

CHAPTER 195

THE GOVERNOR AND GOVERNOR-GENERAL'S EMOLUMENTS AND PENSION ACT

Arrangement of Sections

Section

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EMOLUMENTS AND PENSION38/1967.
25/1968.
16/1970.
1/1975.
13/1979.
2/1982.
25/1982.
20/1986.
13/1987.
1/1991.

(27th February, 1967.)

1. This Act may be cited as the Governor and Governor-General's Emoluments and Pension Act. **Short title.**

2. In this Act— **Interpretation.**

"Acting Governor-General" means any person who performs the functions of the office of Governor-General under section 23 of the Constitution.

"service in the Permanent Civil Service" means service in respect of which a pension may be granted under the Pensions Act. **Cap. 311.**

3. (1) The emoluments appertaining to the office of Governor-General shall be the emoluments specified in the Schedule. **Emoluments of Governor-General.**

(2) The said emoluments shall be paid in equal monthly instalments in arrears.

4. (1) The Governor-General shall— **Emoluments during absence, leave and incapacity.**

(a) in respect of any period during which he is absent from Antigua and Barbuda for the purposes of performing any of the functions of his office, receive the full emoluments appertaining to his office;

(b) in respect of any period during which he is absent on leave or is unable to perform the functions of his office, receive the salary appertaining to his office but shall not receive the allowances specified in the Schedule.

(2) The Governor-General shall not, for the purposes of this section, be regarded as unable to perform the functions of his office—

(a) by reason only that he is in passage from one part of Antigua and Barbuda to another; or

(b) where he has appointed a Deputy to perform any of the functions of the office of Governor-General and such appointment is subsisting.

**Emoluments of
Acting Governor-
General.**

5. (1) Subject to the provisions of subsection (2) of this section, an Acting Governor-General shall, in respect of the period during which he discharges the functions of the office of Governor-General receive emoluments at the rate specified in respect of the office of Governor-General.

(2) Where an Acting Governor-General, in reference to any period during which he discharges the functions of the office of Governor-General, receives salary defrayed from the Consolidated Fund in respect of any other office, his emoluments under section (1) of this section in respect of such period shall be abated to the extent of the salary so received.

**Gratuity to
Governor or
Governor-General.**

6. There shall be granted a gratuity equivalent to twenty per centum of the aggregate of the salaries paid during his term of office to any person who has held or holds the office of Governor or Governor-General as follows—

(a) Subject to paragraph (b), with effect from the date on which he ceases to be Governor or Governor-General;

(b) where such person has attained the age of sixty years or more and has held the office of—

(i) Governor;

(ii) Governor followed by that of Governor-General without any break in service; or

(iii) Governor-General;

continuously for fifteen years or more, the gratuity may be granted at any time whether or not, at that time, he has ceased to hold the office of Governor or Governor-General as the case may be.

7. Subject to the provisions of section 8 there will be granted to any person who has held the office of Governor-General, with effect from the date on which he ceases to be Governor-General— Pension granted.

(a) if he has held that office for fifteen consecutive years or more, a pension equivalent to his annual salary;

(b) if he has held that office for five consecutive years or more but less than fifteen consecutive years, a pension equivalent to two-thirds of his annual salary; or

(c) if he has held that office for less than five consecutive years a pension based upon the proportion of the amount he would have received as pension if he had held that office for five consecutive years or more, but less than fifteen consecutive years that the period for which he in fact held office bears to such period of five years.

8. Where any person who has held the office of Governor-General has immediately preceding his appointment to that office been in service in the Permanent Civil Service and is not in receipt of a pension in respect of that service, he may opt— Reckoning of Governor-General's service for pension in certain cases.

(a) to receive a pension under section 7, if he is so entitled; or

(b) to treat his service in the office of Governor-General as service in the Permanent Civil Service and receive a pension, or reduced pension and gratuity, or any applicable gratuity under the Pensions Act if the length of his joint service in the office of Governor-General and his service in the Permanent Civil Service qualifies him for a pension or gratuity under that Act, and he shall be granted a pension under section 7 or a pension or reduced pension and gratuity or other gratuity under the Pensions Act as he so opts.

9. Where a person dies while he is Governor-General, there shall be granted to his legal personal representative a gratuity of an amount not exceeding either his annual salary Gratuity where Governor-General dies while holding office.

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or the gratuity, if any, which would have been granted to him under this Act whichever is the greater.

Other pensions.

10. Any person who is in receipt of a pension in respect of service in the Permanent Civil Service shall be entitled to and receive such pension during such time that—

(a) he holds the office of Governor-General; or

(b) having held the office of Governor-General, he is entitled to or receives a pension under this Act.

Widow's pension.

11. (1) Where a person dies while he is Governor-General or while he is entitled to receive a pension payable under this Act to a person who has ceased to be Governor-General and leaves a widow, the widow shall, subject to subsection (2), be paid a pension at an annual rate equivalent to two-thirds of the rate of pension payable to such person under section 7 or 8.

(2) A widow mentioned in this section shall not be entitled to receive and shall not be paid a pension under this section in respect of any period after her re-marriage.

(3) For the purposes of this section "widow" includes "widower".

**Emoluments,
pensions, etc.,
charged on
Consolidated
Fund.**

12. The emoluments of the Governor-General, and all pensions and gratuities payable under this Act shall be charged on the Consolidated Fund and paid thereout.

Transitional.

13. (1) Where a person who, on 31st October, 1981, held the office of Governor under the former Constitution holds, on the 1st November, 1981, the office of Governor-General under the Constitution, the term of office of that person for the purposes of entitlement to, computation of and the granting of gratuity and pension under this Act shall be deemed to have commenced upon the date when he was appointed as Governor under the former Constitution.

(2) In this section "the former Constitution" means the Constitution of Antigua set out in Schedule 2 to the Antigua Constitution Order 1967.

SCHEDULE

Sec. 3

1. Salary at the rate of \$108,630 per annum.
 2. Duty Allowance at the rate of \$9,600 per annum.
 3. An allowance in lieu of the remission of customs duties on goods imported for use at the Governor-General's Residence at the rate of \$8,400 per annum.
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