

**Public Employees Pensions**

Cap. 30.

**PUBLIC EMPLOYEES PENSIONS REGULATIONS, 1961**1964/191.  
1967/62.  
1972/136.  
1975/139.  
1975-31.  
1979-16.  
1985-18.  
1989-9.  
1996-23.**Authority:** These Regulations were contained in the Third Schedule to the *Public Employees Pensions Act*.**Amendments:** Amendments are made by the Minister under section 3 of the Act and approved by Parliament.**Commencement:** 1st February, 1962.**1.** These Regulations may be cited as the *Public Employees Pensions Regulations, 1961*. Short title.**2.** In these Regulations,Interpreta-  
tion.

"pensionable service" means service which may be taken into account in computing pension under these Regulations;

"qualifying service" means service which may be taken into account in determining whether a public employee is eligible by length of service for pension, gratuity or other allowance.

**3.** Subject to the provisions of the Act and these Regulations, every public employee whoRate of  
pension  
to persons  
eligible  
for pensions.

(a) is the substantive holder of any scheduled office; and

(b) has been in the public service for 10 years or more,

may, on retirement, be granted a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service.

1985-18.

Application  
of Regula-  
tions to  
employee  
to whom  
Part IIA  
of the Act  
applies.  
1989-9.

**3A.** (1) For the avoidance of doubt, it is hereby declared that these Regulations apply, *mutatis mutandis*, to every public employee to whom Part IIA of the Act applies as they apply to every other public employee.

(2) These Regulations have effect and shall be deemed always to have had effect as amended by paragraph (1).

Gratuity  
where length  
of service  
does not  
qualify for  
pension.

**4.** Every public employee, otherwise qualified for a pension, who has not been in the public service for 10 years may be granted on retirement a gratuity not exceeding 5 times the annual amount of the pension which, if there had not been a qualifying period, might have been granted to him under regulation 3.

General  
rules as to  
qualifying  
service.

**5.** (1) Subject to the provisions of these Regulations, qualifying service shall be the inclusive period between the date on which a public employee begins to draw a 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) A period which is not qualifying service by virtue of paragraph (1) shall not be taken into account as pensionable service.

Break in  
service  
followed  
by re-  
employment.  
1975-31.

**5A.** (1) Notwithstanding regulation 5 and subject to paragraph (2), an employee who leaves the public service before he has attained the age of 55 years, whether or not he has completed 10 years' pensionable service, is entitled to have his service treated as continuous if he is re-employed in such service for a period of 5 consecutive years, and it is immaterial that his leaving the public service or his re-employment occurred before this regulation came into operation.

(2) Paragraph (1) does not apply to those persons who before this regulation came into operation retired on or after attaining the age of 55 years.

Continuity  
of service.

**6.** (1) Subject to the following provisions of this regulation, only continuous service shall be taken into account as qualifying service or as pensionable service.

(2) Notwithstanding the provisions of paragraph (1), any break in service caused by temporary suspension of employment not arising from misconduct shall be disregarded for the purposes of this regulation. 1975-31.

(3) A public employee

- (a) whose pension has been suspended under section 12 of the Act or under a corresponding provision in any law relating to the grant of pensions in respect of public service; or
- (b) who has retired from the public service without pension on account of ill-health and has subsequently been re-employed in such service,

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

- (i) any pension previously granted to him from the revenues of Barbados; and
- (ii) any gratuity so granted which is required to be refunded as a condition of the application to the employee of this regulation,

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

(4) Nothing shall operate to prevent any retirement benefit previously paid to an employee who has re-entered the public service from being deducted from any benefit payable to him when he attains the age of 55 years. 1975-31.

**7.** No period during which a public employee is absent from duty on leave without salary shall be taken into account as pensionable service unless such leave is granted on grounds of public policy by the Governor-General. Leave without salary.

Emoluments  
to be taken  
into com-  
putation.

**8. (1)** For the purpose of computing the amount of the pension or gratuity of an employee who has had a period of not less than 3 years pensionable service before his retirement,

- (a) in the case of an employee who has held the same scheduled office for a period of 3 years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;
- (b) in the case of an employee who at any time during such period of 3 years has been transferred from one scheduled office to another scheduled office but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increment, the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the scheduled office then held by him shall be taken;
- (c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the employee in respect of his service during the 3 years of his service immediately preceding the date of his retirement shall be taken:

Provided that,

- (i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of 3 years, those annual pensionable emoluments shall be taken; and
- (ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement if he had continued to hold any office from which he has been transferred at any time during such period of 3 years and had received all scale increments which, in the opinion of the Governor-General, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) of this regulation the pensionable emoluments that an employee has enjoyed or would have enjoyed, as the case may be, he shall be deemed

- (a) to have been on duty on full pensionable emoluments throughout the period of 3 years immediately preceding the date of his retirement; and
- (b) to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any scheduled office held by him as if such increase had been payable throughout such period of 3 years.

(3) For the purpose of computing the amount of the pension or gratuity of an employee who has had a period of less than 3 years' pensionable service before his retirement,

- (a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;
- (b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period; and
- (c) he shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any scheduled office held by him as if such increase had been payable throughout such period.

(4) For the purpose of determining the pensionable emoluments of a public employee under this regulation, account shall be taken of emoluments earned by a public employee who has acted in a higher post, including a temporary post, 1996-23.

- (a) for a continuous period of 36 months immediately preceding the date of his retirement; or
- (b) for not less than 36 months within the 5 years of his service immediately preceding the date of his retirement.

(5) Notwithstanding paragraph (4), in determining the pensionable emoluments of a public employee who has acted in a higher post for less than 36 months within the 5 years of his service immediately preceding his retirement and is appointed to a higher post before his retirement, the emoluments earned by that public employee who has so acted shall be taken into account.

Public service otherwise than in a scheduled office.

**9. (1)** Subject to the following provisions of this regulation, only service in a scheduled office shall be taken into account as pensionable service.

(2) Where a period of public service otherwise than in a

scheduled office is immediately followed by service in a scheduled office in which the employee is confirmed, such period may, with the approval of the Governor-General, be taken into account as pensionable service.

(3) Any break in service which may be disregarded under the provisions of regulation 6 of these regulations may likewise be disregarded in determining for the purpose of paragraphs (2), (6) and (7) of this regulation whether one period of service immediately follows another. 1964/191.

(4) Where an employee has been transferred from a scheduled office in which he has been confirmed to a non-scheduled office in the public service and subsequently retires either from a scheduled office or a non-scheduled office in the public service, his service in such non-scheduled office may, with the approval of the Governor-General, be taken into account as if it was service in the scheduled office which he held immediately prior to such transfer, and at the pensionable emoluments payable to him at the date of the transfer.

(5) Where a period of service in a non-scheduled office is taken into account under this regulation, the employee shall during that period be deemed for the purposes of regulation 11 of these regulations to be holding a scheduled office, and where that period is taken into account under paragraph (4) of this regulation, the employee shall be deemed to have been confirmed therein.

(6) Where a period of public service which is pensionable under the Casual Employees Pensions Act is immediately followed by service in a scheduled office in which the employee is confirmed, then, that period, notwithstanding regulation 6 of these regulations, may with the approval of the Governor-General be taken into account as pensionable service; but in any such case— 1964/191.  
Cap. 20.

- (a) section 10 of the Casual Employees Pensions Act shall apply for the purpose of determining the length of the employee's service as a casual employee; and
- (b) any period of service in a scheduled office during which the employee was on probation may be taken into account as pensionable service for the purposes of the Casual Employees Pensions Act if the employee dies or retires before being confirmed in a scheduled office.

**THE LAWS OF BARBADOS**

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(7) Where—

(a) a period of local government service which is pensionable under the Local Government (Pensions) Regulations, 1961 is; or

1967/62.

(b) a period of service in the employment of the Commissioners of Highways for any of the parishes of Saint Andrew, Saint Joseph, Saint Lucy or Saint Michael was, immediately followed by service in a scheduled office in which the employee is confirmed or by service as a whole-time employee of a scheduled authority or body, that period of service may with the approval of the Governor-General be taken into account as pensionable service.

(8) Where any such period of service is taken into account under paragraph (7) of this regulation as pensionable service, every Council in whose service the employee was employed shall, on the demand of the Accountant-General, pay into the Public Treasury a sum which bears the same proportion to any pension, gratuity or other allowance granted to the employee as the employee's local government service with that Council bears to his combined public and local government service.

(9) For the purposes of this regulation—

Cap. 107.

(a) "Council" means a Council established under the Local Government Act;

(b) "local government service" has the same meaning as in regulation 2 of the Local Government (Pensions) Regulations, 1961.

Acting  
service.

**10.** Any period during which an employee has performed only acting service in a scheduled office may only be taken into account as pensionable service if the period of such acting service—

(a) is not otherwise taken into account as part of his pensionable service; and

(b) is immediately preceded or followed by public service in a substantive capacity in a scheduled office.

1964/191.

**10A.** Save as otherwise provided in these regulations, there shall not be taken into account as pensionable service any period of service during which an employee is on probation



unless without break of service he is confirmed in a scheduled office; but any break of service which may be disregarded under the provisions of regulation 6 may likewise be disregarded in determining whether the employee is confirmed in a scheduled office without break of service.

11. (1) Subject to the provisions of paragraph (4), where an employee holding a scheduled office in which he has been confirmed is permanently injured while in the public service

Officers  
retiring on  
account  
of injuries.

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

- (i) he may, if his retirement is thereby necessitated or materially accelerated and he has been in the public service for less than 10 years, be granted, in lieu of any gratuity under regulation 4 a pension under regulation 3 as if the words "for 10 years or more" were omitted from the said regulation 3; and
- (ii) he may be granted on retirement an additional pension at the annual rate appropriate to his case as specified in paragraph (2).

(2) The annual rate of such additional pension shall, where an employee's capacity to contribute to his own support is

- (a) slightly impaired, be five-sixtieths;
- (b) impaired, be ten-sixtieths;
- (c) materially impaired, be fifteen-sixtieths; and
- (d) totally destroyed, be twenty-sixtieths,

of his actual pensionable emoluments at the date of his injury:

Provided that the amount of such additional pension may be reduced to such an extent as the Governor-General may think reasonable where the injury is not the cause or the sole cause of retirement.

(3) (a) An employee injured as aforesaid while in the public service but holding a scheduled office in which he has

not been confirmed, may be granted on retirement a pension of the same amount as the additional pension which might be granted to him pursuant to paragraph (2) if he had been confirmed in such scheduled office.

(b) The provisions of regulation 13 shall not apply to a pension granted under this paragraph.

1972/136.  
Cap. 47.

(4) Where an employee has received compensation under the *Workmen's Compensation Act*<sup>1</sup> or any benefit under sub-paragraph (a) or (b) of section 21 (3) of the *National Insurance and Social Security Act*, the additional pension payable to him under these regulations shall be reduced by the amount of such compensation or benefit he has received.

Employees  
retiring on  
account of  
ill-health.

12. (1) Where an employee retires from the public service in either of the cases set out in sub-paragraph (b) or (c) of section 7 of the Act and at the date of his retirement he had completed more than 10 years but less than 20 years public service, he may be granted, in addition to the pension which he may be granted, under these regulations an additional pension at the rate of one six-hundredth of his pensionable emoluments for each month by which his public service falls short of 20 years:

Provided that in the case of an employee whose public service would, if he had continued to hold the same office which he held at the date of his retirement until 5 years after the retiring age have been a period shorter than 20 years, paragraph (1) shall have effect as if for the last reference therein to 20 years there were substituted a reference to that shorter period:

Provided further that no addition to pension shall be granted under this regulation in the case of an employee to whom an award on account of injuries is made in accordance with the provisions of regulation 11.

Act 1985-  
18.

(2) In this regulation "retiring age" means the age of 55 years, or, as the case may be, 60 years.

Gratuity  
and re-  
duced  
pension.

13. (1) Any employee to whom a pension is granted under the Act, may, at his option exercisable as in this regulation

<sup>1</sup> Formerly Act 1964-3, now repealed.

provided, be paid in lieu of such pension a pension at the rate of  $\frac{3}{4}$  of such pension together with a gratuity equal to  $12\frac{1}{2}$  times the amount of the reduction so made in the pension.

(2) The option referred to in paragraph (1) shall be exercisable not later than the day immediately preceding the date of such employee's retirement; but if the employee does not exercise the option before such day, the Governor-General may, if it appears to him in all the circumstances equitable so to do, allow him to exercise the option at any time between the date of his retirement and the actual date of award of pension under the Act.

(3) Where an employee has exercised the option, his decision shall be irrevocable as far as concerns any pension to be granted to him under the Act.

(4) Notwithstanding paragraph (1), the Governor-General may, where an employee referred to in that paragraph fails to exercise his option in accordance with paragraph (2), grant a gratuity and a reduced pension as provided in paragraph (1) as if the employee had exercised his option. Act 1979-16.

**13A.** (1) Subject to sub-paragraph (2), an employee to whom this regulation applies and to whom a pension may be paid under the Act shall have that pension reduced by the amount of the pension payable to him under the *National Insurance and Social Security Act* (in this regulation referred to as "the national insurance pension"). Abatement of pensions. Act 1975-31. Cap. 30. Cap. 47.

(2) The reduction referred to in paragraph (1) shall not

- (a) take effect until the date on which the national insurance pension becomes payable, or
- (b) apply in relation to any gratuity payable to the employee under the Act.

(3) This regulation applies to an employee who enters the public service after 1st September 1975.