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## **PENSIONS REGULATIONS**

[Section 3.]

[Amended by Act No. 14 of 2011.]

### **PART I**

#### *Preliminary*

#### **1. Citation**

These Regulations may be cited as the Pensions Regulations.

#### **2. Definitions**

In these Regulations—

“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 an officer is eligible by length of service for pension, gratuity or other allowance.

### **PART II**

#### *Officers without other Public Service*

#### **3. Application of Part II**

Save when the Governor-General in any special case otherwise directs, this Part shall not apply in the case of any officer transferred to or from service under the Government from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity, for which the officer would have been eligible, if the service of the officer had been wholly under the Government.

#### **4. Pensions to whom and at what rates to be granted**

Subject to the provisions of the Act and of these Regulations, every officer holding a pensionable office under the Government who has been in service under the Government

in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one four-hundredth and eightieth of his or her pensionable emoluments for each complete month of his or her pensionable service.

## **5. Gratuities where length of service does not qualify for pension**

Every officer, otherwise qualified for a pension, who has not been in service under the Government in a civil capacity 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 or her under regulation 4.

## **6. Marriage gratuities**

Where a female officer having been in the public service under the Government for not less than five years and having been confirmed in a pensionable office retires or is required to retire for the reason that she is about to marry, or has married, and is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, she may be granted, on production within six months after her retirement, or such longer period as the Governor-General may in any case allow, of satisfactory evidence of such marriage, a gratuity of an amount not exceeding—

- (a) one year's pensionable emoluments; or
- (b) five times the annual amount of the pension which might have been granted to her under regulation 4 had there been no qualifying period and had that regulation been applicable to her,

whichever amount shall be the less.

## **PART III**

### *Transferred Officers*

## **7. Application of Part III**

This Part shall apply only in the case of an officer transferred to or from service under the Government from or to other public service.

## **8. Interpretation**

(1) In this Part and Part IV—

“Scheduled Government” means—

- (a) the Government of a territory, or authority, mentioned in First Schedule to these Regulations;
- (b) the Government of Ceylon, in respect of any officer appointed to service under that Government before the 4th February, 1948;
- (c) the Government of Palestine, in respect of any officer appointed to service under that Government before the 15th May, 1948;
- (d) the Government of the Somali Republic, in respect of any officer appointed to service under the former Somaliland Protectorate before the 26th June, 1960; and
- (e) the Government of Cyprus, in respect of any officer appointed to service under that Government before the 16th August, 1960.

“service in the Group” means service under the Government of Grenada and under a Scheduled Government or Scheduled Governments.

(2) Where an officer to whom this Part applies is, on his or her retirement from the public service, not granted a pension or gratuity in respect of his or her employment in the service under the Government in which he or she is last employed, solely by reason of the fact that he or she has not held office or pensionable office therein for a specified period, he or she shall, nevertheless, be deemed for the purposes of this Part to have retired in circumstances in which he or she is permitted by the law or regulations of the service under the Government in which he or she is last employed to retire on pension or gratuity.

## **9. Pension for service wholly within the Group**

(1) Where the other public service of an officer to whom this Part applies has been wholly under one or more Scheduled Governments and his or her aggregate service would have qualified him or her had it been wholly under the Government of Grenada for a pension under the Act he or she may, on his or her retirement from the public service in circumstances in which he or she is permitted by the law or regulations of the service under the Government in which he or she is last employed to retire on pension or gratuity, be granted in respect of his or her service under the Government of Grenada a pension of such an amount as shall bear the same proportion to the amount of pension for which he or she would have been eligible had his or her service been wholly under the Government of Grenada, as the aggregate amounts of his or her pensionable emoluments during his or her service under the Government of Grenada shall bear to the aggregate amounts of his or her pensionable emoluments throughout his or her service in the Group.

(2) In determining for the purposes of this Regulation the pension for which an officer would have been eligible if his or her service had been wholly under the Government of Grenada—

- (a) in the application of regulation 18, his or her pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him or her at the date of retirement from the public service or during the three years or lesser period preceding that date, as the case may be, except that where the officer is not serving under a Scheduled Government at that date, the date upon which he or she was last transferred from service under the Government of a Scheduled Government shall be deemed to be the date of his or her retirement for the purposes of this paragraph;
- (b) no regard shall be had to an additional pension under regulation 22 or 23;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of his or her highest pensionable emoluments;
- (d) no period of other public service under a Scheduled Government in respect of which no pension or gratuity is granted to him or her shall be taken into account.

(3) For the purposes of this Regulation the aggregate amount of an officer's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he or she would have received or enjoyed had he or she been on duty on full pay in his or her substantive office or offices throughout his or her period of service in the Group subsequent to the attainment of the age of eighteen years:

Provided that—

- (a) in calculating the aggregate amount of his or her pensionable emoluments, no account shall be taken of any service under the Government of Grenada or a Scheduled Government in respect of which no pension or gratuity is granted to him or her by the Government or that Scheduled Government, as the case may be;
- (b) where any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, the officer's aggregate

pensionable emoluments during that service shall be taken into account to the same extent as that service is taken into account as pensionable service.

#### **10. Pension where other service not within the Group**

(1) Where the other public service of an officer to whom this Part applies has not included service under any of the Scheduled Governments, and his or her aggregate service would have qualified him, had it been wholly under the Government of Grenada, for a pension under these Regulations he or she may, on his or her retirement from the public service in circumstances in which he or she is permitted by the law or regulations of the service under the Government in which he or she is last employed to retire, on pension or gratuity, be granted in respect of his or her service under the Government of Grenada a pension at the annual rate of one six-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service under the Government of Grenada.

(2) Where the officer is not in service under the Government of Grenada at the time of such retirement, his or her pensionable emoluments for the purposes of the preceding paragraph shall be those which would have been taken for the purpose of computing his or her pension if he or she had retired from the public service and been granted a pension at the date of his or her last transfer from service under the Government of Grenada.

#### **11. Pension when other service both within and not within the Group**

Where a part only of the other public service of an officer to whom this Part applies has been under one or more of the Scheduled Governments, the provisions of regulation 9 shall apply; but in calculating the amount of pension, regard shall be had only to service in the Group.

#### **12. Gratuities where length of service does not qualify for pension**

Where an officer to whom this Part applies retires from the public service in circumstances in which he or she is permitted by the law or regulations of the service under the Government in which he or she is last employed to retire on pension or gratuity, but has not been in the public service in a civil capacity for ten years, he or she may be granted in respect of his or her service under the Government of Grenada 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 or her under regulation 9, 10 or 11, as the case may be.

#### **13. Marriage gratuities**

Where a female officer to whom this Part applies retires or is required to retire for the reason that she is about to marry or has married, and—

- (a) would have been eligible for a gratuity under regulation 6 if her public service had been wholly under the Government; and
- (b) is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part,

she may be granted in respect of her public service under the Government a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible under regulation 9, 10 or 11 had there been no qualifying period and had regulation 9, 10 or 11, as the case may be, been applicable to her:

Provided that for the purpose of computing the amount of such a gratuity—

- (i) in relation to regulation 9 or 11, regulation 9(2)(c) shall have effect as if the reference to two-thirds of her highest pensionable emoluments were a reference to one-fifth of her annual pensionable emoluments,

- (ii) in relation to a pension under regulation 9, 10 or 11, the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments.

## PART IV

### *General*

#### **14. General rules as to qualifying service and pensionable service; computation of service of Chief Justice**

(1) Subject to the provisions of these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of public service and the date of his or her leaving the public service, without deduction of any period during which he or she has been absent on leave.

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

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

(4) For the purpose of computing the qualifying service and the amount of the pension or gratuity of an officer who—

- (a) has had a period of service as Chief Justice of the West Indies Associated States Supreme Court; and
- (b) retires from the public service on or after attaining the age of sixty years, or on the abolition of his or her office, or in the circumstances described in section 6(e) of the Act,

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

#### **15. Continuity of service**

(1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service:

Provided that any break in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purposes of this paragraph:

Provided further that for the purpose of the Act any person holding office in the service of the Government of Palestine immediately before the 15th May, 1948, shall be deemed to continue in his or her office until either he or she is appointed to the service of the Crown elsewhere, or, if he or she is not so appointed, he or she retires or is removed from office.

(2) An officer—

- (a) whose pension has been suspended under section 11 of the Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service;
- (b) who has retired from the public service without pension on account of ill-health, abolition of office, or re-organisation designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service; or
- (c) who has left pensionable service under the Teachers (Superannuation) Act, 1925, of the United Kingdom with a view to entering public service not

being service pensionable under the said Act and has, not later than three months after leaving such first-mentioned service, received any salary in respect of employment in public service not so pensionable, may, if the Governor-General thinks fit, be granted the pension or gratuity for which he or she would have been eligible if any break in his or her public service immediately prior to such suspension, re-employment or employment had not occurred, such pension to be in lieu of—

- (i) any pension previously granted to him or her from the funds of Grenada, and
- (ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this Regulation,

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

#### **16. Leave without salary**

No period during which an officer shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy with the approval of the Secretary of State.

#### **17. Service in Her Majesty's Forces**

Where an officer, during some period of his or her service, has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of Grenada or of any Scheduled Government and have not been refunded, such period shall not be taken into account as pensionable service.

#### **18. Emoluments to be taken for computing pension or gratuity**

(1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years pensionable service before his or her retirement—

- (a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his or her retirement, the full annual pensionable emoluments enjoyed by him or her at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, 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 or her at the date of his or her retirement in respect of the office then held by him or her shall be taken;
- (c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his or her service during the three years of his or her service immediately preceding the date of his or her retirement shall be taken:

Provided that—

- (i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him or her at the date of any transfer within such period of three 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 or her at the date of his or her

retirement, if he or she had continued to hold any office from which he or she has been transferred at any time during such period of three 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 subregulation (1) the pensionable emoluments that an officer has enjoyed, or would have enjoyed, as the case may be, he or she shall be deemed—

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

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

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

(4) The estimated value of free quarters in respect of service in Grenada shall not exceed one-sixth of the actual salary of the office.

## **19. Service in non-pensionable office**

(1) Only service in a pensionable office shall be taken into account as pensionable service:

Provided that—

- (a) where a period of service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the officer is confirmed therein, the whole of such period may, with the approval of the Governor-General, be taken into account;
- (b) where a period of service in the Second World War 1939 to 1945 is followed within six years of demobilisation by service in a pensionable office and the officer is confirmed therein, the whole of the period of military service may, with the approval of the Governor-General, be taken into account.

(2) Any break in service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining for the purposes of the preceding proviso whether one period of service immediately follows another period of service.

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



(4) Where a period of service in a non-pensionable office is taken into account under this Regulation, the officer shall during that period be deemed for the purposes of regulations 6, 22 and 23 to be holding a pensionable office, and, where that period is taken into account under the preceding proviso, to have been confirmed therein.

## **20. Acting services**

Any period during which an officer has performed only acting service in an office may be taken into account as pensionable service (subject, if the office is a non-pensionable office, to the provisions of the preceding regulation) if the period of such acting service—

- (a) is not taken into account as part of his or her pensionable service in other public service; and
- (b) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same government or authority,

and not otherwise.

## **21. Service under age of twenty or on probation or agreement**

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

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

Provided that any break of service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

## **PART V**

### *Supplementary*

## **22. Abolition of office and re-organisation**

If an officer holding a pensionable office retires from the public service in consequence of the abolition of his or her office or for the purpose of facilitating improvements in the organisation of the department to which he or she belongs, by which greater efficiency or economy may be effected, he or she may—

- (a) if he or she has been in the public service for less than ten years, be granted in lieu of any gratuity, under regulation 5 or 12, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words “for ten years or more” were omitted from regulation 4;
- (b) if he or she retires from service under the Government, be granted an additional pension at the annual rate of one sixtieth of his or her pensionable emoluments for each complete period of three years pensionable service:

Provided that—

- (i) the addition shall not exceed ten-sixtieths, and
- (ii) the addition together with the remainder of the officer’s pension shall not exceed the pension for which he or she would have been eligible if he or she had continued to hold the office held by him or her at the date of his or her retirement, and retired on reaching the age at which

he or she may be required to retire without the approval of one of Her Majesty's Principal Secretaries of State, having received all increments for which he or she would have been eligible by that date.

### **23. Officers retiring on account of injuries**

(1) If an officer holding a pensionable office in which he or she has been confirmed is permanently injured—

- (a) in the actual discharge of his or her duty,
- (b) without his or her own default, and
- (c) on account of circumstances specifically attributable to the nature of his or her duty, he or she may—
  - (i) if his or her retirement is thereby necessitated or materially accelerated and he or she has been in the public service for less than ten years, be granted, in lieu of any gratuity under regulation 5 or 12, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words “for ten years or more” were omitted from regulation 4,
  - (ii) if so injured while in service under the Government, be granted on retirement an additional pension at the annual rate of the proportion of his or her actual pensionable emoluments at the date of his or her injury appropriate to his or her case as shown in the following formula—

When his or her capacity to contribute to his or her own support is—

- (aa) slightly impaired, five-sixtieths,
- (bb) impaired, ten-sixtieths,
- (cc) materially impaired, fifteen-sixtieths,
- (dd) totally destroyed, twenty-sixtieths:

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

(2) An officer so injured while in service under the Government, not holding a pensionable office, or holding a pensionable office in which he or she 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 or her under subregulation (1) of this Regulation if his or her office were a pensionable office and he or she had been confirmed therein. The provisions of regulation 25 shall not apply to a pension granted under this paragraph.

(3) An officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in subregulation (1)(a) and (c):

Provided that in such a case and if (b) is also satisfied the rates of pension prescribed in that paragraph shall be seven and a half-sixtieths, fifteen-sixtieths, twenty-two and a half-sixtieths, and thirty-sixtieths, respectively.

(4) If an officer proceeding by a route approved by the Governor-General to or from Grenada at the commencement or termination of his or her service therein, or of a period of leave therefrom, is permanently injured as the result of damage to the vessel or vehicle in which he or she is travelling or of any act of violence directed against such vessel or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of war in which Her Majesty or the Government of Grenada may be engaged, such officer shall be deemed for the purposes of this Regulation to have been injured in the circumstances described in subregulation (1).

## **24. Officers retiring on account of ill-health**

(1) If an officer retires from service under the Government in either of the cases set out in section 6(e) of the Act and at the date of his or her retirement he or she has completed more than ten years but less than twenty years public service, he or she may be granted, in addition to the pension which he or she may be granted under these regulations, an additional pension at the rate of one six-hundredth of his or her pensionable emoluments for each month by which his or her public service falls short of twenty years:

Provided that in the case of a person whose public service would, if he or she had continued to hold the same office which he or she held at the date of retirement until five years after the retiring age, have been a period shorter than twenty years, subregulation (1) of this Regulation shall have effect as if for the last reference therein to twenty years there were substituted a reference to that shorter period:

Provided further that no addition to pension under this Regulation shall be granted in the case of an officer to whom an award on account of injuries is made in accordance with regulation 23.

(2) The provisions of this Regulation shall apply to officers who retire from the service at any time after the 1st January, 1954.

(3) In this Regulation, unless the context otherwise requires “retiring age” means the age which an officer, in accordance with section 6(a) of the Act, must attain in order that a pension may be granted to him or her on retirement without the approval of the Governor-General.

## **25. Gratuity and reduced pension**

(1) An officer to whom a pension is granted under the Act shall, if he or she has exercised his or her option as hereinafter provided, but not otherwise, 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 a half times the amount of the annual reduction so made in the pension.

(2) The option referred to in paragraph (1) shall be exercisable, and if it has been exercised may be revoked, not later than the day immediately preceding the date of such officer’s retirement:

Provided that the Governor-General may, if it appears to him or her equitable in all the circumstances to do so, allow him to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under the Act.

(3) Subject to the provisions of subregulation (2), if an officer has exercised the option his or her decision shall be irrevocable so far as concerns any pension to be granted to him or her under the Act.

(4) If an officer who has not exercised the option dies after he or she has finally retired but before a pension has been awarded under the Act, it shall be lawful for the Governor-General to grant a gratuity and a reduced pension as provided for in subregulation (1) as if the officer before his or her death had exercised the option.

(5) The date of the exercise of the option by an officer shall be deemed to be the date of the receipt of his or her written notification addressed either to the appropriate person in Grenada or to the Crown Agents for Overseas Governments and Administrations in England.

(6) A re-employed officer or pensioner shall be deemed to have exercised, or not to have exercised, in respect of his or her service subsequent to re-employment, the said option, according as he or she exercised, or did not exercise, such option in respect of his

or her previous service, even if, in respect of such previous service, the option was not available to him or her.

(7) Notwithstanding anything contained in the preceding paragraphs of this Regulation, an officer who is permitted to continue in the public service after he or she attains the age of sixty years, at his or her own request and not for the convenience of the service shall, subject to the provisions of the Act, be granted an unreduced pension in lieu of reduced pension and gratuity.

(8) An officer who, on retirement from the public service, has exercised his or her option in accordance with the provisions of this Regulation shall be deemed to be qualified to receive full pension after a period of twelve and a half years.

(9) Notwithstanding the provisions of regulation 18, the pension of any officer retiring from the public service shall be computed on the full amount which he or she was receiving at the date of his or her retirement from the public service.

## **26. Gratuities for officers who have served in non-pensionable offices**

(1) An officer holding a non-pensionable office who is not eligible for pension (other than a pension under regulation 23) or otherwise eligible for gratuity from the funds of Grenada may—

- (a) if he or she has been in the public service for not less than five years and is removed from service under the Government in consequence of the abolition of his or her office, or for the purpose of facilitating improvements in the organisation of the department to which he or she belongs, by which economy can be effected; or
- (b) if he or she has been in the public service for not less than seven years and he or she retires in any of the other cases mentioned in section 6 other than those cases mentioned in paragraphs (f) and (g) thereof,

be granted, if the Governor-General thinks fit, a compassionate gratuity of one year's pay or an amount in respect of each complete year of service, whichever is less, computed as follows—

- (i) one week's pay for each of the first five years of service,
- (ii) two weeks' pay for the next five years of service, and
- (iii) four weeks' pay for each additional year of service,

under the Government which would be pensionable service if he or she were eligible for pension under these Regulations.

(2) For the purpose of this Regulation—

- (a) "pay" includes the value of free quarters and any allowance which the Governor-General may think fit to include;
- (b) regulation 15 may be disregarded, but directions may be given by the Governor-General, either generally or in any particular case, for disregarding periods of service prior to breaks of three years or more, to dismissal for misconduct or to voluntary resignation, or periods during which an officer has served less than a number of days prescribed in the directions, and such directions shall have effect as if they were contained in this Regulation;
- (c) an officer who, having held a non-pensionable office, is serving on probation in a pensionable office shall be deemed to hold a non-pensionable office and his or her pay shall be deemed to be the pensionable emoluments of the pensionable office or the pay last received by him or her in respect of his or her service in a non-pensionable office, whichever shall be the greater.

## PART VI

### *Transitional Regulations*

#### **27. Definition of “serving officer”**

The expression “serving officer” means an officer serving in Grenada on the 3rd June, 1950, or transferred from Grenada to other public service before, and who is still in the public service on, that day:

Provided that if pension, gratuity or other allowance is granted to such an officer in respect of service which, owing to a break in service, does not include service in Grenada before the 3rd June, 1950, the expression shall not include him or her in relation to that pension, gratuity or allowance.

#### **28. Pensionable emoluments of serving officer to include fees paid as salary**

The pensionable emoluments of a serving officer shall include fees paid out of the Treasury by way of salary:

Provided that no fees shall be included in the pensionable emoluments of a serving officer in excess of one-fourth of the actual salary of his or her office:

And provided further that no officer allowed private practice shall be entitled to have the fees earned by him or her by reason of such private practice form part of his or her pensionable emoluments.

#### **29. Application to officers holding pensionable office on or before effective date**

In the case of an officer who—

- (a) held a pensionable office in Grenada on the 1st October, 1935, (in this Regulation referred to as “the effective date”);
- (b) had prior to the effective date held such an office and been transferred to other public service and was at that date in other public service; or
- (c) prior to the effective date was offered and accepted appointment to service under the Government on conditions which provided that any pension granted to him or her in respect of service under the Government would be at the rate applicable before the effective date,

the following provisions shall apply—

- (i) these Regulations shall have effect as if for regulation 4 the following regulation was substituted—

“4. Subject to the provisions of the Act and of these Regulations, every officer holding a pensionable office in Grenada who has been in service under the Government in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one hundred and sixty six-hundredths of his or her pensionable emoluments with an addition of one six-hundredth in respect of each complete month of his or her pensionable service in excess of ten years.”,

- (ii) in computing the service of such officer in Grenada for the purposes of regulation 10 (if applicable), an addition may be made which shall bear the same proportion to five years as his or her pensionable service under the Government bears to the whole of his or her public service in tropical climates, except that no such addition shall be made unless the officer has had at least ten years public service in tropical climates:

Provided that where any such officer shall either before or after the effective date have been transferred to other public service and shall have been re-appointed after that date to service under the Government, this Regulation shall apply to him or her as regards the period or periods of this service prior to that re-appointment and not otherwise, and the pension of such officer in respect of service under the Government shall be computed in two parts according as to whether it is or is not service to which this Regulation applies, and in either computation the other period of service under the Government shall be treated, for the purposes of the regulations relating to officers who have been transferred to or from service under the Government of Grenada, as though it had been service under another Scheduled Government.

### **30. Application to regulation 22(b)**

In the case of a serving officer regulation 22(b) shall, if it be to his or her advantage, have effect as if for the words “if he or she retires” to “pensionable service” in the said paragraph (b) there were substituted the following—

“if he or she retires from service under the Government and has been in the public service for ten years or more, he or she may be granted a pension at the annual rate of one six-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service with the addition of the following number of six-hundredths—

- (a) in the case of an officer who has been in the public service twenty years or more, one hundred;
- (b) in the case of an officer who has been in the public service less than twenty years but not less than fifteen years, seventy;
- (c) in the case of an officer who has been in the public service less than fifteen years but not less than ten years, fifty”.

### **31. Application to regulation 19**

In the case of a serving officer the following shall, if to his or her advantage, be deemed to be substituted for regulation 19—

“No service, other than service in a pensionable office, shall be taken into account in computing pensions or gratuities, except that where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office, or of service paid for out of an open vote, or of both such services, such period or any part of such period may be taken into account:

Provided that, of the period of service paid for out of an open vote, only two-thirds shall be counted for the purposes of these Regulations:

Provided further that when any office shall be declared a pensionable office, the Governor-General may by a notification published in the *Gazette* declare, with or without any terms, conditions or limitations, that service in such office before the same was declared pensionable may be taken into account in computing an officer’s pension, gratuity or allowance, and it shall be taken into account accordingly:

And provided further that in the case of an officer transferred to or from service under the Government from or to other public service, service otherwise than in a pensionable office in Grenada or in other public service shall be taken into account only if he or she has served in a pensionable office in Grenada or that service, as the case may be”.

### **32. Application to regulation 23(4)**

In the case of an officer selected for appointment to service under the Government before the 3rd June, 1950, regulation 23(4) shall not apply, but the amount of additional pension under that regulation may be reduced to such an extent as the Governor-General shall think reasonable if compensation in respect of the injury is payable under the provisions of the Workmen's Compensation Act, Chapter 343 (repealed).

### **33. Preserving rights of serving officers with professional qualifications**

The following provisions shall apply in the case of a serving officer—

- (a) in computing the pension of an officer, other than one to whom Part III applies, who on retirement from the service holds one of the offices mentioned in the Second Schedule, the additions in the said Schedule mentioned may be made to his or her period of service:

Provided that no addition shall be made which, together with the number of years of actual service, shall amount to more than thirty-five years:

Provided further that the full addition shall not be made unless he or she has served ten years in the office from which he or she retires, or in an office of the same class in the said Schedule; but, if he or she has served less than ten years in such an office, an addition may be made which shall have the like proportion to the full addition which the number of years he or she has served in such capacity bears to ten years:

Provided also that no addition of years shall be made under this Regulation in excess of the number of years by which the officer's age at the date of his or her entering the pensionable service of the Crown exceeded twenty years;

- (b) where an officer has been transferred to or from service under the Government from or to other public service and held at the date of his or her transfer or retirement, as the case may be, from service under the Government, and had held for twelve consecutive months prior thereto, one of the offices mentioned in the Second Schedule to these Regulations he or she may on his or her ultimate retirement from the public service in circumstances in which he or she is permitted by the law or regulations of the service in which he or she is last employed to retire on pension or gratuity be granted in addition to the pension granted to him or her under regulation 9, 10 or 11, as the case may be, an additional pension which shall bear to the additional pension which he or she might have received under paragraph (a) of this Regulation if he or she had had no other public service the same proportion which the length of his or her pensionable service under the Government bears to the length of his or her total pensionable service in the public service:

Provided that—

- (i) he or she shall not be disqualified from receiving an additional pension by reason of the fact that his or her service under the Government would not by itself have rendered him or her eligible for a pension, and
- (ii) in determining the additional pension which he or she might have received if he or she had had no other public service, regard shall be had to his or her age at the date of his or her entering the public service but regard shall not be had save for the purposes of the following proviso to the second proviso to paragraph (a) of this Regulation,

- (iii) the additional pension actually granted under this Regulation shall not be greater than that which might have been granted under paragraph (a) of this Regulation if he or she had had no other public service;
- (c) this Regulation shall apply only to an officer who shall have held an office mentioned in the Second Schedule before the 1st October, 1935. In computing an addition to his or her service or pension under this Regulation, no service subsequent to his or her appointment on or after that day to any other office, whether in Grenada or other public service, except an office in the same class in the said Schedule, shall be taken into account as service in an office mentioned in that Schedule, and the addition shall be that appropriate to the last office held by him or her which may be so taken into account and his or her service in that office (including any other office in the same class).

### **34. Application to regulation 26**

In the case of a serving officer the following provisions shall, if to his or her advantage, apply in lieu of regulation 26—

“(1) In the case of an officer who is not qualified for a pension or gratuity under these Regulations, but has continuously served in Grenada for fifteen years or upwards, during which period he or she has been required to give his or her whole time to the service of the Government, a monthly allowance may be granted to such officer not exceeding three-fourths of the pension to which he or she would have been entitled had he or she been employed in a pensionable office (but in any case not less than ten dollars per month) or in lieu of such allowance there may be paid to him or her a capital sum equal to the amount of sixty of such monthly payments or in lieu of such allowance or such capital sum a reduced monthly allowance of three-fourths of such allowance together with a capital sum of one-hundred and twenty times the amount of the reduction so made in the said monthly allowance, but no such capital sum shall be paid in any case of retirement on the ground of ill-health:

Provided that where an officer has been transferred from a pensionable to a non-pensionable office, he or she shall be entitled either—

- (a) to count his or her service in the non-pensionable office as though it were service in a pensionable office at the pay which he or she received immediately prior to such transfer; or
- (b) to count his or her service in the pensionable office as though it were service in the non-pensionable office, and to take the benefit of this Regulation accordingly.

(2) In paragraph (a) of the preceding paragraph the word “pay” means the emoluments enjoyed by the officer which would have been pensionable emoluments if the office held by him or her had been a pensionable office”.

### **35. Right of “contracting out” for officers with mixed service**

Where an officer entered the public service prior to the 1st January, 1930, his or her pension in respect of his or her service under the Government of Grenada may be calculated as though any Scheduled Government under which he or she has served had not been the Government of a Colony included in the First Schedule, if this should be to his or her advantage.

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## **First Schedule**

### PENSIONS ACT

### PENSIONS REGULATIONS

#### *Scheduled Governments*

[Regulation 8(1).]

Aden

Antigua

Bahamas

Barbados

Basutoland

Bechuanaland Protectorate

Bermuda

British Guiana

British Honduras

British Solomon Islands Protectorate

Cayman Islands

Colonial Audit Department (Home Establishment)

Crown Agents for Overseas Governments and Administrations in England

Cyprus

Dominica

East Africa High Commission

East African Railways and Harbours Commission

Employing Authorities under the Colonial Superannuation Scheme

Falkland Islands

Federal Republic of Nigeria

Federation of Malaya

Federation of Nigeria:

    Eastern Region of Nigeria

    Northern Region of Nigeria

    Western Region of Nigeria

Federation of Rhodesia and Nyasaland

Fiji

Gambia

Ghana

Gibraltar

Gilbert and Ellice Islands Colony

Gold Coast

Hong Kong

Kenya and Uganda Railways and Harbours Administration  
Leeward Islands (before the 1st July, 1956)  
Malaŵi  
Malayan Establishment  
Malayan Union  
Malta  
Mauritius  
Montserrat  
Nigeria  
North Borneo  
Northern Rhodesia  
Nyasaland  
Republic of Zambia  
Sarawak  
Service under the Overseas Service Act, 1958 (Imperial)  
Sierra Leone  
Singapore  
Somaliland  
St. Christopher Nevis and Anguilla  
St. Helena  
St. Lucia  
St. Vincent  
Straits Settlements  
Swaziland  
Seychelles  
Tanganyika Territory  
The West Indies (Federation)  
Trinidad  
Turks and Caicos Islands  
Uganda  
United Kingdom of Great Britain and Northern Ireland  
Virgin Islands  
Zanzibar.

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## **Second Schedule**

### **PENSIONS ACT**

### **PENSIONS REGULATIONS**

*Computing Pensions*

[Regulation 33.]

The number of years to be added to the period of service under regulation 33 for the purpose of computing pensions shall be as follows—

For the first class .....	ten years
For the second class .....	five years
For the third class .....	three years

First Class comprises:

Judges of the Supreme Court

Second Class—

Attorney-General

Superintendent of Public Works, when a civil engineer

Third Class—

Crown Attorneys

Medical Officers

Registrar, District Magistrates, when barristers-at-law, solicitors or advocates of the Scottish Bar

Superintendent of Public Works, not a civil engineer.

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