

THE PENSIONS (FEDERAL CIVIL SERVICE) ACT

Act
9 of 1969.

[7th December, 1964.]

1. This Act may be cited as the Pensions (Federal Civil Service) Act. Short title.

2. In this Act—

Interpreta-
tion.

“arrangements” means the arrangements made on the 7th December, 1964, under the Order in Council by the Agreement entered into between this Government and the Interim Commissioner of The West Indies in relation to the pension rights of scheduled transferees;

“award” means any pension, gratuity or other allowance granted, or other payment made, under the authority of this Act;

“competent Federal authority” means the authority vested under any scheduled law with the power to grant a pension, gratuity or other allowance or to make a payment or to determine any question or exercise any discretion affecting any grant or payment as aforesaid;

“Federal service” means service in a civil capacity under the Government of The West Indies or the Interim Commissioner thereof;

“this Government” means the Government of Jamaica;

“Order in Council” means the Order in Council set out in the First Schedule;

First
Schedule.

“payment” includes refund of contributions made under a scheduled law;

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“regulations” means regulations made under the scheduled laws and in force on the 7th December, 1964; and “relevant regulations” shall be construed accordingly;

Second
Schedule.

“scheduled law” means a law specified in the Second Schedule;

Third
Schedule.

“scheduled transferee” means a person who was transferred from Federal service to the service of this Government and whose name appears in the Third Schedule.

Awards.

3.—(1) Awards may be made under the authority of this Act and such awards shall, subject to this section and section 4, be computed and made on the following basis, that is to say, as if the scheduled laws and regulations continued to apply to the scheduled transferees.

(2) In relation to an award to or in respect of a scheduled transferee, the powers of the competent Federal authority shall not be exercisable by the competent Federal authority but shall be exercisable instead by the Governor-General.

(3) The powers conferred on the Governor-General by this section shall be exercised by him—

(a) in relation to any scheduled transferee who was, immediately before the date on which he ceased to hold public office under this Government, serving—

(i) as a Judge of the Court of Appeal;

(ii) as a Judge of the Supreme Court;

(iii) in any office to which section 112 of the Constitution of Jamaica applies at the date of the exercise of the power,

in accordance with the recommendation of the Judicial Service Commission;

- (b) in relation to any scheduled transferee who was, immediately before the date aforesaid, serving as a police officer, in accordance with the recommendation of the Police Service Commission; and
- (c) in any other case, in accordance with the recommendation of the Public Service Commission.

(4) Before he acts in accordance with the recommendation of the Judicial Service Commission, the Police Service Commission or the Public Service Commission, as the case may be, under subsection (3) the Governor-General may, in his discretion, once refer that recommendation back for reconsideration by the Commission concerned and if that Commission, having reconsidered its original recommendation, substitutes therefor a different recommendation, this subsection shall apply to that different recommendation as it applies to the original recommendation.

4.—(1) In effecting an award regard shall be had to the relevant regulations subject to such modifications as the Governor-General, acting on the advice of the Public Service Commission, may notify by publication in the *Gazette* so, however, that any such modifications which are less favourable to a scheduled transferee than the relevant regulations shall, to the extent to which they are less favourable, not apply to that scheduled transferee or to any award made to or in respect of that scheduled transferee.

Power to modify regulations under the scheduled laws.

(2) For the purposes of this section in so far as any provision applicable to or in respect of an award to or in respect of a scheduled transferee depends on the option of the person to or in respect of whom the award is granted or to be granted, the provision for which he opts shall be taken to be more favourable to him than any other provision for which he might have opted.

5. Awards shall be charged on and paid out of the Consolidated Fund.

Charge on Consolidated Fund.

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FIRST SCHEDULE

(Section 2)

THE WEST INDIES (PENSIONS) ORDER, 1964

At the Court at Buckingham Palace, the 20th day of January, 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 3 of the West Indies Act 1962 and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

Citation,
construc-
tion and
commence-
ment.

1. (1) This Order may be cited as the West Indies (Pensions) Order 1964, and shall be construed as one with the West Indies (Dissolution and Interim Commissioner) Order in Council 1962.

(2) This Order shall come into operation on 25th January, 1964.

Power to
enter into
arrange-
ments.

2. The Commissioner may enter into arrangements with any person or authority for the payment by that person or authority, in lieu of all or part of any pension payable by the Commissioner to any person under any law, of a pension or annuity of equal amount.

Discharge
of Com-
missioner's
responsibili-
ties.

3. Where any arrangements have been made by the Commissioner under article 2 of this Order for the payment to any person by some other person or authority of a pension or annuity in lieu of all or part of a pension payable by the Commissioner under any law, the provisions of that law shall cease to apply in relation to that person in respect of that pension or that part of that pension, as the case may be, and accordingly the Commissioner shall cease to be responsible for the payment of that pension or that part of pension, as the case may be.

W. G. AGNEW.

SECOND SCHEDULE

(Section 2)

Laws of The West Indies

The Pensions Act, 1958, Cap. 512

The Pensions (Amendment) Act, No. 15 of 1960

The Pensions (Amendment) Act, No. 2 of 1961

The Pensions (Amendment) Act, No. 3 of 1962

The Federal Supreme Court (Salaries and Pensions) Act, 1960,
Cap. 3

The Widows' and Children's Pensions Act, 1960, Cap. 519

The Interim Commissioner (Pensions) Regulations, 1962

The Interim Commissioner (Pensions) (Amendment) Regulations,
1963The Interim Commissioner (Pensions) (Amendment) Regulations,
1964

The Interim Commissioner (Surrender of Widows' and Children's
Contingent Benefits) Regulations, 1963

THIRD SCHEDULE

(Section 2)

*Public Officers formerly serving under the Government of The West
Indies or The Interim Commissioner of The West Indies*

1. Probyn W. Aitken
2. Lloyd M. Barnett
3. Arthur L. Bethune
4. John T. Blake
5. Charles Johnson Burgess
6. Roy S. Campbell
7. Esmie Chang (Miss)
8. Douglas Winston Collins
9. Aubrey Lauriston Crosdale
10. Alvin B. Edwards
11. Calvin J. Evans
12. Philemon Hoilett
13. C. Jacks (Miss)
14. Winston Woodrow Johnson
15. Roy A. Jones
16. Allen M. Lewis
17. Maurice N. Mattocks
18. Clive S. McMorris
19. Probyn V. Marsh
20. Percy C. Muir
21. Mikey Edward Nancoo
22. Basil Bertrand Powell
23. Patsy B. Pyne (Miss)
24. Henry McLaren Russell
25. Stanford E. Schloss
26. Gilbert H. Scott
27. Hosford Alexander Scott
28. Carlton L. Simpson
29. Donat O. Vickers
30. D. J. R. Walker
31. Gordon O. Wells