

CHAPTER 322

THE PENSIONS AND GRATUITIES (PARLIAMENTARY AND SPECIAL OFFICES) ACT

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PENSIONS AND GRATUITIES (PARLIAMENTARY
AND SPECIAL OFFICES)

(29th December, 1979.)

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PRELIMINARY

- 1.** This Act may be cited as the Pensions and **Short title.**
Gratuities (Parliamentary and Special Offices) Act.
- 2.** (1) In this Act, unless the context otherwise **Interpretation.**
requires—
- "award" means any amount payable out of the Con-
solidated Fund to any person pursuant to this Act;
- "child" includes—
- (a) a posthumous child;
 - (b) a step-child; and
 - (c) an adopted child, adopted in a manner
recognised by law and before the Prime
Minister or legislator last ceased to be Prime
Minister or a legislator, as the case may be;
- "former legislative service" means legislative service
between the last day of January 1950 and the 26th
day of February, 1967 (both dates inclusive) as set
out in the First Schedule, and service between the **First Schedule.**
1st day of January 1950 and the 26th day of
February 1967 (both days inclusive) as the holder
of a specified qualifying Office:
- "full parliamentary term" means from the first time
that a session of Parliament is held after a General
Election to the dissolution of such Parliament;
- "legislator" means a person who—

(a) is a member of the Senate or the House of Representatives; or

(b) is the holder of a specified qualifying office;

"Part" means a Part of this Act;

"pension" means a pension payable pursuant to section 3 or 6;

"Prime Minister" in relation to any period prior to the 27th day of February, 1967 includes Chief Minister;

"Prime Minister's pension" means a pension payable under Part II to a person who has ceased to be Prime Minister;

"salary" means—

(a) in respect of former legislative service, the basic salary paid to a person by virtue of his being a member of the appropriate legislative body specified in the First Schedule and where applicable, in the capacity specified during the period any such member held a specified qualifying office, the basic salary paid in respect of the office so held; and

(b) as respects the Prime Minister or legislator, the salary payable to the Prime Minister or the legislator as such, but in relation to a legislator holding any specified qualifying office means the basic salary payable to him in respect of the office so held; and for the purposes of this definition "salary" means the emoluments attaching to the appropriate office exclusive of any duty allowance, professional allowance, entertainment allowance or other allowance whatever or any amount provided as a contribution to office or any other expenses:

"specified qualifying office" means any of the offices specified in the Second Schedule or any office

designated as such by Order made by the Minister and published in the *Gazette*.

"widow" includes widower.

(2) Where the Minister by Order made under subsection (1) designates any office to be specified qualifying office for the purposes of this Act, he may, by Order made in like manner, prescribe any conditions upon which service in that office shall be service as a legislator for the purposes of this Act, and the provisions of this Act shall have effect accordingly.

PART II

PRIME MINISTER

3. (1) Every person who having held office of Prime Minister on or after the 27th day of February 1967, for one full parliamentary term or for periods equal in the aggregate to five years ceases at any time thereafter to be Prime Minister shall be paid a pension under this Act with effect from the date on which he ceases to be Prime Minister and, subject to subsection (2) and section 16 such pension shall continue to be paid during the lifetime of that person. **Right of Prime Minister to pension.**

(2) The Prime Minister's pension shall, if the person to whom it is payable becomes entitled to salary as a legislator or as Prime Minister, cease to be payable during any period in respect of which that person is in receipt of salary as a legislator or as Prime Minister but where the Prime Minister's pension exceeds the rate of such salary, nothing in this subsection shall prevent the payment of such pension to the extent of such excess.

4. The Prime Minister's pension shall be two-thirds of the highest annual rate of salary paid to such person at any time as Prime Minister or seventy-two thousand dollars per annum, whichever is the greater; but where a person has had continuous service as Prime Minister for more than eleven years such pension shall be at a rate equivalent to his highest full annual pensionable salary paid to such person as Prime Minister. **Rate of Prime Minister's pension.**

**Prime Minister's
widow's pension.**

5. (1) Where a person dies while he is Prime Minister or while he is entitled to receive the Prime Minister's pension and he leaves a widow, the widow shall, subject to subsection (2), be paid a pension at an annual rate equivalent to sixty-six and two-thirds per cent of the Prime Minister's pension.

(2) A widow mentioned in subsection (1) 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.

PART III

PARLIAMENTARY AND SPECIAL OFFICES

**Right of
legislator to
pension.**

6. (1) Subject to this Act, a pension shall be paid to any person who—

(a) has served as a legislator for two consecutive full parliamentary terms or for periods equal in the aggregate to not less than 10 years;

(b) has ceased to be a legislator; and

(c) **either—**

(i) has attained the age of 50 years; or

(ii) not having attained the age of 50 years, has produced medical evidence, by not less than two qualified medical practitioners; to the satisfaction of the Minister, that he is incapable by reason of infirmity of mind or body of discharging the duties of a legislator and that such infirmity is likely to be permanent.

(2) For the purposes of this Act, a person shall be deemed to have served as a legislator if he was a member of the Senate or of the House of Representatives on or after the 27th day of February, 1967, and in determining, for the purposes of this Act, the length of service of any person as a legislator account shall be taken of former legislative service.

(3) For the purposes of this section—

(a) a person does not cease to be a legislator by reason only of the dissolution of Parliament;

(b) a person who immediately before the dissolution of Parliament was a member of the Senate or the House of Representatives shall cease to be a member of the Senate or the House of Representatives if he is not such a member when the Senate or the House of Representatives first meets next following the dissolution, and if he so ceases shall be deemed to have ceased to be a member of the Senate or the House of Representatives from the date of the dissolution aforesaid; and

(c) a person who is a legislator by virtue only of holding a specified qualifying office shall cease to be a legislator from the date on which he ceases to hold such office.

(4) No computation of a pension shall be made after a General Election until thirty days, or such longer period not exceeding three months as may be prescribed, has elapsed after the General Election.

(5) No pension under this Part may be paid to any person who is in receipt of or is entitled to receive a Prime Minister's pension.

(6) For the purposes of this Act, a person shall be deemed to have served as a legislator for periods amounting in the aggregate to 10 years if, irrespective of his age and actual legislative service, he fulfills the requirements of subsection (1)(c)(ii) and if, in the opinion of the Minister, his incapacity to discharge the duties of a legislator is attributable to infirmity of mind or body sustained in the course of his service as a legislator.

7. (1) The pension payable to any person under this Part shall be— Rate of pension.

(a) the rate equal to sixty-six and two-thirds per centum of his highest annual pensionable salary paid to such person as a legislator; or

(b) a sum of twelve thousand dollars per annum; , whichever is the greater; but where a person has had continuous service as a legislator for more than eleven years

such pension shall be at a rate equivalent to his highest full annual pensionable salary paid to such person as a legislator.

(2) For the purposes of subsection (1), "one year's salary" means the highest annual rate of salary payable at any time to any person as a legislator or in respect of former legislative service.

(3) The pension payable to any person under this Part shall be paid with effect from the date on which that person becomes entitled thereto pursuant to section 6 and, subject to this Act, shall continue to be paid during the lifetime of that person.

Cessation of pension if person in receipt thereof again becomes a legislator.

8. (1) A pension under this Part shall cease to be payable during any period in respect of which the person to whom it is payable is in receipt of salary as legislator; but where the rate of such pension exceeds the rate of such salary, nothing in this subsection shall prevent the payment of a pension to the extent of such excess.

(2) At the expiration of the period referred to in subsection (1) during which a person is in receipt of salary as a legislator, the rate of pension shall be re-calculated in accordance with section 7.

(3) A pension recalculated in accordance with subsection (2) shall be paid at the recalculated rate with effect from the date of cessation of the period of service as a legislator which gave rise to the recalculation.

Legislator's widow's pension.

9. (1) Where a person dies while he is a legislator or while he is entitled to receive a legislator's pension and he leaves a widow, the widow shall subject to subsection (2), be paid a pension at an annual rate equivalent to sixty-six and two-thirds per centum of the legislator's pension.

(2) A widow mentioned in subsection (1), 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.

PART IV
GRATUITIES

10. In this Part, unless the context otherwise requires— Interpretation.

"member of Parliament" means—

- (a) a Senator;
- (b) a member of the House;
- (c) a Speaker or Deputy Speaker of the House;
- (d) any person who has from time to time consecutively served in any two or more of the forementioned capacities, but does not include a person who holds the office of Attorney-General while that office remains an office in the public service;

"the House" means the House of Representatives.

11. (1) In addition to the provisions of section 6, a legislator is entitled to receive at the end of each Parliamentary term, commencing from the 29th day of December, 1979, such gratuity as is specified in subsection (2). Grant of gratuity to members of Parliament.

(2) The gratuity payable under this Part shall—

(a) where the person has served for the full Parliamentary term, be sixty-six and two-thirds per centum of the highest annual rate of salary paid to such person as a member; or

(b) where the person has served for less than the full Parliamentary term, be fifty per centum of the highest annual rate of salary paid to such person as a member.

12. Immediately upon the dissolution of Parliament each member of Parliament shall apply in writing to the Clerk to the House of Representatives or the Clerk to the Senate, as the case may be, to be paid such gratuity as is receivable by him under section 11. Time to receive gratuity.

Gratuity payable
to personal
representative.

13. There shall be paid to the personal representative of any person who dies while a member of Parliament a gratuity equal to twelve months salary at the rate of salary being paid to such person at the time of his death.

PART V

MISCELLANEOUS

Source and
method of
payments.

14. (1) Any pension, annuity, allowance or gratuity of whatever kind payable under this Act is hereby charged on and shall be paid out of the Consolidated Fund, and all pensions and allowances payable shall be paid monthly in arrears in equal monthly instalments as far as possible.

(2) Where for the purpose of computing a person's eligibility for pension or gratuity under this Act, the service of any such person as a legislator falls short by a period of six months or less to qualify for service as legislator for full parliamentary term, such period shall be disregarded and the person shall be deemed to have qualified for full parliamentary term.

Awards not to be
assignable.

15. Any award payable shall not be assignable or transferable except for the purpose of satisfying—

(a) a debt to Antigua and Barbuda; or

(b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife or child, being a minor, of the person to whom the award is payable,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to Antigua and Barbuda or any sum recoverable pursuant to any such order of a court as aforesaid.

Disqualification
from receiving
gratuity or
pension.

16. Notwithstanding any of the other provisions of this Act a legislator or a member of Parliament shall be disqualified from continuing to receive or receiving any pension or gratuity under this Act where such person has—

(a) ceased to be qualified to be elected as a member of the House of Representatives under the provisions of section 39 (1) (c) or (f) of the Constitution; or

(b) been, at any time, convicted by a Court of competent jurisdiction in Antigua and Barbuda of any offence in connection with his public duties committed at such time as he served as such legislator or member of Parliament.

17. (1) The Minister may, subject to the other provisions of this Act, make regulations— **Regulations.**

(a) prescribing, in the case of any pension or allowance payable under this Act, the days on which the payment of pension or allowance shall be made;

(b) prescribing, where the recipient of any pension, allowance or gratuity under this Act is incapable of managing his affairs, that the pension, allowance or gratuity may be payable to another person on his behalf;

(c) prescribing anything that may be required to be prescribed, including such forms he considers necessary for the administration of this Act;

(d) prescribing the manner in which, and the person by whom, accounts of pensions, allowances and gratuities shall be kept and recorded; and

(e) for any other purposes, whether similar to the foregoing or not, deemed necessary to give effect to this Act.

FIRST SCHEDULE

FORMER LEGISLATIVE SERVICE

Legislative service, other than service as a legislator or member holding an office of emolument in the service of the Crown, between the first day of January 1950 and the 26th day of February 1967 inclusive, as a member of—

(a) the Legislative Council of the Presidency of Antigua;

(b) the Legislative Council of the Colony of Antigua;

(c) the General Legislature of the Leeward Islands representing Antigua or any part thereof;

(d) the Senate or House of Representatives of the Federation of the West Indies representing Antigua or any part thereof.

SECOND SCHEDULE

SPECIFIED QUALIFYING OFFICES

Speaker
Minister
Attorney-General, if not a Minister
Leader of the Opposition
Parliamentary Secretary
Deputy Speaker
President of the Senate
Vice-President of the Senate.
