

Pensions

S.I.
1968/27.

PENSIONS (BARBADOS) (OVERSEAS OFFICERS RETIREMENT AND COMPENSATION) REGULATIONS, 1968

Authority: These regulations were made on 11th March, 1968 by the Governor-General under section 6A of the *Pensions Act*.

Commencement: 14th March, 1968.

1. These Regulations may be cited as the *Pensions (Barbados) (Overseas Officers Retirement and Compensation) Regulations, 1968*. Short title.

2. (1) For the purposes of these Regulations Interpreta-
tion.
“appropriate law” in relation to an overseas officer means any law that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the public service;

“appropriate service commission” means

(a) in relation to an overseas officer who

(i) is a Judge of the Supreme Court; or

(ii) holds any office in relation to which appointments are made on the advice of the Judicial and Legal Service Commission,

the Judicial and Legal Service Commission;

(b) in relation to an overseas officer serving as a police officer, the Police Service Commission;

(c) in relation to any other overseas officer, the Public Service Commission;

“operative date” means the date on which these Regulations are published in the *Official Gazette*;

“Overseas officer” means an officer who on 30th November, 1966 was the substantive holder of a pensionable office in the public service of the Government of Barbados, and who

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- (a) is domiciled outside the West Indies; and
- (b) is a member of Her Majesty's Overseas Civil Service;
or
- (c) was designated before 30th November, 1966 under the Overseas Service (Barbados) Agreement, 1962.

“pensionable emoluments” means emoluments that may be taken into account for the purpose of computing the pension of an officer under the appropriate law;

“substantive holder” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract or on temporary transfer or secondment from other public service;

“West Indies” means the territories which comprised the former Federation of the West Indies.

(2) For the purposes of these Regulations

(a) a person shall not be regarded as holding any office or as being in the public service on 30th November, 1966, if on that date he was on leave of absence pending his retirement;

(b) a person whose office has been abolished and who retires in consequence of the abolition of his office shall be deemed to be the substantive holder of that office during the period of the date on which the office was abolished and the date of expiration of any leave of absence granted to him pending his retirement.

(3) Expressions used in these Regulations shall, unless a contrary intention appears, have the meaning assigned to such expressions in the appropriate law.

(4) In the exercise of his functions under these Regulations the Governor-General shall act on the advice of the appropriate Service Commission.

Retirement
of certain
overseas
officers.

3. (1) Every overseas officer to whom this regulation applies shall not later than two months after the operative date exercise one of the following options

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- (a) to retire at the expiration of a period of 6 months (or such shorter period as the Governor-General may allow) after the exercise of such option;
- (b) to continue in the public service of the Government of Barbados for a specified period not exceeding 5 years after 30th November, 1966 (without prejudice to the right to retire under these Regulations);
- (c) to continue in the public service of the Government of Barbados for an unspecified period under the terms and conditions normally applicable to officers in that service.

(2) An overseas officer who fails to exercise an option in accordance with paragraph (1) shall be deemed to have exercised the option referred to in sub-paragraph (c) of paragraph (1) on the last day permitted for the exercise of such option.

(3) Not later than 2 months after the receipt of a notice under paragraph (1) the Governor-General shall by notice in writing, either

- (a) if the officer wishes to retire, grant the officer permission to retire; or
- (b) if the officer wishes to continue in the public service of the Government of Barbados for a specified period, inform him whether he may continue to serve accordingly while retaining entitlement to an award under these Regulations, and specify for what period; or
- (c) if the officer wishes to continue in the public service of the Government of Barbados under terms and conditions normally applicable to officers in that service, inform the officer whether he may so continue in that service.

(4) If the Governor-General refuses an overseas officer permission to continue in the public service of the Government of Barbados in accordance with the terms of paragraph (1)(c) that officer may within 30 days of being notified of such refusal exercise one of the options referred to in sub-paragraphs (a) and (b) of paragraph (1).

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(5) Where pursuant to paragraph (4) an overseas officer exercises the option referred to in sub-paragraph (b) of paragraph (1) then if

- (a) he is not granted permission to remain in the public service of the Government of Barbados for a specified period; or
- (b) the specified period is not acceptable to the overseas officer; that officer may, within 30 days of being informed of the Governor-General's decision under paragraph 3(1)(b), exercise the option referred to in sub-paragraph (a) of paragraph (1).

(6) Subject to regulation 11 an officer granted permission to remain in the public service of the Government of Barbados for a specified period shall be entitled to retire at the expiration of that period, but he may at his request be permitted to retire under these Regulations at such other date as may be approved by the Governor-General.

(7) An officer granted permission to retire pursuant to paragraph (3) is entitled to retire accordingly, but he may at his request be permitted to retire at such other date as may be approved by the Governor-General.

(8) If an overseas officer is granted permission to remain in the public service of the Government of Barbados on terms and conditions normally applicable to officers in that service, then, with effect from the operative date these Regulations and the *Barbados (Constitution) (Retirement of Entitled Officers) Regulations, 1961*, shall cease to apply to that overseas officer.

(9) An overseas officer to whom this regulation applies shall, for the purposes of these Regulations, be deemed to have retired pursuant to this regulation, if at any time before he is entitled to retire under this regulation, he is required to retire in accordance with the appropriate law on the grounds of injury or ill-health, inefficiency or abolition of office.

(10) This regulation applies to every overseas officer

- (a) who was selected for or offered appointment by a Secretary of State to an office in the public service of the Government of Barbados; or

- (b) whose appointment to any such office was approved by a Secretary of State; or
- (c) who had entered into an agreement with the Crown Agents to serve in any such office.

4. (1) If, on an application made before he attains pensionable age by an overseas officer to whom this regulation applies, the Governor-General is satisfied that

Retirement of overseas officers to whom regulation 3 does not apply.

- (a) as a consequence of constitutional changes, the career of the officer in the public service of the Government of Barbados has been adversely affected, or there are reasonable grounds for believing that the officer's career in such public service will be adversely affected; or
- (b) the career of the officer in the public service of the Government of Barbados will be adversely affected because of the circumstances arising from his expatriate status without his own default,

the Governor-General may permit the officer to retire forthwith or on such date as may be specified by the Governor-General and the officer shall be entitled to retire accordingly.

(2) The decision of the Governor-General on any question under this regulation shall be final but nothing contained in this regulation shall prevent the Governor-General, on the application of the overseas officer concerned, from reconsidering any such question and changing his decision.

(3) This regulation applies to

- (a) every overseas officer who immediately before 1st January 1961 was the substantive holder of a pensionable office in the public service of the Government of Barbados but who does not come within sub-paragraph (a), (b) or (c) of regulation 3(10); and
- (b) every overseas officer who became the substantive holder of a pensionable office in the public service of the Government of Barbados on or after 1st January, 1961.

Award of pensions.

5. (1) An overseas officer shall upon retirement pursuant to these Regulations, be granted a pension under the appropriate Law as modified by these Regulations.

(2) Such overseas officer shall be granted such pension notwithstanding that

- (a) he has not attained the age specified in the appropriate Law to be necessary to qualify him for the grant of pension;
- (b) he has not been in qualifying service for such period as is required by the appropriate Law to render him eligible for the grant of pension;
- (c) being an officer on probation, he had not been confirmed in a pensionable office.

(3) References in these Regulations to the pension that may, under the appropriate Law, be granted to an overseas officer include, in the case of an overseas officer who retires on account of injury or ill-health, references to any additional pension that may be granted under the appropriate law to that officer in respect of retirement on the grounds of injury or ill-health.

Compensation or compensatory pension. First Schedule.

6. (1) Subject to paragraph (2), an overseas officer shall be granted in addition to any other benefit that may be granted to him under these Regulations, compensation to be calculated in accordance with the provisions of the First Schedule.

(2) An overseas officer may on his retirement elect to receive in lieu of the compensation then payable to him a compensatory pension to be calculated in accordance with the provisions of the Second Schedule.

Second Schedule.

(3) Any award made pursuant to this regulation shall be in lieu of any other award which could have been made pursuant to the provisions of the appropriate Law or pursuant to the provisions of the *Barbados (Constitution) (Retirement of Entitled Officers) Regulations, 1961*.

L.N. 160 of 1961.

Compensation to overseas officer who accepts transfer.

7. (1) Subject to paragraph (3), where an overseas officer has been granted permission to retire pursuant to regulation 3 or 4 and accepts, in lieu of retirement, transfer to an office in other public service he shall upon taking up the duties of

that office, if the amount of his last drawn annual pensionable emoluments in the public service of the Government of Barbados are greater than the initial annual pensionable emoluments of the office to which he is transferred, be paid compensation in accordance with the provisions of the Third Schedule.

Third
Schedule.

(2) An officer who is eligible for compensation under this regulation shall not be eligible for any other award under these Regulations.

(3) Compensation payable under the provisions of this regulation shall not exceed the amount of compensation to which the officer, if he had retired, would have been entitled under the provisions of regulation 6.

8. (1) Where an overseas officer dies while in the public service of the Government of Barbados there shall be paid to his legal personal representative or to such of his dependants as the Governor-General may think fit, the compensation which would have been payable to the officer in accordance with the provisions of the First Schedule if the officer had not died but had retired under these Regulations at the date of his death.

Award
when an
officer
dies.

(2) Compensation payable under paragraph (1) shall not be in lieu of any award which could have been made to the legal personal representative or dependant of an overseas officer pursuant to the appropriate Law, but shall be in lieu of any such award which could have been made pursuant to the *Barbados (Constitution) (Retirement of Entitled Officers) Regulations, 1961*.

L.N. 160
of 1961.

9. (1) An overseas officer to whom a pension is granted pursuant to regulation 5 may, at his option exercisable on his retirement or within such period prior or subsequent thereto as the Governor-General may allow, be paid in lieu of such pension a pension at the rate of three-fourths or any greater fraction of such pension together with a gratuity equal to the amount of such reduction so made in the pension multiplied by the factor set out in the Fourth Schedule as appropriate to the age of the officer on his birthday last preceding the date of his retirement.

Gratuity
and
reduced
pension.

Fourth
Schedule.

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(2) The option exercisable pursuant to paragraph (1) shall be in lieu of any option to take a reduced pension and gratuity exercisable pursuant to the appropriate Law.

Manner of
payment of
compensa-
tion.

10. (1) Where compensation is payable to an overseas officer pursuant to these Regulations in accordance with the provisions of the First Schedule or the Third Schedule, the following provisions shall apply

- (a) subject to the following sub-paragraphs, the compensation shall be payable in 6 instalments over a period of 5 years from the date of his retirement or transfer from the public service of the Government of Barbados (in this Part referred to as the initial date);
- (b) the first instalment shall be paid on the initial date and subsequent instalments shall be paid on each succeeding anniversary of the said date until all instalments have been paid;
- (c) the first instalment shall be \$5,000 or one sixth of the total amount of compensation payable, whichever is the greater; but where the total amount payable is \$5,000 or less the first instalment shall be the whole of such amount;
- (d) if on the date on which any instalment is due, that instalment does not exceed \$2,000 then if the total amount of the balance of the compensation payable
 - (i) exceeds \$2,000 an instalment of \$2,000 shall be paid;
 - (ii) does not exceed \$2,000 then such total amount shall be paid forthwith;
 - (iii) after any instalment is paid, is less than \$500 that amount shall be paid in full forthwith;
- (e) in the case of an officer who is permitted to continue in the public service of the Government of Barbados for a specified period pursuant to sub-paragraph (b) of paragraph (3) of regulation 3, the instalment payable on retirement shall be the equivalent of the total of the instalments that would have been paid had he retired at the expiration of 6 months after the operative date and the balance of the compensation shall be paid in

instalments over a period equivalent to the period by which 5 years exceeds the period of years served subsequent to the operative date, such instalments to be determined in accordance with the principles set out in the preceding sub-paragraphs of this paragraph;

- (f) if the overseas officer, having been awarded the compensation aforesaid, attains the age of 55 years, or, in the case of a Judge, the age of 60 years, the balance of such compensation then due to him shall be paid forthwith.

(2) The provisions of paragraph (1) requiring payment of compensation to be made in instalments shall not apply to an overseas officer who continues in the public service of the Government of Barbados pursuant to sub-paragraph (b) of paragraph (3) of regulation 3, if, prior to the date of his retirement, he attains pensionable age and accordingly, such compensation shall be paid in full forthwith on his retirement.

(3) Interest at 5% per annum based on the previously assessed balance of compensation due under this regulation shall be paid at the time of payment of each instalment other than the first instalment.

(4) Where any such compensation as aforesaid is being paid to an overseas officer and he dies before the full amount has been paid, the balance outstanding and any interest thereon shall be paid forthwith to his legal personal representative or to such of his dependants as the Governor-General thinks fit.

(5) Compensation and other sums payable under these Regulations to an overseas officer shall be paid in accordance with any request made from time to time by such officer, his legal personal representative or his dependants, as the case may be, either in Barbados or in the country in which the officer is or was domiciled and in the currency of the country in which payment is to be made.

(6) For the purposes of this regulation an overseas officer who is permitted to continue in the public service of the Government of Barbados for a specified period pursuant to paragraph (3)(b) of regulation 3 and to retire at some other

date approved by the Governor-General pursuant to paragraph (5) of regulation 3 shall be deemed to have retired at the expiration of that specified period and not on that other date approved by the Governor-General.

Officers retiring to facilitate localisation of Public Service.

11. (1) The Governor-General may require an overseas officer to whom regulation 3 applies to retire for the purpose of facilitating the appointment or promotion in the public service of a person domiciled in Barbados.

(2) The Governor-General shall serve notice in writing on any officer referred to in paragraph (1) to terminate the service of that officer in the public service with effect, subject to paragraph (5) from a date not less than 6 months after the date of service of the notice.

(3) Service of a notice under this regulation shall be deemed sufficient if the notice has been posted by registered post to the overseas officer at his last known postal address.

(4) A notice served in accordance with the provisions of this regulation shall be final and conclusive and may not be cancelled, except in a case where the overseas officer has before the expiration of the notice been selected for an office in other public service within the meaning of the appropriate law.

(5) Every officer who is required to retire under this regulation shall, if the period of leave on full pensionable emoluments for which he is eligible is less than 6 months, be granted such additional leave on full pensionable emoluments, as will bring the aggregate period of such leave of absence pending his retirement to 6 months.

Exercise of option.

12. (1) Where any option is exercisable by an overseas officer for the purpose of these Regulations

- (a) the option shall be irrevocable after the end of the period within which it must be exercised;
- (b) the option shall be exercised by notice in writing to the Governor-General;
- (c) the option shall be deemed to have been exercised on the date on which such notice is received.

(2) Notwithstanding paragraph (1) the Governor-General may, if he thinks fit, and subject or not to conditions, extend the period for the exercise of an option under these Regulations at any time before the end of the period within which the option must be exercised.

13. Where an overseas officer retires under regulation 3, 4, or 11 the provisions of the appropriate law shall, subject to these Regulations, apply in relation to the grant of any pension or gratuity under these Regulations and to any pension or gratuity granted under the appropriate law.

Application
of
appropriate
law.

FIRST SCHEDULE

Reg. 6(1)

COMPENSATION PAYABLE UNDER REGULATION 6(1)

1. The compensation payable to an overseas officer under Regulation 6(1) of these Regulations shall be calculated by multiplying the amount of the officer's annual pensionable emoluments by a factor

- (a) in the case of a Judge of the Supreme Court to be ascertained from Table A of the Schedule appropriate to the officer's age at the date of his retirement;
- (b) in the case of an officer other than a Judge, to be ascertained from Table B of this Schedule appropriate to the length of the officer's pensionable service and his age at the date of his retirement; and the factor for years of pensionable service in excess of ten shall be the same as the appropriate factor specified for 10 years:

Provided that

- (i) Where either the age or the length of service of an overseas officer at the date of retirement is more than an exact number of years, his compensation shall be calculated having regard to the completed months of service and age in excess of the figures appropriate to the officer in the Table and there shall be applied a factor proportionally increased or decreased accordingly;
- (ii) Where a date other than the date of retirement (being a date subsequent to 30th November, 1966 and prior to the date of retirement) would result in a higher award than an award based on the date of retirement, that other date shall be taken in lieu of the date of retirement and the

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award shall be calculated accordingly on the officer's pensionable emoluments at that other date.

2. In no case shall the compensation payable under these Regulations exceed \$45,600.

TABLE A

JUDGES			
Age of Officer	Factor	Age of Officer	Factor
40	4.25	50	3.43
41	4.30	51	3.23
42	4.33	52	3.02
43	4.34	53	2.80
44	4.31	54	2.58
45	4.24	55	2.35
46	4.13	56	2.11
47	3.99	57	1.87
48	3.82	58	1.62
49	3.63	59	1.37
		60 and over	nil

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TABLE B

Age of Officer	Factor where length of service is							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
21	.18							
22	.20	.26						
23	.22	.29	.36					
24	.25	.33	.41	.49				
25	.28	.37	.46	.56	.65			
26	.32	.42	.53	.64	.74	.85		
27	.36	.48	.60	.72	.84	.96	1.08	
28	.40	.54	.68	.81	.94	1.08	1.22	1.35
29	.46	.61	.76	.91	1.06	1.22	1.37	1.52
30	.51	.68	.86	1.03	1.20	1.37	1.54	1.71
31	.58	.77	.96	1.16	1.35	1.54	1.74	1.93
32	.66	.88	1.10	1.32	1.54	1.76	1.98	2.20
33	.76	1.02	1.27	1.52	1.78	2.03	2.29	2.54
34	.88	1.17	1.46	1.75	2.04	2.34	2.63	2.92
35	.99	1.32	1.64	1.97	2.30	2.63	2.96	3.29
36	1.09	1.45	1.81	2.17	2.53	2.90	3.26	3.62
37	1.17	1.56	1.94	2.33	2.72	3.11	3.50	3.89
38	1.23	1.64	2.05	2.46	2.87	3.28	3.69	4.10
39	1.27	1.70	2.12	2.54	2.97	3.39	3.82	4.24
40	1.30	1.73	2.16	2.59	3.02	3.46	3.89	4.32

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TABLE B

Age of Officer	Factor where length of service is							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
41	1.30	1.74	2.17	2.60	3.04	3.47	3.91	4.34
42	1.29	1.72	2.16	2.59	3.02	3.45	3.88	4.31
43	1.27	1.69	2.11	2.53	2.95	3.38	3.80	4.22
44	1.22	1.63	2.04	2.44	2.85	3.26	3.66	4.07
45	1.16	1.55	1.94	2.32	2.71	3.10	3.48	3.87
46	1.09	1.45	1.82	2.18	2.54	2.90	3.27	3.63
47	1.01	1.34	1.68	2.02	2.35	2.69	3.02	3.36
48	.92	1.23	1.54	1.85	2.16	2.46	2.77	3.08
49	.84	1.12	1.40	1.67	1.95	2.23	2.51	2.79
50	.75	1.00	1.25	1.50	1.75	2.00	2.25	2.50
51	.67	.89	1.11	1.33	1.55	1.78	2.00	2.22
52	.58	.78	.97	1.16	1.36	1.55	1.75	1.94
53	.50	.67	.84	1.00	1.17	1.34	1.50	1.67
54	.42	.56	.70	.85	.99	1.13	1.27	1.41
55	.34	.46	.58	.69	.80	.92	1.04	1.15
56 or more	nil	nil	nil	nil	nil	nil	nil	nil

Note: The factor corresponding to the officer's age and service in years and completed months should be obtained by interpolation.

SECOND SCHEDULE

Regulation 6(2)

COMPENSATORY PENSION

The annual compensatory pension payable to an overseas officer under regulation 6(2) of these Regulations shall be calculated by multiplying one-hundredth of the amount of the compensation which would be payable to him under regulation 6(1) of these Regulations by a factor to be ascertained from the following Table appropriate to the officer's age at the date of his retirement:

Provided that where the age of an officer at the date of retirement is more than an exact number of years, his annual compensatory pension shall be calculated having regard to the completed months of age in excess of the figure appropriate to the officer in the Table and there shall be applied a factor proportionally increased accordingly.

Age of Officer	Factor
21	4.612
22	4.639
23	4.667
24	4.697
25	4.728
26	4.761
27	4.796
28	4.833
29	4.871
30	4.912
31	4.955
32	5.000
33	5.048
34	5.099
35	5.153
36	5.209

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Age of Officer			Factor
37	5.269
38	5.332
39	5.399
40	5.470
41	5.545
42	5.624
43	5.707
44	5.795
45	..	..	5.888
46	..	..	5.987
47	..	..	6.092
48	..	..	6.204
49	..	..	6.322
50	..	..	6.447
51	..	..	6.580
52	..	..	6.721
53	..	..	6.871
54	..	..	7.031
55	..	..	7.202
56	..	..	7.385
57	..	..	7.580
58	..	..	7.788
59	..	..	8.010
60	..	..	8.247

Note: The factor corresponding to the officer's age in years and completed months should be obtained by interpolation.

THIRD SCHEDULE

(Regulation 7)

COMPENSATION OF TRANSFER

The compensation payable to an overseas officer under regulation 7 of these Regulations shall be calculated by multiplying the amount by which his last drawn pensionable emoluments in the public service of the Government of Barbados exceed the initial annual pensionable emoluments of the office to which he has been transferred by a factor ascertained from the following Table appropriate to his age at the date he takes up the duties of that office:

Provided that where the age of an officer at the date he takes up the duties of the office to which he has been transferred is more than an exact number of years, his compensation shall be calculated having regard to the completed months of age in excess of the figure appropriate to the officer in the Table, and there shall be applied a factor proportionally increased or decreased accordingly.

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TABLE

Age of Officer	Factor	Age of Officer	Factor
30 and below ..	5.00	41	9.00
31	5.08	42	8.92
32	5.21	43	8.77
33	5.47	44	8.40
34	5.90	45	7.61
35	6.56	46	6.39
36	7.44	47	5.60
37	8.10	48	5.23
38	8.53	49	5.08
39	8.79	50 and above	5.00
40	8.92	—	—

Note: The factor corresponding to the officer's age in years and completed months should be obtained by interpolation.

FOURTH SCHEDULE

(Regulation 9)

COMMUTATION OF PENSION GRANTED PURSUANT
TO REGULATION 5

Table showing the Lump Sum to be paid for the Commutation
of Pension

Age of Officer	Factor	Age of Officer	Factor
20	17.59	40	15.07
21	17.49	41	14.90
22	17.39	42	14.73
23	17.29	43	14.55
24	17.19	44	14.36
25	17.08	45	14.17
26	16.97	46	13.97
27	16.86	47	13.76
28	16.74	48	13.54
29	16.62	49	13.32
30	16.50	50	13.08
31	16.38	51	12.84
32	16.25	52	12.59
33	16.12	53	12.50
34	15.98	54	12.50
35	15.84		
36	15.70		
37	15.55		
38	15.40		
39	15.24		

Note: The factor corresponding to the officer's age in years and completed months should be obtained by interpolation.

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