

## CHAPTER 6

### GOVERNOR-GENERAL (CONDITIONS OF SERVICE) 1971-35

This Act came into operation on 6th December, 1971.

#### **Amended by:**

<i>1973-14</i>	<i>14/1989</i>	<i>107/2003</i>
<i>1979-16</i>	<i>93/1990</i>	<i>68/2005</i>
<i>1979-43</i>	<i>19/1996</i>	<i>29/2007</i>
<i>1984-19</i>	<i>21/1998</i>	<i>6/2009</i>
<i>1987-35</i>	<i>98/1999</i>	
<i>97/1987</i>	<i>58/2002</i>	

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1989	2008
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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## CHAPTER 6

### GOVERNOR-GENERAL (CONDITIONS OF SERVICE) 1971-35

#### *Arrangement of Sections*

1. Short title

#### PART I

#### PRELIMINARY

2. Interpretation

#### PART II

#### SALARY AND ALLOWANCE

3. Salary and allowance of Governor-General
4. No salary and allowance before entry upon duties
5. Salary and allowance during absence, leave and incapacity
6. Salary and allowance of Acting Governor-General
7. Assumption of duty
8. Rights and privileges of person appointed to office of Governor-General pending relinquishment of office by substantive holder

## PART III

## PENSIONS

9. Governor-General's right to pension
10. Rate of pension
- 10A. Gratuity and reduced pension
- 10B. Death of Governor-General in office
11. Widow's pension
12. Children's pension
13. Protection of pensions

## PART IV

## MISCELLANEOUS

14. Leave Passage
15. Source and method of payments

## SCHEDULE

*Salary and duty allowance*

**BARBADOS****GOVERNOR-GENERAL (CONDITIONS OF SERVICE)  
1971-35**

*An Act to consolidate and revise the laws relating to conditions of service of Governors-General and to provide pensions for such persons and their widows and children and for matters incidental thereto and connected therewith.*

[Commencement: 6th December, 1971]

**Short title**

1. This Act may be cited as the *Governor-General (Conditions of Service) Act*.

**PART I****PRELIMINARY****Interpretation**

2. For the purposes of this Act,  
“Acting Governor-General” means any person who performs the functions of the office of Governor-General under section 29 of the *Constitution*;

“entitled child” means a person who, being a male, has not attained the age of 18 years or, being a female, has neither married nor attained the age of 18 years;

“Governor-General’s pension” means the pension payable under this Act to a person who has ceased to be Governor-General;

“Minister” means the Minister responsible for Finance.

## PART II

### SALARY AND ALLOWANCE

#### **Salary and allowance of Governor-General**

**3.(1)** The Governor-General is entitled

- (a) to receive a salary at the rate *per annum* specified in paragraph 1 of the *Schedule*;
- (b) to receive a duty allowance at the rate *per annum* specified in paragraph 2 of the *Schedule*; and
- (c) to occupy free of rent the official residence of the Governor-General.

(2) The House of Assembly may by resolution amend the *Schedule* by increasing the salary and duty allowance specified therein.

[1984-19]

(3) The official residence of the Governor-General must be fully maintained by Government.

[1984-19]

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[1984-19]

**No salary and allowance before entry upon duties**

4. The Governor-General shall not be entitled to any salary or allowance appertaining to his office in respect of any period prior to the day on which he enters upon the duties of such office.

**Salary and allowance during absence, leave and incapacity**

- 5.(1) Subject to section 4, the Governor-General shall,
- (a) in respect of any period during which he is absent from Barbados for the purpose of performing any of the functions of his office, receive the salary and duty allowance appertaining to his office;
  - (b) in respect of any period during which he is absent on leave or is unable to perform the functions of his office, receive the salary appertaining to his office, but shall not receive the duty allowance.
- (2) The Governor-General shall not, for the purposes of this section, be regarded as unable to perform the functions of his office where he has appointed a Deputy to perform any of the functions of the office of Governor-General and such appointment is subsisting.

**Salary and allowance of Acting Governor-General**

- 6.(1) Subject to subsection (2), an Acting Governor-General shall, in respect of the period during which he discharges the functions of the office of Governor-General, receive salary and allowance at the rate specified in respect of the office of Governor-General.
- (2) Where an Acting Governor-General, in reference to any period during which he discharges the functions of the office of Governor-General, receives salary defrayed from the Consolidated Fund in respect of any other office, his salary and allowance for such period shall be abated to the extent of the salary so received.

**Assumption of duty**

7. Subject to subsection (3) of section 112 of the Constitution, a person who has assumed duty as Governor-General or Acting Governor-General shall, for the purposes of this Act, be deemed to have done so at the commencement of the day on which he assumed duty as aforesaid, and no other person shall be entitled in respect of that day to any salary and allowance other than those under section 5.

**Rights and privileges of person appointed to office of Governor-General pending relinquishment of office by substantive holder**

8. Notwithstanding the provisions of any enactment, when the holder of the office of Governor-General is on leave of absence pending relinquishment of his office and another person is appointed to that office, then, such person shall be entitled to all rights and privileges appertaining to the office of Governor-General, notwithstanding and without prejudice to any rights or privileges which such person on such leave of absence may have in respect of such salary and allowance.

**PART III****PENSIONS****Governor-General's right to pension**

9.(1) Every person who having been appointed Governor-General on or after the 18th May, 1967, ceases at any time after such appointment to be Governor-General shall be paid a pension under this Act with effect from the date on which he ceases to be Governor-General and such pension shall continue to be paid during the lifetime of that person.

(2) Governor-General's pension shall, if the person to whom it is payable is appointed Prime Minister or is again appointed Governor-General, cease to be

payable during the period in respect of which that person holds the office of Prime Minister or again holds the office of Governor-General.

### **Rate of pension**

**10.(1)** Subject to subsection (3), the rate of Governor-General's pension payable under this Act is the highest annual rate of salary payable to him as Governor-General.

(2) Where the person to whom the Governor-General's pension is payable is appointed Prime Minister, the pension payable to him when he ceases to be Prime Minister shall be the pension specified in subsection (1) or, if any pension payable to him as Prime Minister is higher, that pension shall be payable and he shall be entitled to no other pension in respect of service in the two offices.

(3) Where a person to whom Governor-General's pension is payable is in receipt of a retiring allowance payable under any Act for the time being in force in Barbados, only so much of the Governor-General's pension shall be paid to him as will, when added to his retiring allowance, amount to the highest annual rate of salary paid to him at any time as Governor-General.

*[1987-35]*

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*[1984-19; 1987-35]*

### **Gratuity and reduced pension**

**10A.(1)** A person who is entitled to a Governor-General's pension may at his option exercisable in accordance with subsection (2) be paid in lieu thereof 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.

(2) The option referred to in subsection (1) is exercisable by notice in writing addressed to the Minister within thirty days of the date on which the person concerned ceases to be Governor-General or within such further period as the Minister may allow.

(3) Notwithstanding subsection (1), the Minister may, where a person referred to in that subsection fails to exercise his option in accordance with subsection (2), grant a gratuity and a reduced pension as provided in subsection (1) as if the person had exercised his option.

[1979-16]

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[1973-14]

### **Death of Governor-General in office**

**10B.** Where a person dies while he is Governor-General and would, but for his death, have been eligible to opt for a gratuity and pension under section 10A, his legal personal representative shall be paid an amount equal to the Governor-General's annual salary or the gratuity referred to in that section, whichever is greater.

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[1979-43]

### **Widow's pension**

**11.(1)** Where a person dies while he is Governor-General or while he is entitled to receive Governor-General's pension

(a) if he leaves

(i) a widow but no entitled child; or

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

the widow shall, subject to subsections (2) and (3), be paid a pension at an annual rate of two-thirds of the highest rate of pension paid to such person under section 10;

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

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

- (a) in respect of any period after her re-marriage; or
- (b) in respect of any period after she becomes Governor-General or Prime Minister.

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

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

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

### **Children's pension**

**12.** Where a person dies while he is Governor-General or while he is entitled to receive Governor-General's pension, leaving entitled children, each of such children (except those referred to in sub-paragraph (ii) of paragraph (a) of subsection (1) of section 11, if a pension is being paid under that section to their mother) shall be paid, until he dies or ceases to be an entitled child, such pension at such rate as the Minister shall determine, so, however, that the aggregate rate of pension payable to such children shall not exceed

- (a) subject to paragraph (b) of this section, the annual rate specified in paragraph (a) of subsection (1) of section 11 in respect of a widow;
- (b) if, and so long as, the Governor-General's widow is entitled to a pension under that section, one-half of the rate so specified.

**Protection of pensions**

- 13.** Any pension payable under this Act shall not
- (a) be assignable or transferable except for the purpose of satisfying a debt due to the Crown or an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife, or child being the minor of the person to whom the pension is payable; or
  - (b) be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt to the Crown or any sum recoverable pursuant to such order of any court as is mentioned in paragraph (a).

PART IV  
MISCELLANEOUS

**Leave Passage**

- 14.(1)** The Governor-General is, subject to the approval of the Prime Minister and under such conditions as the Prime Minister specifies, entitled to the payment of leave passages at first class rates for himself and his spouse to any place whether within or outside the Caribbean area.

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[1987-35]

**Source and method of payments**

- 15.** Any payments required to be made by virtue of the provisions of this Act
- (a) shall be charged on and paid out of the Consolidated Fund;
  - (b) shall be paid monthly in arrears in equal instalments.

**SCHEDULE***(Section 3)**Salary and duty allowance*

- 1.** Salary at the rate of
  - (a) \$211 480.92 per annum with effect from 1st April, 2008; and
  - (b) \$220 997.52 per annum with effect from 1st April, 2009.
  
- 2.** Duty allowance at the rate of \$32 400 per annum with effect from 1st April, 1988.

*[1984-19; 97/1987, s. 6; 14/1989, s. 19; 93/1990, s. 63; 19/1996, s. 16; 21/1998, s. 18; 98/1999, s. 40; 58/2002, s. 25; 107/2003, s. 41; 68/2005, s. 28; 29/2007, s. 13; 6/2009, s. 31]*