of the value of the pension under regulation 3(1)(e) or 3(1)(f) calculated under regulation 18 and the value of the pension under regulation 3(1)(a) or 3(1)(b), respectively.

Option irrevocable

6. An officer may change his chosen pension benefit option at any time before the first payment of a pension benefit is made.

PART 3

RECKONING SERVICE

Leave

7. (1) Time during which an officer is on paid leave must be taken into account in reckoning length of service.

(2) Time during which an officer is on unpaid leave must not be taken into account in reckoning length of service, except—

- (a) in the case of unpaid study leave; or
- (b) where the Governor, by Order, provides that the unpaid leave should be taken into account in reckoning length of service.

Suspension for misconduct is not service

8. Time during which an officer is on suspension as a result of a charge must not be taken into account in reckoning length of service unless the officer is found not guilty of the charge.

Acting service

9. (1) Acting service in an office must not be taken into account in reckoning length of service, except in the circumstances outlined in subregulation (2).

(2) A period during which an officer performs only acting service in an office may be taken into account in reckoning length of service if the period of the acting service is immediately preceded or followed by service in a substantive capacity in a pensionable office.

(3) A period during which an officer performs in a non-pensionable office may be taken into account in reckoning length of service if the period of the non-pensionable service is immediately followed by service in a substantive capacity in a pensionable office.

Service in Her Majesty's Forces

10. When 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 Montserrat and have not been refunded, such period must not be taken into account as pensionable service.

PART 4

CALCULATING PENSION

Annual pension on normal or early retirement

11. (1) Subject to regulation 12, the annual pension payable on normal retirement is the sum of the following—

- (a)* $\frac{1}{600}$ of the pensionable officer's average pensionable emolument for each month of service completed before 1 June 2011; and
- (b)* $\frac{1}{1200}$ of the pensionable officer's average pensionable emolument for each month of pensionable service completed from 1 June 2011.

(2) Subject to subregulation (4) and regulation 12, the annual pension payable on early retirement is the amount calculated in subregulation (1) reduced by 5% for each year that the age at early retirement is less than his normal retirement age.

(3) The percentage at which the annual pension must be reduced in subregulation (2) must be prorated for any fraction of a year.

(4) The amount calculated in subregulation (2) is not to be reduced if the years of service equals or exceeds the minimum required for early retirement.

Maximum annual pension

12. (1) The annual pension must not exceed the following—

$$85\% \times \text{A.P.E.}] - \left(\begin{array}{c} \text{social} \\ \text{security} \\ \text{benefit} \end{array} \times \frac{\begin{array}{c} \text{weeks of social} \\ \text{security} \\ \text{contribution from} \\ \text{public service} \\ \text{total weeks of} \\ \text{social security} \\ \text{contribution} \end{array}}{\text{total weeks of}} \right)$$

(2) The calculation of the maximum pension under subregulation (1) must be done at the time of the award of pension and, if social security benefit is awarded at a later date, the calculation must be done again at that later date.

Annual pension on retirement on medical grounds

13. (1) Subject to subregulation (2), the average pensionable emoluments on retirement on medical grounds is the same as the average pensionable emoluments for normal or early retirement under regulation 11, subject to regulation 12.

(2) A pensionable officer who has been in service for more than ten but less than twenty years, and who retires from the service on medical grounds may, on retirement, be granted a pension as if his pensionable service had been twenty years and the extra years completed after 31 May 2011.

Annual pension on abolition of office

14. (1) If a pensionable officer's employment is terminated in the public interest, in consequence of the abolition of his office he may be granted—

- (a) if he has been in the public service for less than ten years, instead of a gratuity under regulation 10, annual pension in the amount stated under regulation 11 subject to regulation 12; and
- (b) an additional sum at the annual rate of $\frac{1}{60}$ of his average pensionable emoluments for each complete period of three years pensionable service.

(2) The additional sum—

- (i) must not exceed $\frac{10}{60}$ of his average pensionable emoluments ; and
- (ii) together with the remainder of the officer's pension must 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 normal retirement age, having received all increments for which he would have been eligible by that date.

PART 5

CALCULATING COMMUTED BENEFITS

Commuted pension

15. (1) Subject to subregulation (2), commuted pension is 75% of the annual pension calculated under regulation 11.

(2) The commuted pension must not exceed the following:

$$[\text{Net pension}] - \left(\begin{array}{l} \text{social} \\ \text{security} \\ \text{benefit} \end{array} \times \frac{\begin{array}{l} \text{weeks of social} \\ \text{security} \\ \text{contribution from} \\ \text{public service} \end{array}}{\begin{array}{l} \text{total weeks of} \\ \text{social security} \\ \text{contribution} \end{array}} \right)$$

(3) In this regulation, “**net pension**” means 85% x A.P.E less 25% of the annual pension calculated under regulation 11.

(4) The calculation of the maximum pension under subregulation (2) must be done at the time of the award of pension and, if social security benefit is awarded at a later date, the calculation must be done again at that later date.

Commuted gratuity

16. (1) Commuted gratuity under regulation 3(1)(b) is the annual pension under regulation 11, subject to regulation 12 multiplied by 25% of the factor set out in the Schedule that corresponds to the age of the pensionable officer when the commuted gratuity is paid.

(2) The Schedule may be amended by Order made by the Governor acting on the advice of Cabinet.

PART 6

CALCULATING SURVIVOR OPTION

Spouse option

17. The pension with survivor option under regulations 3(1)(c) and 3(1)(d) must be calculated so that the combined value of the pension and the spouse’s benefit is the actuarial equivalent of the pension of the pensionable officer under regulation 11, subject to regulation 12 and Part 5 respectively, taking into consideration the age of the spouse at the officer’s retirement, the prevailing interest rates and the life expectancy index.

Ten year guarantee option

18. The pension benefit under regulations 3(1)(e) and 3(1)(f) must be calculated so that the combined value of the pension benefit and the guarantee for ten years is the actuarial equivalent of the pension of the pensionable officer under regulation 11,

Copying/unauthorised distribution strictly prohibited.

subject to regulation 12 and Part 5 respectively, taking into consideration the age of and life expectancy of the officer.

PART 7

CALCULATING OTHER BENEFITS

Early exit benefit for more than ten years service

19. (1) The lump sum that may be granted to a pensionable officer with ten years or more service is to be calculated as follows: 4% of the average pensionable emoluments multiplied by the number of years service, prorated for any fraction of a year served.

(2) The rate of the deferred benefit is the amount under regulation 11 subject to regulation 12.

Gratuity for pensionable officer with less than ten years

20. The gratuity that may be granted to a pensionable officer with less than ten years service is five times the annual amount of the pension under regulation 11, subject to regulation 12.

Notice required

21. (1) A lump sum payment under regulation 19(1) is payable no earlier than six months from the date that the pensionable officer gives notice to the Financial Secretary of his intention to opt for the early exit benefit under section 13(1) of the Act unless the notice requirement is waived by the Financial Secretary.

(2) A gratuity under regulation 20 is payable no earlier than six months from the date that the pensionable officer gives notice to the Financial Secretary of his intention to retire under section 15 of the Act unless the notice requirement is waived by the Financial Secretary.

SCHEDULE

(Regulation 16)

AGE FACTOR FOR COMMUTED GRATUITY

Age at Retirement	Factor
45	13.9518
46	13.8411
47	13.7245
48	13.6019
49	13.4731
50	13.3379
51	13.1961
52	13.0476
53	12.8923
54	12.7299
55	12.5601
56	12.3828
57	12.1982
58	12.0068
59	11.8092
60	11.6053
61	11.3955
62	11.1802
63	10.9600
64	10.7355
65	10.5074
66	10.2757
67	10.0404

PENSIONABLE OFFICES ORDER – SECTION 2

(S.R.O.s 23/1990 and 30/1993)

Commencement

[12 September 1990]

Short title

1. This Order may be cited as the Pensionable Offices Order.

Pensionable Offices

2. The offices specified in the Schedule hereto are hereby declared to be pensionable offices within the meaning and for all purposes of the Pensions Act.

Commencement

3. Each of the offices specified in the Schedule hereto shall be deemed to have been a pensionable office from the respective date when a public officer of the Government of Montserrat was first appointed to an office under that title on pensionable terms.

SCHEDULE

GENERAL

Permanent Secretary
Principal Assistant Secretary
Senior Assistant Secretary

Assistant Secretary
Executive Officer
Senior Clerical Officer
Clerical Officer
Office Attendant

AUDIT

Auditor General
Deputy Auditor General
Audit Manager
(Audit Assistant)

LEGISLATURE

Clerk of Councils

GOVERNOR'S OFFICE

Cook
Steward

ADMINISTRATION

Chief Training Officer
Training Officer
Superintendent of Prison

Chief Prison Officer
Principal Officer II, I
Prison Officer
Wardress/Clerk

POLICE

Commissioner
Deputy Commissioner
Assistant Superintendent
Inspector
Commander – Fire

LEGAL

Attorney General
Principal/Senior Crown Counsel
Crown Counsel
Legal Draftsman

JUDICIAL

Senior Magistrate
Magistrate/Registrar
Bailiff

TREASURY

Accountant General
Deputy Accountant General

CHIEF MINISTER

Personal Assistant
Information Officer
Public Relations Officer
Station Manager
News Editor/Producer
News Sub-Editor
Senior Announcer
Announcer
Senior Technician
Technical Assistant II & I
Production Assistant
Technician
Director of Tourism
Tourism Officer
Tourism Assistant III, II, I

**FINANCIAL &
ECONOMIC
DEVELOPMENT**

Financial Secretary
Director of Financial Services
Operation Officer (Computer)

DEVELOPMENT UNIT

Director of Development
Senior Economist
Economist

STATISTICS

Senior Statistician
Statistician

POST OFFICE

Postmaster
Deputy Postmaster
Postman

INLAND REVENUE

Inspector of Taxes III, II, I
Valuation Officer
Bailiff
Comptroller
Deputy Comptroller

**AGRICULTURE, TRADE
LANDS AND HOUSING**

Executive Officer –
Price Control
Senior Clerical Officer –
(Price Control)
Director
Agricultural Engineer
Senior Veterinary Officer
Veterinary Officer
Veterinary Assistant
Co-operatives Officer
Principal Agricultural Officer
Agricultural Officer – Fisheries
Agricultural Assistant
Assistant Agricultural Officer
Food Technologist
Assistant Food Technologist
Laboratory Technician
Livestock Officer
Forestry Officer
Forest Ranger
Foreman – Tractors
Foreman – Nurseries
Chief Surveyor/Lands Officer
Surveyor/Valuation Officer
Land Registration Officer
Building Inspector
Survey Technician
Trainee Surveyor
Plan Printer/Attendant

CUSTOMS & EXCISE

Comptroller
Deputy Comptroller
Senior Customs Officer
Customs Officer
Junior Customs Officer
Customs Guard

**COMMUNICATION &
WORKS**

Storekeeper
 Assistant Storekeeper
 Project Engineer
 Civil Engineer
 Superintendent of Works
 Technical Assistant
 Senior Foreman
 Foreman
 Senior Electrical Inspector
 Electrical Inspector
 Senior Security Officer
 Security Officer
 Superintendent of Plant &
 Workshop
 Specialist Trademan
 Manager – Airport
 Senior Airport Officer
 Airport Officer
 Senior Fireman
 Fireman Labour Commissioner
 Labour Officer
 Sports Officer
 Vehicle Tester

**HEALTH & COMMUNITY
SERVICES**

Director of Health
 Services/Surgeon
 Medical Officer
 Nutrition Officer
 Dental Officer
 Dental Nurse
 Dental Nurse Assistant
 Principal Nursing Officer
 Senior Nursing Officer
 Sister Tutor
 Clinical Instructor
 Nurse Anaesthetist
 Community Psychiatric Nurse
 Ward Sister
 Staff Nurse
 Nursing Assistant
 Senior Nursing Assistant
 Public Health Nurse
 District Nurse
 Principal Environmental
 Health Officer
 Health Services Manager

EDUCATION

Director of Education
 Education Officer
 Curriculum Co-ordinator
 School Psychologist
 Co-ordinator Early
 Childhood Education
 Health Education Specialist
 Maintenance Supervisor
 Chauffeur
 Head Teacher
 Trained Teacher
 Untrained Teacher
 Principal
 Vice Principal
 Head of Nursery Schools
 Graduate Teacher
 Technical Teacher IV, III, II, I
 Senior Non-Graduate Teacher
 Technician
 Laboratory Assistant
 Principal Librarian
 Librarian
 Senior Library Assistant
 Library Assistant
 Director/Co-ordinator Culture
 Health Educator
 Administrative Sister
 Assistant Physiotherapist
 Physiotherapist
 Senior Environmental
 Health Officer
 Environmental Health Officer
 Cemetery Keeper
 Senior Radiographer
 Senior Pharmacist
 Pharmacist
 Senior Laboratory Technician
 Laboratory Technician
 Supervisor of Drivers/Orderlies
 Driver/Orderly
 Maintenance Mechanic
 Supervisor/Maids
 Supervisor of Food
 Assistant Supervisor of Food
 Principal Community
 Development Officer
 Senior Community
 Development Officer
 Community Development Officer

