

**Defence**

**DEFENCE (PENSION) REGULATIONS, 2007**

**ARRANGEMENT OF REGULATIONS**

REGULATION

PART I

*Preliminary*

1. Citation.
2. Interpretation.
3. Application.

PART II

*Establishment and Administration of the Fund*

4. Establishment and resources of the Fund.
5. Establishment and constitution of the Committee.
6. Functions of the Committee.
7. Accounts, audit and report.

PART III

*General*

8. Pension or terminal grant not a right.
9. Compulsory deduction.
10. Power to reduce pension in certain cases.
11. Pension in cases of bankruptcy.

REGULATION

PART IV

*Officers and Soldiers*

12. Grant of pensions.
13. Some pensions a charge on the Consolidated Fund.
14. Maximum pension.
15. Contributory pension.
16. Voluntary contributions.
17. Return of deductions.
18. Compulsory retirement for officers.
19. Compulsory retirement for soldiers.
20. Break in service preceding 5-year interval.

PART V

*Benefits to dependants on death of officer or soldier*

21. Cessation of pension.
22. Time barred claims.

PART VI

*Allowances for injuries or death in the discharge of duty*

23. Definition.
24. Persons of unsound mind.
25. Special allowances for injuries.
26. Allowance to dependants of officers and soldiers who die in execution of duty.

REGULATION

PART VII

*Miscellaneous*

27. Appeal.

---

FIRST SCHEDULE

---

SECOND SCHEDULE



**Defence**

Cap. 159.

**DEFENCE (PENSION) REGULATIONS, 2007**

2007/108.

**Authority:** These Regulations were made on 16th October, 2007, by the Defence Board under section 224(2)(c) of the *Defence Act*.

**Commencement:** 29th October, 2007.

**PART I***Preliminary*

**1.** These Regulations may be cited as the *Defence (Pension) Regulations, 2007*. Citation.

**2.** (1) In these Regulations,

Interpreta-  
tion.

"Committee" means the Defence Force Pensions Committee established by regulation 5;

"Force" means the Barbados Defence Force;

"Fund" means the Barbados Defence Force Pension Fund established by regulation 4;

"officer" means a person who is granted a Queen's Commission in the Barbados Defence Force;

"pay" includes qualification pay, but does not include allowances;

"pensionable emoluments" means the amount of pay received or receivable by an officer or soldier in his substantive post during his last 3 years of service;

"permanently disabled" means such disablement as is of a permanent nature and which reduces the earning capacity of an officer or soldier in every employment which he is capable of undertaking;

"public claim" means

- (a) any public debt or disallowance including any over issue or advance of pay, pension or other emoluments made through an error as to the facts; or
- (b) the sum required to make good
  - (i) any loss, deficiency, or irregular expenditure of public money; or
  - (ii) any deficiency, loss, damage or destruction of public stores, building or other public property of which, after due investigation, no explanation satisfactory to the Defence Board is given by the person who is responsible for the same;

"regular Force" means the regular Force as established by section 4 of the Act;

"service claim" means any service debt or sum required to make good any loss, deficiency or irregular expenditure of service money of which, after due investigation, no explanation satisfactory to the Defence Board is given by the person who is responsible for the same;

"terminal grant" means a grant that is paid to an officer or soldier on discharge from the Force.

Application. **3.** For the purposes of these Regulations, a reference to an officer or a soldier does not include

- (a) a person serving in the Force by virtue of a contract between that person and the Government of Barbados; or
- (b) a person serving in the Force by virtue of a contract between that person and the Defence Board.

## PART II

*Establishment and Administration of the Fund*

- 4.** (1) There is established the Defence Force Pension Fund. Establishment and resources of the Fund.
- (2) The resources of the Fund shall consist of
- (a) monthly contributions deducted from the salaries of every officer and soldier serving in the Force beginning on the date of publication of these Regulations in the *Official Gazette*;
- (b) any sum of money becoming payable to or otherwise acquired by the Fund; and
- (c) moneys voted by Parliament for the purposes of the Fund.
- 5.** (1) There is established a Defence Force Pensions Committee. Establishment and constitution of the Committee.
- (2) The *First Schedule* has effect with respect to the Constitution of the Committee and otherwise in relation thereto. First Schedule.
- 6.** The Committee shall be responsible for the Functions of the Committee.
- (a) administration of the Fund; and
- (b) disbursement from the Fund of contributory pensions to eligible officers and soldiers.
- 7.** (1) The Committee shall keep proper accounts of the Fund and proper records in relation to those accounts. Accounts, audit and report.
- (2) The accounts referred to in paragraph (1) shall be audited annually by a qualified auditor appointed by the Committee with the approval of the Defence Board.

(3) The Committee shall not later than the 31st day of March in each year cause to be prepared a report containing

- (a) the account of all transactions relating to the Fund throughout the preceding year; and
- (b) a statement of account relating to the Fund that is audited by the Auditor-General or by the auditor appointed under subsection (2).

### PART III

#### *General*

Pension or terminal grant not a right. **8.** No officer or soldier referred to in these Regulations shall have an absolute right to a pension or terminal grant under these Regulations.

Compulsory deduction. **9.** The Defence Board may order deductions to be made from any pension or terminal grant awarded to any person pursuant to these Regulations for the purpose of meeting any public claim or service claim.

Power to reduce pension or terminal grant in certain cases. **10.** (1) The Defence Board may withhold or reduce any pension or terminal grant awarded under these Regulations where

- (a) the Board is satisfied that the pension or terminal grant was obtained by the willful suppression of material facts or was granted in ignorance of facts which had they been known at the time of the payment of the pension or terminal grant, would have justified the reduction or withholding thereof; or
- (b) the officer or soldier to or in respect of whom a pension or terminal grant is awarded is sentenced to death or to any term of imprisonment by any court of competent jurisdiction whether in Barbados or elsewhere, for a crime or an offence, or is in the opinion of the Board unworthy of a pension or terminal grant from the public funds.



(2) Where a pension or terminal grant has been withheld or reduced under paragraph (1), the Defence Board may, where it considers it equitable to do so, restore the whole or part of the pension or terminal grant.

**11.** (1) No pension or terminal grant shall be awarded to an officer or soldier who

Pension or  
terminal  
grant in  
cases of  
bankruptcy.

(a) has been adjudicated a bankrupt; or

(b) is declared insolvent

by a judgement of a court of competent jurisdiction, whether in Barbados or elsewhere, and has not obtained his discharge from such adjudication or declaration.

(2) Where an officer or soldier to whom a pension or terminal grant has been awarded under these Regulations is adjudicated a bankrupt or is declared insolvent by a judgment of a court of competent jurisdiction, whether in Barbados or elsewhere, that officer or soldier's pension or terminal grant shall cease.

(3) Notwithstanding paragraph (2), the Defence Board may, during the lifetime of an officer or soldier or a shorter period, cause all or part of the moneys to which the officer or soldier would have been entitled by way of pension or terminal grant, had he not become bankrupt or insolvent, to be paid or applied for the maintenance and personal support of himself, his spouse or any child of his in such proportions and manner as the Defence Board thinks proper; and any moneys applied for the discharge of that officer's or soldier's debt shall for the purposes of this paragraph be regarded as applied for the officer's or soldier's benefit.

(4) Where an officer or soldier referred to in paragraph (1) obtains a discharge of his bankruptcy or insolvency, that officer's or soldier's pension or terminal grant may be awarded or restored to him with effect from the date of the discharge.

## PART IV

*Officers and Soldiers*

Grant of  
pensions  
and terminal  
grants.

**12.** (1) Subject to the provisions of the Act and these Regulations, every officer and soldier who has been in the service of the Force for 36 months or more may be granted, on retirement,

- (a) a pension; and
- (b) a terminal grant.

(2) The payment of a pension to an officer or soldier pursuant to paragraph (1)(a) shall be suspended where that officer or soldier

- (a) has completed 15 years of colour service, until the officer or soldier has obtained the age of 45 or sooner dies; or
- (b) has completed less than 15 years of colour service, until the officer or soldier has obtained the age of 67 or sooner dies.

(3) The payment of a pension to an officer or soldier pursuant to paragraph (1)(a) shall be made immediately where the officer or soldier satisfies the Defence Board that he has been permanently injured

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

(4) A terminal grant made pursuant to paragraph (1)(b) shall be paid to an officer or soldier immediately at the end of his service with the Force.

(5) The terminal grant paid pursuant to paragraph (1)(b) shall be calculated in the manner set out in the *Second Schedule*.

Second  
Schedule.

**13.** (1) There shall be charged on and paid out of the Consolidated Fund such sums of money as may be granted by way of a pension or terminal grant under these Regulations.

Pensions and terminal grants a charge on the Consolidated Fund.

(2) The sum of money referred to in paragraph (1) shall be paid to every officer and soldier who has served in the Force during the period commencing on the 23rd November 1978 and ending on the date of publication of these Regulations in the *Official Gazette*.

**14.** (1) A pension granted to an officer or soldier under these Regulations shall accumulate at the rate of 2.67 per cent per annum or such other rate as may be determined by the Defence Board.

Maximum pension.

(2) A pension granted to an officer or soldier under these Regulations shall not exceed  $66\frac{2}{3}$  per cent of the highest pensionable emoluments drawn by that officer or soldier at any time during the course of his service with the Force.

**15.** (1) As from the date of publication of these Regulations in the *Official Gazette*, there shall be deducted from the basic pay of every officer and soldier of the regular Force such sums as may be prescribed by the Defence Board.

Deduction of contributions.

(2) The sums deducted in accordance with paragraph (1) shall be applied to the Fund, and shall be used for the payment of pensions and terminal grants to officers and soldiers who are eligible to receive the pensions and terminal grants.

**16.** Every officer and soldier may in addition to the deductions referred to in regulation 15(1) make additional voluntary contributions into the Fund for the purpose of increasing the value of any payment of pensions and terminal grants to which they may be eligible.

Voluntary contributions.

**17.** Where an officer or soldier leaves the Force without being eligible for a pension or terminal grant under these Regulations, he is entitled to receive all deductions made from his basic pay with interest thereon at a rate to be prescribed by the Defence Board.

Return of deductions.

Compulsory retirement for officers. 1979/162. **18.** (1) Every officer shall retire on attaining the age limits set out in regulation 6(1) of the *Defence (Officers) Regulations, 1979.*

(2) Notwithstanding paragraph (1), an officer who has attained the retirement age appropriate to his rank may, on the recommendation of the Defence Board and in accordance with regulation 6(3) of the *Defence (Officers) Regulations, 1979,* be permitted to continue in service.

Compulsory retirement for soldiers. **19.** (1) Every soldier shall retire from the Force after completing 25 years colour service in accordance with section 21(1) of the Act.

(2) Notwithstanding paragraph (1), a soldier who has completed 25 years colour service may be permitted to continue in the service of the Force in accordance with section 21(2) or section 22 of the Act.

Break in service preceding 5-year interval. **20.** (1) The service of an officer or a soldier that precedes a 5-year interval shall not be included for the purpose of assessing the reckonable service of that officer or soldier unless especially allowed by the Defence Board in exceptional cases; and eligibility to count that service shall normally be determined at the time the service has resumed.

(2) For the purposes of this regulation, "reckonable service" means service which is taken into account when computing the pension and terminal grant of an officer or soldier, and includes

- (a) full pay service as an officer or soldier in the Force;
- (b) in the case of an officer, service below the commissioned rank;
- (c) full pay service between 23rd November 1978 and 10th November, 1979 as a member of the permanent cadre of the Barbados Regiment; or
- (d) any other equivalent service approved in each case by the Defence Board.

**PART V***Benefits to dependants on death of officer or soldier*

- 21.** Payment of pension shall cease on the death of the pensioner. Cessation of pension.
- 22.** Except in such exceptional cases as may be approved by the Committee, no claim shall be admitted for any pension or terminal grant under these Regulations relating to any period more than 12 months prior to the date of the claim. Time-barred claims.

**PART VI***Allowances for injuries or death in the discharge of duty*

**23.** For the purposes of this Part, reference to "officers and soldiers" shall be construed to include officers and soldiers of the Regular and Reserve Units of the Force. Definition.

**24.** Where an officer or soldier is or becomes of unsound mind, the Defence Board may direct that his pension, or such part of it as appears necessary for his care and maintenance, be paid to the person Persons of unsound mind.

(a) in whose care he may be; or

(b) who may be responsible for the cost of his care and maintenance;

and the receipt by the person or persons to whom the whole or part of a pension is so paid shall be a sufficient discharge therefor.

**25.** (1) Subject to paragraph (2), where an officer or soldier has been permanently disabled Special allowances for injuries.

(a) in the actual discharge of his duty;

(b) without his own default; and



(2) The allowance granted under paragraph (1) shall not exceed two-thirds of the highest pensionable emoluments of the officer or soldier concerned at the date of his death.

(3) For the purposes of this regulation,

(a) where a deceased officer or soldier is female, reference to "widow" shall be construed as a reference to "widower", and all benefits accruing to the "widow" shall be construed as accruing to the "widower"; and

(b) "child" or "children" include an adopted child or children.

## PART VII

### *Miscellaneous*

**27.** (1) An officer or soldier who is aggrieved by a decision of the Committee with respect to the Appeal.

(a) administration of the Fund; and

(b) the disbursement of any contributory or non-contributory pension

may appeal to a Judge in Chambers against that decision.

(2) Where an appeal is made pursuant to paragraph (1) and the appellant dies before the appeal is heard, the appellant may be represented by his legal personal representative or by such other person as the Committee may determine.

(3) The decision of the Judge is final.





**3.** (1) The Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the Defence Board; and from the date of the receipt of the instrument by the Defence Board, the Chairman or Deputy Chairman ceases to be Chairman or Deputy Chairman and a member of the Committee unless some other date is mentioned in the instrument. Resignation of Chairman, Deputy Chairman or member.

(2) A member of the Committee other than the Chairman may resign his office by instrument in writing addressed to the Defence Board, and from the date of the receipt of the instrument by the Defence Board the member ceases to be a member of the Committee.

**4.** The Defence Board shall terminate the appointment of a member where the member Revocation of appointment.

- (a) fails without reasonable excuse to attend 3 consecutive meetings of the Committee unless the failure to attend was approved by the Defence Board;
- (b) has become bankrupt or has made an arrangement with his creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) engages in fraudulent or other dishonest behaviour, or behaviour conflicting with the discharge of his duties as a member of the Committee.

**5.** (1) The Committee shall regulate its own procedure and shall meet at such times as may be necessary or expedient for the transaction of its business; and such meetings shall be held on such days and at such times as the Committee determines. Procedure.

(2) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Committee, and in the case of the absence of both, the members present and constituting a quorum shall elect a temporary Chairman from among their membership, who shall preside at the meeting.

(3) The Chairman may at any time call a meeting of the Committee, and shall call such a meeting within 7 days after

- (a) receiving a request to do so by at least 3 members of the Committee; or
- (b) receiving a direction to that effect from the Defence Board.

**6.** A quorum of the Committee at any meeting is 3 members. Quorum.

- Decisions.      **7.** The decisions of the Committee shall be by a majority of votes, and where the voting is equal the Chairman has, in addition to his original vote, a second or casting vote.
- Minutes.      **8.** (1) Minutes of each meeting shall be duly kept in proper form by the Secretary appointed by the Committee for the purpose, and shall be confirmed in writing by the Committee at its next meeting and signed by the Chairman or other person presiding at the meeting.
- (2) A copy of the minutes of each meeting recorded by the Secretary shall be submitted to the Defence Board within 21 days of the date of the meeting.
- Attendance of persons at meetings.      **9.** (1) The Chairman may invite any person to attend a meeting of the Committee where the Committee considers it necessary to do so.
- (2) A person referred to in sub-paragraph (1) may take part in the deliberations of the Committee but shall not vote on any matter.
- Leave of absence.      **10.** The Defence Board may grant leave of absence to any of its members, and may appoint a person to act temporarily in the place of that member.
- Notices to be published.      **11.** The appointment and cessation of appointment of the Chairman or a member of the Committee shall be published in the *Official Gazette*.
- Signature and seal.      **12.** (1) All decisions made by the Committee and all documents of the Committee shall be signed by the Chairman or any other person so authorised to act.
- (2) The seal of the Committee shall be kept in the custody of the Chairman or such other member as the Committee may approve.
- Sub-Committees.      **13.** (1) The Committee may appoint sub-committees to examine and report on any matter arising out of or connected with any function of the Committee.
- (2) The sub-committees shall comprise such number of persons as the Committee determines.
- (3) Subject to the directions of the members, the sub-committees may determine their own procedure, and the times and places of their meetings.
- (4) The Committee may reject a report of any sub-committee appointed under this paragraph, or adopt it with or without modification.

---

**SECOND SCHEDULE***(Regulation 12(5))***Calculation of Terminal Grant**

---

Period of Pensionable service (years)	Number of Weeks of pay per year of service
Less than 3 years service	0 weeks
3 but less than 10 years service	2.5 weeks
10 but less than 15 years service	3.5 weeks
15 but less than 20 years service	3.75 weeks
20 up to a maximum of 25 years service	4.0 weeks

---