

THE PENSIONS (PUBLIC SERVICE) ACT

Arrangement of Regulations

PART I. *Preliminary*

1. Citation.
2. Interpretation.

PART II. *General Provisions*

3. Qualifying service and pensionable service.
4. Leave without salary.
5. War service.
6. Service as member of the Jamaica Defence Force may be counted as pensionable or qualifying service.
7. Emoluments to be taken into account in computing pension or gratuity.
8. Service otherwise than in a pensionable office.
9. Acting service.
10. Service under the age of eighteen, on probation or agreement.

PART III. *Rates of Payment for Pensionable Officers*

11. Rates of payment for pensionable officers.
12. Payment of gratuities where length of service does not qualify for pension.
13. Pension payable to pensionable officers eligible for retiring benefits who attain the normal age of retirement.
14. Continuity of service in respect of pensionable officers.
15. Pensionable officers retiring on account of injury or disease.
16. Pensionable officers retiring on account of ill-health.
17. Service in a pensionable office to be counted in computing qualifying services, *etc.* for Judges of the Court of Appeal and the Supreme Court.
18. Gratuity and reduced pension.

PART IV. *Rates of Payment of Pension for Constables*

19. Rates of payment of pension for Constables.
20. Gratuities; to whom and at what rates to be granted in relation to Constables.
21. Pension payable to Constables eligible for retiring benefits who attain the age of sixty.
22. Constables retiring on account of injury or disease.
23. Constables retiring on account of ill-health.
24. Continuity of service in relation to Constables.
25. War service.
26. Transfer of Constables to public service.
27. Service in a pensionable office may be counted as qualifying service.
28. Service in the Jamaica Defence Force.
29. Gratuity and reduced pension.
30. Emoluments to be taken into account in computing pension or gratuity in cases of break in service.

PART V. *Compassionate Gratuities*

31. Definition.
32. Granting of a compassionate gratuity.
33. Re-employment after the granting of a compassionate gratuity.
34. Service of an employee with the Government and Local Authority to be reckoned as effective years of service.
35. Payment of a compassionate gratuity to an employee who has had ten or more effective years of service.
36. Payment of a compassionate gratuity where an employee dies while in service of the Government.
37. Doubt in relation to interpretation of provision of this Part.

PART VI. *Survivor's Benefits for Pensionable Officers*

38. Definition.
39. Pension payable to surviving spouse and children.

40. Pension to children of more than one contributor.
41. Discovery of additional children.
42. Pensions and gratuities on death of a pensionable officer in the execution of his duties.

PART VII. *Teachers with Other Teaching Service*

43. Application of this Part.
44. Interpretation.
45. Pension for service wholly within the group.
46. Pension where other service not within the group.
47. Pension where other teaching service both within and not within the group.

PART VIII. *Registers and Service Credit Records*

48. Service to be categorized as teaching service.
49. Keeping of registers and service credit records in relation to teachers.
50. Keeping of service credit records in relation to pensionable officers and an officer employed in a pensionable office.
51. Effective date of Regulations.

SCHEDULE.

THE PENSIONS (PUBLIC SERVICE) ACT

The Pensions (Public Service) Regulations, 2018

In exercise of the power conferred upon the Minister by section 37 of the Pensions (Public Service) Act, and of every other power hereunto enabling, the following Regulations are hereby made:-

PART I. *Preliminary*

Citation. 1. These Regulations may be cited as the Pensions (Public Service) Regulations, 2018.

Interpretation. 2. – (1) In these Regulations, unless the context otherwise requires –
“pensionable service” means service which may be taken into account in computing pension under these Regulations; and in respect of a District Constable includes any service as at April 1, 2016.
“qualifying service” means service which may be taken into account in determining whether an officer is eligible by length of service for a pension, gratuity, or other allowance.

(2) Except as otherwise expressly stated, for the purpose of these Regulations, the term “pensionable officer” when used, shall be taken to include constables, district constables, parochial officers, teachers and persons employed in any entity, statutory body or executive agency pursuant to section 3 and the Fourth Schedule to the Act.

PART II. *General Provisions*

Qualifying service and pensionable service. 3. – (1) Subject to the provisions of these Regulations, qualifying service shall be the inclusive period between the date on which a pensionable officer begins to draw salary in respect of public service and the date of his leaving the public service, without deduction of any

period during which he has been absent on leave.

(2) Where an officer was employed as a casual, part time or daily paid employee and is immediately thereafter permanently appointed to the public service, then, two thirds of his service as a casual, part time or daily paid employee shall be taken into account as pensionable service.

(3) No period which is not qualifying service by virtue of paragraph (1) shall be taken into account as pensionable service.

(4) No period during which the officer was not in public service shall be taken into account as qualifying service or as pensionable service.

Leave without salary.

4. No period during which a pensionable 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 the grounds of ill health or public policy with the approval of the Governor-General.

War service.

5. Where a pensionable officer serves with the Jamaica Defence Force in time of war (in this regulation referred to as “military service”), or in any civilian employment connected with the prosecution of the war (in this regulation referred to as “civilian service”), and before so serving had been employed in the public service, then the following provisions shall have effect –

(a) during the period of such military or civilian service, including in

the case of –

(i) military service, any period of service with the Jamaica Defence Force after the termination of the war (which period shall be included in the expression “military service”);

(ii) civilian service, any period of civilian employment which may be approved by the Governor-General, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war and connected with the prosecution thereof (which period shall be included in the expression “civilian service”),

the pensionable officer shall be deemed to have been on leave on full salary from the public service and to have held the substantive office last held by him in that service prior to such military or civilian service;

(b) during any period between his leaving the public service for the purpose of serving in the Jamaica Defence Force or in any such civilian employment and at the date of his commencing such military or civilian service, he shall be deemed to be on leave without pay, not granted on the grounds of ill health or public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service: and during any period between the termination of his military or civilian service and the date of his re-entering the public service he shall, for such purposes, be deemed to be on leave as aforesaid from the public service, and to have held the substantive office, in which he is re-employed:

However –

(i) this regulation shall not apply when either period

mentioned in subparagraph (b) exceeds three months, or such longer period as the Governor-General, may in any special case determine; or if the officer fails after such military or civilian service, to re-enter the public service otherwise than in circumstances in which he would be permitted, under the Act or these Regulations applicable to the public service in which he is last employed prior to such military or civilian service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military or civilian service;

- (ii) if during any period mentioned in subparagraph (a), the officer has qualified for pension, or received emoluments in lieu of pension rights in respect of military service, subparagraph (a) shall, in respect to that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";
- (iii) if during his military or civilian service the officer is injured or killed he shall not be deemed to have been injured or killed in the discharge of his duty;
- (iv) the provisions of this regulation which require that the officer shall be deemed to have held a specified office and to have been on leave from the public service, shall not apply in respect of any period during which he has

actually held any other substantive office and has been on leave from any public service.

Service as member of the Jamaica Defence Force may be counted as pensionable or qualifying service.

6. Where a pensionable officer retires from the service of this Island, then if his service which is pensionable under these Regulations follows a period of service as an officer or member of the Jamaica Defence Force, in respect of which he continues to be eligible for an award of retiring benefits under the *Defence Act*, or any regulations made thereunder, the Governor-General may, either generally or in any particular case, direct that such period of service may for the purposes of these Regulations be taken into account as pensionable service or as qualifying service.

Emoluments to be taken into account in computing pension or gratuity.

7. For the purpose of computing the amount of pension or gratuity payable to a pensionable officer –

- (a) the average of the three final years pensionable emoluments enjoyed by him at the date of his retirement shall be taken into account; and
- (b) he shall be deemed to have been on duty on full pensionable emoluments at that date.

Service otherwise than in a pensionable office.

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

However –

- (a) where a period of continuous service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the pensionable officer is confirmed therein, that period, or such portion thereof as the Governor-General may determine, may, with the approval of the Governor-

General, be taken into account;

- (b) any break in service which may be disregarded under the provisions of regulation 14 or 24 may likewise be disregarded in determining for the purposes of paragraph (a) whether the period of service otherwise than in a pensionable office is immediately followed by the period of service in a pensionable office.

Acting service.

9. Any period during which a pensionable 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 –

- (a) is not taken into account as part of the pensionable officer's own pensionable service; and

- (b) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the Government,

and not otherwise.

Service under the age of eighteen, on probation or agreement.

10. Save as otherwise provided in these Regulations, there shall not be taken into account as pensionable service –

- (a) any period of service while the pensionable officer was under the age of eighteen years;

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

However, any break of service which may be disregarded under the provisions of regulation 14 or 24 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

PART III. *Rates of Payment for Pensionable Officers*

Rates of payment for pensionable officers.

11. Subject to the provisions of the Act and of these Regulations, every pensionable officer under the Government of this Island, who has been employed in the public service for ten years or more, may be granted, on retirement, a pension calculated in the following manner –
- (a) in respect of a pensionable officer born on or before March 31, 1963 and permanently appointed in the public service before April 1, 2018, such pension shall be calculated at the annual rate of one five hundred and fortieth of his pensionable emoluments for each complete month of his pensionable service;
 - (b) in respect of a pensionable officer born after March 31, 1963, and permanently appointed in the public service before April 1, 2018, such pension shall be calculated at the rate of –
 - (i) one five hundred and fortieth of his pensionable emoluments for each complete month of his pensionable service, for service up to March 31, 2018; and
 - (ii) one six hundredth of his pensionable emoluments for each complete month of his pensionable service, for service after March 31, 2018;
 - (c) in respect of a pensionable officer who enters the public service as of April 1, 2018, such pension shall be calculated at the annual rate of one six hundred and sixty-seventh of his pensionable emoluments for each complete month of his pensionable service.

Payment of gratuities where length of service does not qualify for

12. Every pensionable officer, who has not been in the service of this Island in a civil capacity for ten years, may be granted, on retirement, a

pension. 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 11.

Pension payable to pensionable officers eligible for retiring benefits who attain the normal age of retirement.

13. – (1) This regulation applies to a pensionable officer who is permanently appointed in the service of the Island, and –

- (a) has served for a continuous period of not less than ten years or for periods which, when added together, total not less than ten years and has vacated office in any of the circumstances specified in section 12 of the Act, and upon doing so, has opted in accordance with the provisions of the said section, not to be paid a refund of his contribution;
- (b) immediately prior to the expiration of the period or periods referred to in sub-paragraph (a), held a pensionable office under the Government of this Island; and
- (c) having vacated that office, is not, other than pursuant to this regulation, eligible for a pension, gratuity or other allowance under these Regulations.

(2) Subject to the provisions of the Act and of these Regulations, a person to whom this regulation applies may be granted, on attaining the normal retirement age, a pension at the rate prescribed under regulation 11 so however that, where that person dies before attaining the normal retirement age, there may be paid to his legal personal representatives, the gratuity which he would have been eligible to receive if he had attained the normal retirement age and had elected to receive a gratuity and reduced pension.

(3) For the purposes of paragraphs (1) and (2) no regard shall be

had to the service of a pensionable officer, prior to his dismissal from the public service on the ground of misconduct, unless the Governor-General in any case, on such terms and conditions as he thinks fit or 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, a pensionable 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 normal retirement age;
- (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 14(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)(c).

Continuity of service in respect of pensionable officers.

14. – (1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable 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 ten years and the pensionable officer

did not, pursuant to section 12 of the Act, opt for a refund of his contributions upon vacating office in the circumstances specified therein.

(3) Unless the Governor-General in any particular case, on such terms and conditions as he thinks fit, or otherwise directs, the following shall not be taken into account as service for the purposes of paragraph

(2) (b) –

- (a) any period of temporary, part time, casual or daily paid service which was not immediately followed by a permanent appointment in which the pensionable officer was confirmed;
- (b) any period of service during which the pensionable officer was, by virtue of the terms of his appointment, on probation if either the pensionable officer was not confirmed in the appointment or the service was not immediately followed by a permanent appointment in which he was confirmed;
- (c) any period of service which preceded the dismissal of the pensionable officer on the ground of misconduct.

(4) A pensionable officer –

- (a) whose pension or other allowance has been suspended under section 22 of the Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or
- (b) who has retired from the public service without pension or other allowance before the commencement of the Act, on abolition of office, or re-organization designed to effect greater efficiency or economy, and has subsequently been re-employed in the public

service,

may, if the Governor-General thinks fit, be granted the pension, gratuity or other allowance, for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment had not occurred, and such pension or other allowance shall be in lieu of –

- (i) any pension or other allowance previously granted to him by the Government; and
- (ii) any gratuity so granted which is required to be refunded as a condition of the application to the public officer of this regulation,

but additional to any gratuity so granted which is not required to be so refunded.

Pensionable officers retiring on account of injury or disease.

15. – (1) This regulation applies to a pensionable officer 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 an aircraft in which the public officer is travelling 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 Governor-General to or from this Island at the commencement or termination of his service therein, or of a period of secondment, duty leave, or 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 Governor-General is satisfied that the damage or act is attributable to circumstances arising out of any war in which the Jamaica Defence Force may be engaged.

(2) In this regulation, unless the contrary intention appears, references to a pensionable 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)(b) and to the date on which such disease is contracted.

(3) A pensionable 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 public service for less than ten years, be granted, a pension in lieu of any gratuity under regulation 12, as if the words “for ten years” were omitted from regulation 12;
- (b) if he was permanently injured while in the service of this Island, be granted, on retirement, 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 paragraph (4).

(4) Pursuant to paragraph (3), when the capacity of a pensionable officer to contribute to his own support is –

- (a) slightly impaired, the rate of proportion shall be five-sixtieths of his pensionable emoluments;
- (b) impaired, the rate of proportion shall be ten-sixtieths of his pensionable emoluments;
- (c) materially impaired, the rate of proportion shall be fifteen-sixtieths of his pensionable emoluments;
- (d) totally destroyed, the rate of proportion shall be twenty-sixtieths of his pensionable emoluments:

However –

- (i) if the pensionable officer was permanently injured while travelling by air in pursuance of official instructions, the relevant proportion specified in sub-paragraphs (a) to (d) above shall be increased by one-half;
- (ii) the amount of the additional pension may be reduced to such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of the retirement.

(5) Where a pensionable officer who holds an office in which he has not been confirmed, is permanently injured while in the service of this Island, he may be granted, on retirement, a pension or allowance of the same amount as the additional pension or allowance which might be granted to him under paragraph (4) if he had been confirmed in his office.

(6) The provisions of regulation 18 shall not apply to a pension or

allowance granted under this paragraph.

(7) 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, a pensionable officer may be granted a provisional award to have effect until such time as the degree of permanent impairment can be ascertained.

(8) For the purposes of this regulation, “injury award” means an award in respect of injury that may be granted to a pensionable officer under sub-paragraph (b) of paragraph (3).

Pensionable officers retiring on account of ill-health.

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

- (a) retires from the public service in the circumstances described in section 15(1)(c) of the Act; and
- (b) at the date of his retirement has been in the public service for more than ten years but less than twenty years,

he may be granted an additional pension at the rate specified in regulation 11 for each month by which his public service falls short of twenty years, or by which his age at such date falls short of the normal retirement age, or, in the case of a Judge of the Court of Appeal or of the Supreme Court, seventy years, whichever is the less.

(2) This regulation shall not apply in the case of a pensionable officer who is injured in the discharge of his duty and is eligible to receive an award under regulation 15:

However, 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.

Service in a pensionable office to be counted in computing qualifying services, etc. for Judges of the Court of Appeal and the Supreme Court.

17. – (1) For the purposes of computing the qualifying service and the amount of the pension or gratuity of a pensionable officer who –

- (a) has had a period of service as a Judge of the Court of Appeal or of the Supreme Court of Jamaica; and
- (b) retires from the public service on or after attaining the age of seventy years, or in the circumstances described in section 15(1)
- (c) of the Act,

that period of service or, if it exceeds ten years, then ten years of that period, shall be counted twice.

(2) No period of acting service shall be counted twice under this regulation.

Gratuity and reduced pension.

18. – (1) A pensionable officer to whom a pension is granted under the Act may, at his option exercisable on his retirement from the Public Service, or within such period prior to his retirement as the Governor-General may allow, be paid in lieu of such pension, a reduced 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) Where a pensionable officer has exercised the option of a gratuity and a reduced pension pursuant to paragraph (1), he shall continue to receive a reduced pension until he dies and his decision shall be irrevocable so far as it concerns any pension granted to him under the Act.

PART IV. *Rates of Payment of Pension for Constables*

Rates of payment of pension for Constables.

19. Subject to the provisions of the Act and these Regulations, every Constable who has been in the Force for ten years or more may be

granted, on retirement, a pension calculated in the following manner –

- (a) in respect of a Constable born on or before March 31, 1963 and enlisted in the Force before April 1, 2018; such pension shall be calculated at the annual rate of one five-hundred and fortieth of his pensionable emoluments for each complete month of his pensionable service;
- (b) in respect of a Constable born after March 31, 1963 and enlisted in the Force before April 1, 2018, such pension shall be calculated at the annual rate of –
 - (i) one five-hundred and fortieth of his pensionable emoluments for each complete month of his pensionable service, for service up to March 31, 2018; and
 - (ii) one six-hundredth of his pensionable emoluments for each complete month of his pensionable service, for service after March 31, 2018;
- (c) in respect of a Constable enlisted in the Force as at April 1, 2018, such pension shall be calculated at an annual rate of one six-hundred and sixty-seventh of his pensionable emoluments for each complete month of his pensionable service.

Gratuities; to whom and at what rates to be granted in relation to Constables.

20. Subject to the provisions of these Regulations, every Constable, who has not been in the Force 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 19.

Pension payable to Constables eligible for retiring

21. – (1) This regulation applies to every person who had been a Constable in the Force –

**benefits who
attain the
age of
sixty.**

- (a) for a continuous period of not less than ten years; or
- (b) for periods which, when added together, total not less than ten years; and
- (c) having left the Force, is not, other than pursuant to this regulation, eligible for a pension, gratuity or other 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 rate specified in regulation 19.

(3) For the purposes of paragraphs (1) and (2) no regard shall be had to the service of any Constable prior to his dismissal from the Force on the ground of misconduct unless the Governor-General in any case, on such terms and conditions as he thinks fit or 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, a Constable 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 normal retirement age as provided for under section 24 of the Act;
- (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 24(1);
- (c) the pensionable emoluments of a Constable 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 left the

Force;

(d) in respect of any person transferred from the Island Special Constabulary Force, and enlisted in the Jamaica Constabulary Force on or after the 27th day of February, 1998, the periods referred to in sub-paragraphs (1)(a) and (b) shall be deemed to include any period during which the person had been a Special Constable in regular employment in the Island Special Constabulary Force, as if that person were during that period a Constable in the Force;

(e) the term –

(i) “Island Special Constabulary Force” means the Force constituted under section 16 of the *Constables (Special) Act*;

(ii) “regular employment” means employment in the Force on a continuous basis for a period of not less than five days in each week; and

(iii) “Special Constable” has the meaning assigned to it by section 15 of that Act.

Constables retiring on account of injury or disease.

22. – (1) This regulation applies to a Constable 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;
- (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;

- (c) is permanently injured as a result of an accident or damage to an 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 Governor-General to or from this Island at the commencement or termination of his service therein, or of a period of secondment, duty leave, or 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 Governor-General is satisfied that the damage or act is attributable to circumstances arising out of any war in which the Jamaica Defence Force may be engaged.

(2) In this regulation, unless the contrary intention appears, references to a Constable 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) A Constable may –

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the Force for less than ten years, be granted, in lieu of any gratuity under regulation 20, a pension under regulation 19, as if the words “for ten years or more” were omitted from such regulation;
- (b) be granted on retirement where his capacity to contribute to his

own support is slightly impaired, impaired or materially impaired, a disability allowance, in addition to pension, at the rate of the proportion of his actual salary at the date of his injury appropriate to his case in the manner specified in paragraph (4).

(4) Pursuant to paragraph (3), where the capacity of the Constable to contribute to his own support is –

- (a) slightly impaired, the rate of proportion shall be ten-forty-fifths of his actual salary;
- (b) impaired, the rate of proportion shall be twenty-forty-fifths of his actual salary;
- (c) materially impaired, the rate of proportion shall be thirty-forty-fifths of his actual pensionable emoluments:

However –

- (i) if the Constable was permanently injured while travelling by air in pursuance of official instructions, the relevant proportion specified in paragraphs (a) to (c) above shall be increased by one-half;
- (ii) the amount of the disability allowance may be reduced to such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of the retirement.

(5) If the capacity of the Constable to contribute to his own support is totally destroyed, he may be granted on retirement, a disability allowance at such rate as, when added to the rate of any pension, does not exceed his rate of salary at the date of retirement:

However, that the amount of the disability allowance may be

reduced by such extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of his retirement.

(6) A disability allowance granted to a Constable under this regulation together with pension shall not exceed his salary at the date of retirement.

(7) Unless the Governor-General otherwise directs, a Constable to whom a disability allowance has been granted under this regulation shall be subject to medical examination annually or at such other periods as may be directed by the Commissioner of Police and, if any such Constable refuses to be examined when required, such disability allowance shall, if the Governor-General so directs, cease from such date as the Governor-General may determine.

(8) If, as the result of any examination effected under paragraph (7) the Governor-General is satisfied from the medical evidence that –

- (a) the extent of disability is increased or decreased, he may make an appropriate increase or decrease, as the case may be, in the rate of the disability allowance;
- (b) the Constable has completely recovered from the disability in respect of which the disability allowance is paid he may direct that the disability allowance shall cease from such date as he may determine.

(9) If, for the purpose of assessing the amount of disability allowance, the degree of permanent impairment of the Constable's capacity to contribute to his support is in doubt, a Constable may be granted a provisional award to have effect until such time as the degree of permanent impairment can be ascertained.

(10) The Governor-General may take into account in such manner and to such extent as he may think fit against a disability allowance that may be granted to a Constable in respect of an injury, any damages that he is satisfied have been or will be recovered by the Constable in respect of that injury.

Constables retiring on account of ill-health.

23. – (1) If a Constable –

- (a) retires from the Force in the circumstances described in section 23(1) (b) of the Act; and
- (b) at the date of his retirement, has been in the Force for more than ten years but less than twenty years,

he may be granted an additional pension in accordance with paragraph

(2).

(2) The additional pension referred to in paragraph (1) shall be calculated in the following manner –

- (a) for Constables born on or before March 31, 1963 and enlisted in the service before April 1, 2018, such pension shall be calculated at the annual rate of one five-hundred and fortieth of his pensionable emoluments for each complete month of his pensionable service;
- (b) for Constables born after March 31, 1963 and enlisted in the public service before April 1, 2018, such pension shall be calculated at the annual rate of –
 - (i) one five-hundred and fortieth of his pensionable emoluments for each complete month of his pensionable service, for service up to March 31, 2018; and
 - (ii) one six-hundredth of his pensionable emoluments for each

complete month of his pensionable service, for service after March 31, 2018;

- (c) for Constables enlisted in the service as at April 1, 2018, such pension shall be calculated at an annual rate of one six-hundred and sixty-seventh of his pensionable emoluments for each complete month of his pensionable service.

(3) This regulation shall not apply in the case of a Constable who is injured or contracts a disease during the discharge of his duty and is eligible to receive an award under regulation 22:

However 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.

Continuity of service in relation to Constables.

24. – (1) Subject to paragraphs (2) and (3), only continuous service shall be taken into account for the purpose of the grant of a pension, gratuity or other allowance under the Act or these Regulations; and for the purpose of this regulation, the service of a Constable shall be deemed to be continuous if he is re-enlisted immediately on, or within three months of the termination of a previous period of enlistment:

However the Governor-General may, in any special circumstance, declare any service to be continuous service for the purpose of this regulation notwithstanding any break in such service.

(2) Subject to paragraph (3), any break in service shall be disregarded for the purposes of paragraph (1) if the period of service when added together total not less than ten years.

(3) Unless the Governor-General in any particular case, on such terms and conditions as he thinks fit, otherwise directs, the following

shall not be taken into account for the purposes of this regulation –

- (a) any period of temporary service which was not immediately followed by an enlistment in which the Constable was confirmed;
- (b) any period of service during which the Constable was, by virtue of the terms of his appointment, on probation if either the Constable was not confirmed in the appointment or the service was not immediately followed by a permanent appointment in which the Constable was confirmed;
- (c) any period of service in respect of which the Constable was previously awarded benefits under the Act;
- (d) any period of service which preceded the dismissal of the Constable on the ground of misconduct;
- (e) any period of service in respect of which a refund was made to a Constable pursuant to section 12 of the Act.

War service. 25. Where a Constable serves with the Jamaica Defence Force in time of war (in this regulation referred to as “military service”), or in any civilian employment connected with the prosecution of the war (in this regulation referred to as “civilian service”), and before so serving had been employed in the Force, then the following provisions shall have effect –

- (a) during the period of such military or civilian service, including in the case of –
 - (i) military service, any period of service with the Jamaica Defence Force after the termination of the war (which period shall be included in the expression “military

service”);

- (ii) civilian service, any period of civilian employment which may be approved by the Governor-General, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war and connected with the prosecution thereof (which period shall be included in the expression “civilian service”),

such Constable shall be deemed to have been on leave on full salary from the rank last held by him in the Force prior to such military or civilian service;

- (b) during any period between his leaving the Force for the purpose of serving in the Jamaica Defence Force or in any such civilian employment and the date of his commencing such military or civilian service, he shall be deemed to be on leave without salary, not granted on grounds of ill health or public policy, from the rank in the Force last held by him prior to such military or civilian service, and during any period between the termination of his military or civilian service and the date of his re-entering the Force he shall, for such purposes, be deemed to be on leave as aforesaid from the rank in the Force in which he is re-employed:

However –

- (i) this regulation shall not apply when either period mentioned in subparagraph (b) exceeds three months, or such longer period as the Governor-General, may in any

- special case determine, or if the Constable fails after such military or civilian service, to re-enter the Force otherwise than in circumstances in which he would be permitted, under the Act and these Regulations to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military or civilian service;
- (ii) if during any period mentioned in subparagraph (a) the Constable has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, subparagraph (a) shall, in respect of that period, have effect as if the words “leave without salary not granted on grounds of public policy or ill health” were substituted for the words “leave on full salary”;
- (iii) if during his military or civilian service the Constable is injured or killed he shall not be deemed to have been injured or killed in the discharge of his duty;
- (iv) the provisions of this regulation which require that the Constable shall be deemed to have held a specified rank and to have been on leave from such rank, shall not apply in respect of any period during which he has actually held any other substantive office in the public service and has been on leave therefrom.

**Transfer of
Constables to
public service.**

26. Where a Constable is appointed to a post in the public service to

which the Act or these Regulations are not applicable, his service in such post immediately following his service as a Constable, and retires therefrom in circumstances under which he is eligible for pension, gratuity or other allowance under any law or regulations which are applicable to such public service, he may be granted in respect of his service as a Constable, a pension or gratuity, as the case may be, in accordance with the provisions of regulation 19 or 20 (as the case may be); and for the purpose of calculating the amount of –

- (a) such pension, his salary shall be determined by reference to the salary enjoyed by him at the date of his appointment to a post in the public service; or
- (b) such gratuity, his salary shall be determined at the date of his appointment to a post in the public service:

However, for the purpose of determining whether a Constable appointed to a post in the public service, as aforesaid, qualifies by length of service for a pension or alternatively for a gratuity under these Regulations, the Governor-General may, either generally or in any particular case, direct that the period of service in a post in the public service as aforesaid may be taken into account as if it were service as a Constable.

Service in a pensionable office may be counted as qualifying service.

27. Where the service of a Constable immediately follows a period of service in a pensionable office within the meaning of the *Pensions (Public Service) Act*, the period of such pensionable office may be taken into account for the purpose of determining whether the Constable qualifies by length of service for a pension or alternatively for a gratuity under these Regulations.

- Service in the Jamaica Defence Force.** 28. For the purposes of the Act and these Regulations, where a Constable retires from the service of this Island and his service, which is pensionable under these Regulations, follows a period of service in a pensionable office in the Jamaica Defence Force, the Governor-General may, either generally or in any particular case, direct that the period of such pensionable office may be taken into account for the purpose of these Regulations as pensionable service in substitution for, or as qualifying service, in addition to any pension or gratuity for which he may be eligible under the Act and these Regulations.
- Gratuity and reduced pension.** 29. – (1) Any Constable to whom a pension is granted under regulation 19 may at his option, exercisable on his retirement from the Force, or in the event of his appointment to a post in the public service to which this Act is not applicable, from such public 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.
- (2) Where a Constable has exercised his option of a gratuity and a reduced pension, pursuant to paragraph (1), he shall continue to receive a reduced pension until he dies and his decision shall be irrevocable in so far as it concerns any pension granted to him under this Act.
- Emoluments to be taken into account in computing pension or gratuity in cases of break in service.** 30. Where a Constable has had a period of less than three years pensionable service immediately preceding the date of retirement but, pursuant to regulation 24(2), any break in service is disregarded in determining his pensionable service, that break shall also be disregarded for the purposes of determining his pensionable emoluments under that 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.

PART V. *Compassionate Gratuities*

Definition. 31. – (1) For the purposes of this Part –

“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 prior to the corresponding date in the same month of the following year;

“dependant” means a person whom the deceased was legally liable to maintain, whether or not he actually maintained the person or a person to whom the deceased made regular contributions that were necessary for the person’s support;

“effective year” means a calendar year in which the employee has worked for one hundred and fifty-six or more working days, (including leave or full or half pay) and includes any period of service which is not a full calendar year but in which the employee has worked for one hundred and fifty-six or more working days;

“employee” means a person holding public office for the purposes of Chapter IX of the *Constitution of Jamaica* and who is temporary, casual, part-time or a daily paid employee and includes –

- (a) similar employees on the administrative staff of a school or college; and
- (b) a retired employee who, subsequent to his retirement, served on a temporary, casual, daily paid or part time basis;

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

“wages” means the regular amounts 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) In respect of an employee who has, during the last effective year of his service, been granted leave on half pay or without pay, if his retirement takes effect on or after the 1st day of April, 1958, or if, on or after that date, he dies while in the service of the Government of this Island, such employee shall, for the purpose 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.

**Granting of a
compassionate
gratuity.**

32. – (1) Subject to the provisions of this regulation, an employee may be granted, on retirement from the public service, a compassionate gratuity of an amount not exceeding –

- (a) five weeks’ wages for each effective year, in respect of employees with ten or more effective years of service; or
- (b) three weeks’ wages for each effective year, in respect of employees with at least two but less than ten effective years of service.

(2) Pursuant to paragraph (1), a compassionate gratuity shall not be granted where the employee is eligible for retiring benefits in respect of such service under any law or regulation.

(3) No such gratuity shall be granted unless –

- (a) the employee has attained the normal retirement age; or

(b) the service of the employee has been terminated prior to his attaining the normal retirement age otherwise than by reason of voluntary resignation or misconduct,

and in such case the employee has given services to the satisfaction of the head of the Department in which he was last employed.

(4) Subject to paragraph (5), an employee may be granted, on early retirement from the public service, a compassionate gratuity on medical evidence, to the satisfaction of the Governor- General, that he is incapable of discharging his duties efficiently by reason of any infirmity of body that is likely to be permanent or an infirmity of mind.

(5) A compassionate gratuity shall not be granted unless the employee has had two or more continuous effective years of service –

- (a) under the Government;
- (b) partly under such Public Service and partly in the service of a Local Authority; or
- (c) with one or more schools.

(6) In determining the period of service for which a compassionate gratuity may be granted, 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 a non-effective year was caused through the illness of the employee;
- (b) prior to the voluntary resignation or dismissal of the employee for misconduct.

(7) Where an employee meets the requirements to be granted a compassionate gratuity as set out in paragraph (3)(a) or (b), but the head

of the Ministry, Department of Government or an entity listed in the Fourth Schedule to the Act in which the employee last served certifies that his service in that Ministry, Department of Government or an entity listed in the Fourth Schedule to the Act was not entirely satisfactory, then, if the service of such employee included satisfactory service in that Ministry, Department of Government or an entity listed in the Fourth Schedule to the Act or in any other Ministry, Department of Government or an entity listed in the Fourth Schedule to the Act or under a Local Authority, or a school or college, such employee may be granted such reduced gratuity as the Governor-General may direct.

Re-employment after the granting of a compassionate gratuity.

33. – (1) Where an employee who has been granted a compassionate gratuity under regulation 32 –

- (a) is re-employed by the Government of this Island, a Local Authority, or a school or college, within a period not exceeding thirty-six months from the termination of such service; and
- (b) serves thereafter for two or more effective years (hereinafter referred to as the “subsequent service”),

he may, subject to the provisions of sub-paragraphs (2) and (3), be granted a compassionate gratuity, on retirement from the public service, at the expiration of the subsequent service as if the subsequent service had followed immediately on 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 regulation 33(3) and (4).

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

the compassionate gratuity granted to him at the expiration of his subsequent service.

Service of an employee with the Government and Local Authority to be reckoned as effective years of service.

34. Where an employee has served an effective year of service –
- (a) partly under the Government (including service with schools and colleges); and
 - (b) partly in the service of a Local Authority,

then, for the purposes of regulations 32, 33 and 35, such year shall be reckoned as an effective year of Public Service under the Government:

However, any gratuity which may be granted under these Regulations to the employee in respect of that year, shall bear to the gratuity which he might have been granted if his service in that year had been wholly under the Government, the same proportion as the number of working days of his service in that year under the Government or in the service of a Local Authority, in such year.

Payment of a compassionate gratuity to an employee who has had ten or more effective years of service.

35. Where an employee who has had ten or more effective years of service partly under the Government and a Local Authority, retires from such service in circumstances in which he is eligible for a gratuity under any provision similar to this regulation, then such employee may be granted, in respect of his service under the Government, a compassionate gratuity of an amount not exceeding the sum he would have received under regulation 33 had his retirement been from the public service.

Payment of a compassionate gratuity where an employee dies while in service of the Government.

36. – (1) Where an employee, to whom a compassionate gratuity might have been granted under regulation 32 had he retired on the ground of ill health at the date of his death, dies while in the service of the Government, a compassionate gratuity of an amount not exceeding –
- (a) six months' wages may be granted to that employee's

dependants, where the employee has served for at least two years or more but less than ten years; or

- (b) one year's wages may be granted to that employee's dependants, where the employee has served for ten years or more,

or the compassionate gratuity which would have been payable if the employee had retired at the date of his death, whichever is greater.

(2) Where under paragraph (1) there are no dependants of the deceased employee, the payment of compassionate gratuities arising under paragraph (1) (a) and (b), may instead be paid to the estate of the employee.

(3) Where an employee is killed in the line of duty in the circumstances specified in section 28 of the Act, a gratuity similar to that payable under the Act shall be payable as a gratuity to the dependants of the employee so killed.

(4) In calculating the emoluments of temporary, part-time and casual employees not paid on a daily basis to be used for computing compassionate gratuities payable under these Regulations, the following shall apply –

- (a) in determining 5 weeks' wages, multiply the weekly salary by 52 and divide by 10.4;
- (b) in determining 3 weeks' wages, multiply the weekly salary by 52 and divide by 17.3;
- (c) in determining 6 months' wages, multiply the weekly salary by 52 and divide by 2;
- (d) in determining 1 year's wages, multiply the weekly salary by 52;
- and

- (e) in determining the case of daily paid employees, multiply the daily rate of salary by the number of days worked in the last effective year and –
- (i) divide by 10.4, for 5 weeks' wages;
 - (ii) divide by 17.3, for 3 weeks' wages;
 - (iii) divide by 2, for 6 months' wages;
 - (iv) the salary earned for the last effective year shall be used for one year's wages.

Doubt in relation to interpretation of provision of this Part.

37. Where any doubt arises in relation to any matter provided for in this Part or in relation to the interpretation of this Part, the decision of the Governor-General shall be final and conclusive.

PART VI. *Survivor's Benefits for Pensionable Officers*

Definition.

38. – (1) In this Part –

“contributor” means a pensionable officer who makes payments in accordance with section 11 of the Act and includes a person who has ceased to contribute to the Fund by reason of termination, voluntary resignation or retirement;

“higher education” means either a course of full-time instruction at any educational establishment or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than one year; or such other courses of instructions as the Minister with responsibility for education may by order prescribe;

“prescribed age” in relation to any relevant child of a contributor, means the age of nineteen years.

(2) A contributor, relevant child or a surviving spouse should

only be entitled to one pension benefit from any one contributor.

Pension payable to surviving spouse and children.

39. – (1) Upon the death of a contributor –

- (a) if the contributor leaves a surviving spouse, the surviving spouse shall be entitled to pension until his or her death, at an annual rate equivalent to one-third of the pensionable emoluments or pension of the contributor at the date of his death, whichever is applicable;
- (b) if the contributor leaves a child or children under the prescribed age, a pension shall, subject to paragraph (2), be payable to each child until he attains the prescribed age, at an annual rate equivalent to one-sixth of the pensionable emoluments or pension of the contributor at the date of his death, whichever is applicable;
- (c) if the contributor dies without leaving a surviving spouse or children and at the date of his death the aggregate amounts drawn by way of gratuity, pension or other allowance did not amount to one year's pay of such a contributor at the date of his retirement, it shall be lawful for the Governor-General to grant to the legal personal representative of such a contributor a gratuity of an amount not exceeding the difference between the aggregate amounts of the gratuity, pension or other allowance drawn by him and one year's pay at date of retirement.

(2) The pension payable to a contributor's children shall be calculated at the annual rate so determined and shall be divided equally among all such children so that –

- (a) each child, while under the prescribed age, receives pension at a

rate equal to the pension payable to each of the other children;

and

(b) where a child –

(i) attains the prescribed age;

(ii) marries prior to attaining that age; or

(iii) dies under that age,

the portion of the pension that was payable to that child shall

thereafter be payable to the remaining children in equal portion:

However the aggregate benefits payable to such children shall not exceed the pensionable emoluments or pension payable to the contributor at the date of his death.

(3) Where any change in the rate of pension payable to a child of a contributor is affected by a change in the number of such children, the rate of pension shall be adjusted (by increase or reduction as the circumstances may require) with effect from the date of the change in the number aforesaid.

Pension to children of more than one contributor.

40. Nothing in this Part shall be deemed to preclude payment under this Part of more than one pension to a child where the entitlement of such child relates to the interest hereunder of more than one contributor.

Discovery of additional children.

41. Where, subsequent to payment, pursuant to the Act or this Part, of pension to any child of a contributor (hereinafter referred to as an identified child), it is discovered that there is another child of that contributor entitled to pension hereunder but who has not been taken into account in the calculation of the award payable to an identified child –

(a) any amount paid, or due for payment, prior to the date of such discovery, to an identified child shall not be affected by the

discovery but the entitlement of the children of the contributor consequent on such discovery shall, (if necessary having regard to the number of children), be re-calculated and paid with effect from the date of such discovery or from such other date as the Governor-General may, in all the circumstances, consider just, not being a date earlier than the date of the contributor's death;

- (b) neither the Government nor any person concerned with the administration of the Act shall be liable for any failure to ascertain the existence of any such child.

Pensions and gratuities on death of a pensionable officer in the execution of his duties. Parts I, II, III, Schedule .

42. Where a pensionable officer dies while in the line of duty pursuant to section 28 of the Act, pensions or gratuities may be granted in accordance with Part I of the Schedule subject to the terms and conditions specified in Part II of that Schedule; and gratuities may be granted in accordance with Part III of that Schedule.

PART VII. *Teachers with Other Teaching Service*

Application of this Part.

43. This Part shall apply only in the case of a teacher with other teaching service.

Interpretation.

44. In this Part –

“scheduled territory” means any territory mentioned in Part IV of the Schedule and includes the territory of Ceylon, in respect of any teacher who has had teaching service in that territory prior to the 4th day of February, 1948, and the territory of Palestine, in respect of any teacher who has had teaching service in that territory prior to the 15th day of May, 1948;

“service in the group” means teaching service in this Island and in a scheduled territory or scheduled territories.

Pension for service wholly within the group.

45. – (1) Where the other teaching service of a teacher to whom this Part applies has been wholly in one or more scheduled territories and his aggregate service would have qualified him had it been wholly in this Island for a pension under the Act, he may, on his retirement from teaching service in circumstances in which he is permitted by the law or regulations of the teaching service in which he is last employed to retire on pension or gratuity, be granted in respect of his service in this Island 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 in this Island, as the aggregate amounts of his pensionable emoluments during his service in this Island bear to the aggregate amounts of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this regulation the pension for which a teacher would have been eligible if his service had been wholly in this Island –

- (a) in the application of regulation 7, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him during his teaching service, except that where the teacher is not serving in a scheduled territory at the date of his retirement from teaching service, his pensionable emoluments during the last three years of his teaching service in a scheduled territory shall be taken;
- (b) no regard shall be had to any additional pension under regulation 15;
- (c) no period of other teaching service in a scheduled territory in

respect of which no pension or gratuity is granted to him shall be taken into account.

(3) For the purposes of the regulation the aggregate amount of a teacher's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay throughout the period of his service in the group subsequent to the attainment of the age of eighteen years and prior to the attainment of the age of sixty-five years:

Provided that in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service in a scheduled territory in respect of which no pension or gratuity is granted to him.

Pension where other service not within the group.

46. – (1) Where the other teaching service of a teacher to whom this Part applies has not included service in any of the scheduled territories, and his aggregate service would have qualified him, had it been wholly in this Island for a pension under these Regulations, he may, on his retirement from teaching service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service in this Island, a pension in accordance with regulation 11.

(2) Where the teacher is in other teaching service at the time of his retirement in the circumstances referred to in paragraph (1), his pensionable emoluments for the purposes of such paragraph shall be those which would have been taken for the purpose of computing his pension if he had retired from teaching service and been granted a pension at the date of his last transfer from the service of this Island.

Pension where other teaching service both within and not within the group.

47. Where a part only of the other teaching service of a teacher to whom this Part applies has been in one or more of the scheduled territories, the provisions of regulation 45 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

PART VIII. *Registers and Service Credit Records*

Service to be categorized as teaching service.

48. The Governor General may either generally or in relation to any particular case, declare that any period of service in a teaching capacity in an institution approved by the Minister responsible for Education which is not a secondary school, training college or primary school, shall be teaching service for the purpose of these Regulations:

However, where any such declaration has been made, then any pension or gratuity granted to a teacher under these Regulations in respect of such period of service shall be in lieu of any pension or gratuity which might have been granted to him under any other enactment in respect of such period of service.

Keeping of registers and service credit records in relation to teachers.

49. – (1) The Minister responsible for Education shall cause to be kept, subject to such conditions as he may impose, registers in which, shall be entered, in accordance with information supplied in the manner provided under paragraph (2), the following particulars –

(a) in respect of service as a teacher in the island –

(i) the full name and the age of every person appointed as a teacher in a secondary school, training college, primary school, or institution approved by the Governor-General, and the school, college or institution, to which he is appointed;

(ii) the date of commencement and termination of every such

appointment, and the nature, salary and allowances in respect thereof;

(iii) all periods of leave, whether on full, half or no pay;

(b) in respect of other teaching service –

(i) the full name and the age of every teacher appointed in a teaching capacity in an approved school, and the school to which he is appointed;

(ii) the date of commencement and termination of every such appointment, and the nature, salary and allowances in respect thereof;

(iii) all periods of leave, whether on full, half or no pay.

(2) The particulars required to be entered in the registers under this regulation shall be supplied –

(a) in respect of service as a teacher in Government, by the governing body of the school, college, or institution, in respect of which the appointment is held;

(b) in respect of other teaching service, by the governing body.

(3) The Minister responsible for Education may require any particulars supplied under paragraph (2) to be verified to his satisfaction prior to their entry in the registers.

(4) Where the particulars required to be supplied under paragraph (2) are not so supplied or where they are incorrectly supplied, the Minister responsible for Education may take such action, including correction of the particulars of the register, as he may consider necessary.

(5) No service which is not entered in the registers in accordance with the provisions of this regulation shall be registered service:

However, where any teacher has registered service in a secondary school or training college, or recorded service in a primary school, within the meaning of any enactment relating to registered service in force immediately prior to the commencement of these Regulations, all such registered or recorded service shall be deemed to be registered service under these Regulations.

(6) No service in respect of which a teacher does not draw a salary, other than a period during which a teacher was absent from duty on leave without salary, shall for the purpose of computing qualifying service be regarded as registered service whether such service has in fact been entered in the registers or not.

Keeping of service credit records in relation to pensionable officers and an officer employed in a pensionable office.

50. – (1) The Ministry, Department of Government or an entity listed in the Fourth Schedule to the Act in which a pensionable officer and an officer in a pensionable office are employed shall keep service credit records with the following particulars –

- (a) the name of each pensionable officer and an officer employed in a pensionable office;
- (b) the date of birth of each pensionable officer and an officer employed in a pensionable office;
- (c) the date on which each pensionable officer and an officer employed in a pensionable office enters the public service;
- (d) the date on which each pensionable officer and an officer employed in a pensionable office leaves the public service;
- (e) the pensionable emoluments of each pensionable officer and an officer employed in a pensionable office;
- (f) the position held by the pensionable officer and an officer

employed in a pensionable office in the public service and any promotions granted to the public officer;

- (g) leave that is relevant to pension, study, vacation and no-pay leave; and
- (h) the period of pensionable service of each pensionable officer and an officer employed in a pensionable office.

(2) Pursuant to paragraph (1), all records shall be held electronically, in a secure government system.

Effective date of Regulations. 51. These Regulations shall come into effect on April 1, 2018.

SCHEDULE**(Regulation 42)****PART I***Pension which may be Granted Pursuant to Regulation 42*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
1	Surviving spouse of the pensionable officer		Two-thirds of the officers' annual pensionable emoluments at the date of his death.
2	Each child of the pensionable officer	<p>A. If the pensionable officer leaves a surviving spouse to whom a pension is granted under item 1 and does not leave a mother or father, as the case may be, who is eligible for pension under item 3</p> <p>B. If the pensionable officer leaves a surviving spouse to whom a pension is granted under item 1 and also a mother or father, as the case may be, who is eligible for a pension under item 3</p> <p>C. If the pensionable officer leaves no surviving spouse to whom a pension is granted under item 1 but leaves a mother or father, as the case may be, to whom a pension is granted under item 3</p> <p>D. If the pensionable officer leaves neither</p>	<p>A. An aliquot part, determined in accordance with Part II, of one-third of the officer's annual pensionable emolument at the date of his death.</p> <p>B. An aliquot part (determined as aforesaid) of one-sixth of the annual pensionable emoluments of the pensionable officer at the date of his death.</p> <p>C. An aliquot part (determined as aforesaid) of the pension specified in item 1.</p> <p>D. An aliquot part (determined as</p>

a surviving spouse to whom a pension is granted under item 1 nor a mother or father, as the case may be, to whom a pension is granted under item 3 and there are not more than three children of the pensionable officer eligible for pension under this Table

aforesaid) of the pension specified in item 1.

- | | |
|--|---|
| <p>E. If the circumstances with regard to a surviving spouse and mother or father are as in paragraph D but the number of children of the pensionable officer eligible for pension under this Table exceeds three</p> | <p>E. An aliquot part (determined as aforesaid) of the annual pensionable emoluments of the pensionable officer at the date of his death.</p> |
| <p>F. If the pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the mother or father, as the case may be, pension ceases to be payable under item 3 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B</p> | <p>F. An aliquot part (determined as aforesaid) of one-half of the pension payable under item 1.</p> |
| <p>G. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the surviving spouse,</p> | <p>G. An aliquot part (determined as aforesaid) of the pension payable pursuant to item 1.</p> |

pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B

- | | | | |
|---|---|---|--|
| 3 | The pensionable officer's mother or, where the mother is dead, the officer's father | <p>A. If the pensionable officer leaves a surviving spouse to whom pension is payable under item 1 and a child or children to whom a pension is payable under item 2</p> <p>B. If the pensionable officer leaves a child or children to whom pension is payable under item 2 but leaves no surviving spouse to whom pension is payable under item 1</p> <p>C. If the pension is payable pursuant to paragraph A and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of pension payable under paragraph A</p> | <p>A. One-sixth of the officer's annual pensionable emoluments at the date of his death.</p> <p>B. One-third of the officer's annual pensionable emoluments at the date of his death.</p> <p>C. One-third of the officer's annual pensionable emoluments at the date of his death.</p> |
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PART II

Terms and Conditions Applicable to the Payment of Pensions under Part I

1. Payment of pension to a surviving spouse shall be made only while

that spouse is unmarried.

2. In the case of pensions granted to two or more children of a pensionable officer under item 2 of Part I, the pension payable to each child shall be determined by dividing the pension which would be payable to one such child equally among such children as are eligible for pension under that Part.

3. – (1) A child shall cease to be eligible for pension under this Part on attaining the age of nineteen years; so, however, that –

- (a) a child who is receiving higher education shall continue to be eligible until that child attains the age of twenty-three years or completes the course of higher education, whichever is earlier;
- (b) a child who was mentally or physically incapacitated at the time of the officer's death and was wholly or mainly dependent on him for support may, if the Governor-General so directs, be treated as continuing to be eligible, after attainment of the age of nineteen years, during the period of incapacity or for such shorter period as the Governor-General may determine; and the Governor-General may, if he sees fit, increase or reduce the amount of pension payable in respect of that child to such amount as the Governor-General thinks fit, so, however, that where such amount is increased, the total amount of pension payable in respect of all dependants of that pensionable officer shall not exceed his pay at the date of his death;
- (c) a child shall cease to be so eligible upon the marriage of that child under the age of nineteen years.

(2) For the purposes of sub-paragraph (1)(a) "higher education" means either a course of full-time instruction at any educational establishment approved for that purpose by the Minister responsible for education or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than one year.

4. Payment of a pension to the mother of a pensionable officer shall be made only if the mother was wholly or mainly dependent on the deceased pensionable officer for support and while the mother is without adequate means of support, and if the mother is unmarried, divorced or a widow, 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 Governor-General, at any time, that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

5. Payment of a pension to the father of a pensionable officer shall be made only while the father is without adequate means of support and if it appears to the Governor-General, at any time that the father is adequately provided with other means of support, such pension shall

cease as from such date as the Governor-General may determine.

PART III

Gratuities which may be Granted Pursuant to Regulation 42

1. Without prejudice to any pension payable pursuant to Part I, a gratuity may be granted in accordance with this Part to the dependants of a pensionable officer or, if there are no dependants, to the officer's legal personal representatives.

2. Such gratuity shall –

(a) in respect of a pensionable officer who dies from injuries received after the 1st day of July, 1974, but before the 1st day of January, 1978, not exceed –

(i) ten thousand dollars; or

(ii) a sum equal to two years' pensionable emoluments of the pensionable officer at the date of his death; or

(iii) the aggregate of one year's pensionable emoluments of the pensionable officer at the date of his death plus 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;

(b) in respect of a pensionable officer who dies from injuries received on or after the 1st day of January, 1978, but before the 1st day of April, 1988, not exceed –

(i) twenty thousand dollars; or

(ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

(c) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 1988, but before the 1st day of April, 1992, not exceed –

(i) one hundred thousand dollars; or

(ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

(d) in respect of a pensionable officer who dies from injuries

received on or after the 1st day of April, 1992, but before the 1st day of April, 1994, not exceed –

- (i) three hundred thousand dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (e) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 1994, but before the 1st day of April, 1996, not exceed –

- (i) five hundred thousand dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (f) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 1996, but before the 1st day of October, 1999, not exceed –

- (i) one million dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (g) in respect of a pensionable officer who dies from injuries received on or after the 1st day of October, 1999, but before the 1st day of April, 2000, not exceed –

- (i) one million seven hundred and fifty thousand dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (h) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 2000, but before the 1st day of April, 2005, not exceed –

- (i) four million dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (i) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 2005, but before the 1st day of April, 2006, not exceed –

- (i) four million five hundred thousand dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (j) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 2006, but before the 1st day of April, 2008, not exceed –

- (i) six million dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (k) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 2008, but before the 1st day of April, 2013, not exceed –

- (i) eight million dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater;

- (l) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 2013, but before the 1st day of April, 2015, not exceed –

- (i) ten million dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater; and

- (m) in respect of a pensionable officer who dies from injuries received on or after the 1st day of April, 2015, not exceed –

- (i) twelve million dollars; or
- (ii) the aggregate of the amounts specified in subparagraph (a)(iii),

whichever is the greater.

3. – (1) The Minister may, by order subject to affirmative resolution increase the amount of any gratuity payable in respect of a pensionable officer who dies from injuries received on or after the relevant date.

(2) In this paragraph "relevant date" means a date specified in the order, being a date falling after the 1st day of April, 2000.

4. For the purposes of this Part "dependants" means any person entitled to a pension under Part I.

5. In this Part "commuted pension gratuity" means the gratuity, if any, which might have been granted to the pensionable officer under regulation 18 or 30 if he had retired at the date of his death in the circumstances described in section 15(1)(c) and had elected to receive a gratuity and reduced pension.

6. A gratuity granted in accordance with this Part shall be divided among the dependants as follows –

- (a) if there is a surviving spouse, that spouse shall be granted fifty *per cent* of the gratuity or such higher percentage as the Governor-General may approve and the remainder shall be divided among any other dependants in such proportion as the Governor-General thinks fit;
- (b) if there is no surviving spouse, the gratuity shall be divided among the dependants in such proportion as the Governor-General thinks fit.

PART IV

Gratuities for Teaching Service in Other Territories Pursuant to Regulation 44

Aden

Bahamas

Barbados

Basutoland

Bechuanaland Protectorate

Bermuda

British Guiana

British Honduras

British Solomon Islands Protectorate

Cayman Islands
Cyprus
Dominica
Falkland Islands
Federated Malay States
Federation of Nigeria
Federation of Malaya
Federation of Rhodesia and Nyasaland
Fiji
Gambia
Ghana
Gibraltar
Gilbert and Ellice Islands Colony
Gold Coast
Grenada
Hong Kong
Kenya
Leeward Islands
Malayan Establishment
Malayan Union
Malta
Mauritius
Nigeria
Nigeria-Eastern Region
Nigeria-Northern Region
Nigeria-Western Region

Northern Rhodesia

Nyasaland

St. Helena

St. Lucia

St. Vincent

Seychelles

Sierra Leone

Singapore

Somaliland

Straits Settlements

Swaziland

Tanganyika territory

Trinidad

Turks and Caicos Islands

Uganda

Zanzibar

Dated this 15th day of February 2018.



Minister of Finance and the Public Service

