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**BARBADOS****PUBLIC EMPLOYEES PENSIONS**

1961-47

An Act to make further provision for the grant and payment of pensions and gratuities to certain employees of the Crown.

[Commencement: 1st February, 1962]

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the *Public Employees Pensions Act*.

Interpretation

- 2.(1) For the purposes of this Act

“pensionable emoluments” includes salary, any interim payment made pending a salaries revision, and personal allowance, but no other allowance or other emoluments whatever or compensation payable in respect of the termination of temporary service;

[1973-18; 1978-41]

THE LAWS OF BARBADOS

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

“public employee” or “employee” means a person who

(a) is not the holder of an office established by an order made under section (2) of the *Civil Establishment Act*, Cap. 21; but

(b) is nevertheless a whole-time employee of the Crown; and
[1967/168]

(c) is or has been the substantive holder of a scheduled office; and

includes a person who is a whole-time employee of a scheduled authority or body;

[1964-44]

“public service” means

(a) service in a civil capacity under the Crown; or
[1967/168]

(b) service in a civil capacity in the employment of a scheduled authority or body; and
[1964-44]

(c) such other service as the Minister responsible for Establishments may determine to be public service for the purposes of this Act;

“salary” means the regular wages payable to the holder of a scheduled office;

“scheduled authority or body” means any authority or body from time to time specified in the *First Schedule*;

[1964-44]

“scheduled office” means any office from time to time specified in the *Second Schedule* and includes an office held by a whole-time employee of a scheduled authority or body.

[1964-44]

(2) For the avoidance of doubt it is hereby declared that where a public employee has been confirmed in a scheduled office and is thereafter appointed to another scheduled office, then, unless the terms of such appointment otherwise require, such last-mentioned office is, for the purposes of this Act, an office in which he has been confirmed.

PART II GENERAL

Grant of pensions, etc., in accordance with pensions regulations

3.(1) Pensions, gratuities and other allowances may, in accordance with regulations* be granted by the Governor-General to public employees who have been substantive holders of any scheduled office.

**[The Public Employees Pensions Regulations, 1961, which were contained in the Public Employees Pensions Act, 1961-47, Third Schedule, are to be found in Vol. 1, Subsidiary Legislation.]*

(2) Regulations may from time to time be amended, added to, or revoked by regulations made by the Minister responsible for Establishments and all regulations so made shall be laid before both Houses and published in the *Official Gazette*.

(3) Any pension, gratuity, or other allowance granted under this Act shall be computed in accordance with the provisions in force at the actual date of an employee's retirement or death, as the case may be.

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

(5) Whenever the Minister responsible for Establishments is satisfied that it is equitable for any regulations to have retrospective effect in order to confer a benefit upon or remove a disability attaching to any public employee, those regulations may be given retrospective effect for that purpose, but no such

regulations shall be of any effect until they have been approved by a resolution of each House.

[1964-44]

[1964-44]

Power of Minister to amend Schedules

4. The Minister responsible for Establishments may, from time to time, by order published in the *Official Gazette*

- (a) amend the *First Schedule* by deleting therefrom any scheduled authority or body or by including therein any other authority or body; or
- (b) amend the *Second Schedule* by deleting therefrom any scheduled office or by including therein any other office.

Pensions, etc., to be charged on Consolidated Fund

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

Pensions, etc., not of right

6.(1) A public employee shall not have an absolute right to compensation for past services or to pension, gratuity or other allowance; nor shall anything contained in this Act prevent a public employee from being dismissed at any time and without compensation.

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

Circumstances in which pension, etc., may be granted

7.(1) Subject to subsection (2) and section 10B (2), a pension, gratuity or other allowance shall not be granted under this Act to any public employee except on his retirement from the public service in one of the following cases

- (a) on or after attaining the age of 55 years;
- (b) on medical evidence to the satisfaction of the Governor-General that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (c) on becoming unfit in the opinion of the Governor-General for the discharge of the duties of his office, although not suffering from any particular illness or infirmity likely to be permanent, if such unfitness is not attributable to his own misconduct or gross negligence, and if the Governor-General considers that the special circumstances of the case justify the grant to him of a pension or gratuity as the case may be.

(2) Subject to subsection (3), a pension, gratuity or other allowance under this Act may be granted to an employee who retires before attaining the age of 55 years but payment thereof shall be suspended until

- (a) he has attained the age of 55 years or sooner dies; or
- (b) he satisfies the Governor-General that he is incapacitated and his condition is likely to be permanent.

[1975-31]

(2A) Where an officer has qualified for the payment of a pension, gratuity or other allowance under subsection (2), he may, at the time when payment is granted under paragraph (a) or (b) of that subsection, be paid from the date of his qualification for the pension, gratuity or allowance, that pension, gratuity or

allowance together with any additional benefits that he would have received had he qualified under paragraph (a) of subsection (1).

[1985-18]

(2B) The additional benefits mentioned in subsection (2A) are payable out of moneys voted by Parliament for the purpose.

(3) Subsection (2) applies only to those persons who

- (a) left the public service before attaining the age of 55 years and on or after the 30th November, 1966, but before the 1st September, 1975; or
- (b) retire from the public service after the 1st September, 1975.*

**[Being the date of the commencement of the Pensions (Miscellaneous Provisions) Act, 1975 (Act 1975-31).]*

[1985-18; 1975-31]

Gratuity after 5 years service

7A.(1) Notwithstanding any other provision of this Act and without affecting regulation 4 of the regulations, every public employee, otherwise qualified for a pension, who has been in the public service for at least 5 years but less than 10 years and who resigns before attaining the age of 55 years or 60 years, as the case may be, may be granted a gratuity not exceeding 5 times the annual amount of the pension which if there had been no qualifying period, might have been granted to him under paragraph (1) of regulation 3 of the regulations but payment thereof shall be withheld until

- (a) he has attained the age of 55 years or 60 years, as the case may be, or sooner dies; or
- (b) he has satisfied the Governor-General that he is incapacitated and his condition is likely to be permanent.

(2) Subsection (1) applies only to public employees who resign from the public service after the 7th April, 1989.

[1989-9]

Compulsory retirement

8.(1) Subject to section 10C(1), the Governor-General may require a public employee to retire from the public service

(a) at any time after he attains the age of 55 years; or

(b) in special cases after he attains the age of 50 years.

(2) Subject to section 10C(2), retirement shall be compulsory for every public employee on attaining the age of 60 years.

[1985-18]

[1985-18]

Maximum pensions

9.(1) Subject to subsection (2), a pension granted to a public employee under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service.

(2) For the purposes of subsection (1), an additional pension granted in respect of injury shall not be taken into account; but where the public employee is granted such an additional pension under this Act, the amount thereof together with the remainder of his pension shall not exceed five-sixths of his highest pensionable emoluments drawn by him at any time in the course of his public service.

Savings of pension etc.

9A. Where a public employee who has pensionable service is transferred to or becomes employed in the public service within the meaning of the *Pensions Act*, Cap. 25, his service as a public employee shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pensions Act*, Cap. 25 and the

Pensions Regulations, 1947 as if all of his service was service in the public service.

[1996-23; 1947/20]

Pensions, etc., not assignable

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

- (a) a debt due to the Crown or a debt due to the National Housing Corporation under the *Public Officers Housing Loans Fund Regulations, 1975*; or
- (b) an order of any court for the periodical payment of sums of money towards the maintenance of the wife or former wife or minor child of the public employee to whom the pension, gratuity or other allowance has been granted.

(2) A pension, gratuity or other allowance granted under this Act 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 Crown or a debt due to the National Housing Corporation under the *Public Officers Housing Loans Fund Regulations, 1975*.

[1968-29; 1967/168; 1976/8]

Compensation

10A.(1) Where the temporary employment of a person is terminated after not less than 2 years of service, the Minister may, in any case he considers appropriate, authorise the payment of compensation to that person.

(2) Compensation under subsection (1) is payable out of moneys voted for the purpose by Parliament.

[1978-41]

PART IIA

PERSONS WHO BECOME PUBLIC EMPLOYEES AFTER THE
COMMENCEMENT OF THIS PART**Circumstances in which pensions, etc., may be granted to persons to whom this Part applies**

10B.(1) Subject to section 10D this Part applies to any person who becomes a public employee after 15th July, 1985.

(2) Subject to subsection (3), a pension, gratuity or other allowance shall not be granted under this Act to any public employee except on his retirement from the public service in one of the following cases

- (a) on or after attaining the age of 60 years;
- (b) on medical evidence to the satisfaction of the Governor-General that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent; and
- (c) on becoming unfit in the opinion of the Governor-General for the discharge of the duties of his office, although not suffering from any particular illness or infirmity likely to be permanent, unfitness is not attributable to his own misconduct or gross negligence, and if the Governor-General considers that the special circumstances of the case justify the grant to him of a pension or gratuity, as the case may be.

[1985-18]

(3) Subject to subsection (5), a pension, gratuity or other allowance under this Act may be granted to an employee who retires before attaining the age of 60 years but payment thereof shall be suspended until

- (a) he has attained the age of 60 years or sooner dies; or
- (b) he satisfies the Governor-General that he is incapacitated and his condition is likely to be permanent.

(4) Where an officer has qualified for the payment of a pension, gratuity or other allowance under subsection (3), he may, at the time when payment is granted under paragraph (a) or (b) of that subsection, be paid from the date of his qualification for the pension, gratuity or allowance, that pension, gratuity or allowance together with any additional benefits that he would have received had he qualified under paragraph (a) of subsection (1); and any such additional benefits are payable out of moneys voted by Parliament for the purpose.

(5) Subsection (3) applies only to those persons who

(a) left the public service before attaining the age of 60 years and after 15th July, 1985; or

[1985-18]

(b) retire from the public service after 15th July, 1985.

[1985-18]

Compulsory retirement under this Part

10C.(1) The Governor-General may require a public employee to whom this Part applies to retire from the public service

(a) at any time after he attains the age of 60 years; or

(b) in special cases after he attains the age of 55 years.

(2) Retirement shall be compulsory for every public employee to whom this Part applies at the age of 65 years.

[1985-18]

Option to retire at age of 65 years

10D.(1) Notwithstanding subsection (2) of section 8 and subject to subsection (2) of this section, any public employee who was 50 years of age on 1st June, 1984 may within 12 months after 15th July, 1985, or within such further period as the Governor-General in any special case allows, give notice in writing

to the Governor-General of the person's wish that this Part shall apply to him in which case it shall so apply.

(2) A public employee who exercises his option under subsection (1) is entitled

- (a) to retire and have his pension, gratuity or other allowance paid at any age at which he could have before 15th July, 1985; and
- (b) to have his pension, gratuity or other allowance computed in respect of his pensionable service

as if he had not exercised his option.

[1985-18; 1985-31]

PART III

CIRCUMSTANCES IN WHICH PENSIONS, ETC., MAY CEASE OR BE SUSPENDED

Liability of pensioners to be called upon to take further employment

11.(1) Every pension granted under this Act shall be subject to the condition that unless and until the employee has attained the age of 55 years or 60 years as the case may be, he may, if physically fit for service, be called upon by the Governor-General to accept an office in the public service not less in value than the office which he held at the date of his retirement.

(2) Where a pensioner so called upon declines to accept such office the payment of his pension may be suspended until he has attained the age of 55 years or 60 years, as the case may be.

[1985-4]

(3) Subsections (1) and (2) shall not apply in any case where the Governor-General, being of the opinion that the employee is not qualified for other

employment in the public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

[1985-18]

Suspension of pension on reemployment

12. Where a public employee to whom a pension has been granted under this Act is appointed to another office in the public service, the payment of his pension may, with his consent, be suspended during the period of his re-employment.

Pensions, etc., may cease on accepting certain appointments

13.(1) Where any person to whom a pension or other allowance has been granted under this Act, otherwise than under section 17, becomes without the prior permission of the Governor-General in writing

(a) a director of; or

(b) an officer or servant employed in Barbados by,

any company the principal part of whose business is in any way directly concerned with Barbados, such pension or other allowance shall cease if the Governor-General so directs.

(2) Where the Governor-General is satisfied that any person, in respect of whose pension or other allowance any direction as aforesaid has been given, has ceased to be a director, or to be employed as an officer or servant in Barbados, of any company as aforesaid, he may give directions for the restoration of such pension or other allowance, with retrospective effect, if he thinks fit, to such date as he may specify, and the pension or allowance shall be restored in accordance with any such directions.

14. *[Repealed by 1989-9.]*

15. *[Repealed by 1989-9.]*

PART IV
SUPPLEMENTARY

Gratuity where employee dies in service or after retirement

16.(1) Where either

- (a) a public employee holding a scheduled office on probation or agreement who has been in public employment for 5 years or more; or
- (b) a public employee holding a scheduled office who is not on probation or agreement, or a public employee holding an office other than a scheduled office to which he had been transferred from a scheduled office in which he has been confirmed,

dies while in the public service, it shall be lawful for a gratuity to be granted to his legal personal representative of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity, if any, whichever is the greater.

(2) Where any such employee to whom a pension, gratuity or other allowance has been granted under this Act dies after retirement from the public service and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any public service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, the Governor-General may grant to his legal personal representative a gratuity equal to the deficiency.

(3) For the purposes of this section, the expression

“annual pensionable emoluments” means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the employee if he had retired at the date of his death in the circumstances described in paragraph (b) of section 7;

“commuted pension gratuity” means the gratuity, if any, which might have been granted to the employee under regulation 13 of the *Public Employees*

Pensions Regulations, 1961, if he had retired at the date of his death in the circumstances described in paragraph (b) of section 7 and had elected to receive a gratuity and reduced pension;

[1963-33]

“public employment” means service as a public employee or as a casual employee within the meaning of that expression in the *Casual Employees Pensions Act*, Cap. 20.

[1967-2]

(4) For the purposes of this section, any salary or personal allowance received by a public employee holding a scheduled office on probation or agreement shall be taken into account as pensionable emoluments for the purposes of determining his annual pensionable emoluments or his commuted pension gratuity.

[1967-2]

[1967-2]

Pensions to dependants where employee killed on duty

17.(1) Where a public employee dies, while in the public service, as a result of injuries received

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

the Governor-General may, in addition to the grant, if any, made to his legal personal representative under section 16, grant

- (i) if the deceased employee leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or \$100 a year, whichever is the greater;

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- (ii) if the deceased employee leaves a widow to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until such child attains the age of 18 years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (i);
 - (iii) if the deceased employee leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of 18 years, of double the amount prescribed by paragraph (ii);
 - (iv) if the deceased employee leaves a child or children and a widow to whom a pension is granted under paragraph (i) and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow until such child attains the age of 18 years, of double the amount prescribed in paragraph (ii);
 - (v) if the deceased employee does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;
 - (vi) if the deceased employee does not leave a widow or mother, or if a pension is not granted to his widow or mother, and if his father was wholly or mainly dependent on him for his support, a pension to the father, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;
 - (vii) if the deceased employee does not leave a child or children eligible for a pension under this section, and if his brother or sister was wholly or mainly dependent on him for support, a pension to any brother or sister while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted under paragraphs (ii) and (iii).

(2) A pension shall not be payable under subsection (1) at any time in respect of more than 6 children.

- (3) Where a pension is granted under paragraph (v) of subsection (1), then
- (a) if the mother is a widow at the time of such grant and subsequently remarries; or
 - (b) if the mother is at any time in the opinion of the Governor-General adequately provided with other means of support,

such pension shall cease, in the former case, from the date of remarriage, and in the latter case, from such date as the Governor-General may determine.

(4) A pension granted to a female child under this section shall cease upon the marriage of such child under the age of 18 years.

(5) This section shall not apply in the case of the death of any employee if his dependants as defined in the *Workmen's Compensation Act, 1963*, are entitled to compensation under that Act.*

**[The Workmen's Compensation Act, 1963, 1964-3, although repealed by the National Insurance and Social Security Act, 1966-15, s. 51, and thus not printed in the Revised Laws, continues to apply to certain cases. See now Cap. 47.]*

- (6) For the purposes of this section, the expression "child" shall include
- (a) a posthumous child;
 - (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased employee for support; and
 - (c) an adopted child adopted, in a manner recognised by law, before the date of the injury and dependent as aforesaid.

Application of Act

18.(1) This Act shall apply to

- (a) every public employee first appointed to the public service on or after the 1st February, 1962*; and

**[The date of commencement of this Act.]*

- (b) every other public employee serving in the public service on or after the 1st February, 1962, except a public employee who, pursuant to paragraph (ii) of the proviso to subsection (1) of section 20 of the *Pensions Act, 1947*,* elected to remain subject to the provisions of the *Pension Act, 1925*.*

**[This section is not printed in the Pensions Act, Cap. 25, which replaces Pensions Act, 1947-20.]*

**[Act 1925-2.]*

(2) This Act shall not apply* to any person who retired from the public service before the 1st February, 1962.

**[The Public Employees Pension Act, 1937-5, not printed in the Revised Laws, continues to apply to persons who retired from the public service before the 1st February, 1962.]*

Exercise of powers by Governor-General

19. Where any power or authority is vested in the Governor-General under this Act or under regulations, then, unless otherwise provided, such power or authority shall be exercised by the Governor-General acting in his discretion.

FIRST SCHEDULE

(s.2)

List of Authorities or Bodies

The Agricultural Credit Bank	(Established by the <i>Agricultural Credit Bank Act</i> , Cap. 321)
The Board of Management of Community College	(as defined by section 2 of the <i>Barbados Community College Act</i> , Cap. 38)
The Board of Management of a public Secondary School	(established by section 16 of the <i>Education Act</i>).
The Board of Management of a tertiary institution	(established by section 28 of the <i>Education Act</i> , Cap. 41).
The Governing Body of a Secondary School	(as defined in the <i>Teachers (Secondary Schools) Pensions Act</i>), Cap. 41
The Management Commission of Parliament	
The National Housing Corporation	(established by section 4 (1) of the <i>Housing Act</i> , Cap. 226)
The Soil Conservation Department.	

[1967/124; 1975/205; 1989-9; 1989-29; 1977/64]

SECOND SCHEDULE

(s.2)

Scheduled Offices

Apprentice	Fumigating Hand
Artisan	
Assistant Storekeeper	Gang Foreman
Assistant Supervisor	Gardener
Attendant	Gauger
Auto Electrician	General Worker
	Groundsman
Blacksmith	
Blacksmith Striker	Heavy Equipment Operator
Blaster	
Boatman	Irrigator
Boatswain	
Butler	Labourer
Caretaker	Laboratory Worker
Chainman	Loader
Charge Hand	
Checker	Machinist
Cleaner	Maid
Cook	Mate
Coxwain	Mason's Helper
	Mechanic

District Workman	Meter Reader
Driver	Meter Repairer
Driver Supervisor	Mooring Gang
Electrician	Operator
Electrical Assistant	
	Porter
Fitter	
Fitter/Welder	Ranger
Fireman	Reservoir Keeper
Foreman	Road Mender
Scrubber	Tap Repairer
Seaman	Turncock
Section Leader	
Seeds Store Assistant	Watchman
Senior Operator	Washer
Senior Machinist	Welder
Ship's Carpenter	
Steel Bender	Yardman
Steel Bender's Helper	Yard Foreman
Stores Assistant	
Stoker	
Storeman	
Supervisor	

[1976/89; 1977/74]

Ministry of Agriculture, Food and Consumer Affairs

Messenger

Price Control Inspector

Entomological Section

Senior Entomological Assistant

Entomological Assistant II

Entomological Assistant I

Entomological Worker

[1977/74]

Ministry of Education

School Meals Department

School Meals Assistant

Server

Senior School Meals Assistant

Prime Minister's Office

Defence and Security Division

Senior Security Guard

Security Guard

[1977/74]