

LAWS OF GUYANA

PENSIONS (PRESIDENT, PARLIAMENTARY AND
SPECIAL OFFICES) ACT

CHAPTER 27:03

Act

30 of 1969

Amended by

4	of	1972	O. 80/1980
24	of	1974	
6	of	1981	
19	of	1990	
18	of	1991	
4	of	2011	

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1 - 31 ...	1/2012

LAWS OF GUYANA

2 **Cap. 27:03** *Pensions*
(President, Parliamentary and Special Offices)

Index
of
Subsidiary Legislation

	Page
Pensions (President, Parliamentary and Special Offices) (Designation) Order. (O. 15/1971)	26
Pensions (President, Parliamentary and Special Offices) (Designation) (Service Commission) Order. (O. 47/1973, 61/1973)	28
Pensions (President, Parliamentary and Special Offices) (Designation) (Elections Commission) Order. (O. 52/1976, 117/1974)	30
Pensions (President, Parliamentary and Special Offices) (Designation) (Public Corporations) Order. (O. 143/1974)	31

Note
on
Revision Date

This Act had been revised up to January, 1st 2012

CHAPTER 27:03

**PENSIONS (PRESIDENT, PARLIAMENTARY AND SPECIAL OFFICES)
ACT**

ARRANGEMENT OF SECTIONS

SECTION

**PART I
PRELIMINARY**

1. Short title.
2. Interpretation.

**PART II
PRESIDENT AND PRIME MINISTER**

3. Right of President and Prime Minister to pension.
4. Rate of President's and Prime Minister's pensions.
5. President and Prime Minister's widow's pensions.
6. President and Prime Minister's children's allowance.
- 6A. Gratuity where office holder dies leaving no widow or entitled child.

**PART III
PARLIAMENTARY AND SPECIAL OFFICES**

7. Contributors.
8. Contributions.
9. Circumstances in which pensions are payable.
10. Rate of pension.
11. Cessation of pension if person in receipt thereof again becomes a legislator.
12. Gratuity and reduced pension.
13. Gratuity.
14. Widow's pension.
15. Children's allowance.
- 15A. Gratuity where contributor dies leaving no eligible relative or dependant.

SECTION

**PART IV
MISCELLANEOUS**

- 16. Sources and method of payments.
- 17. Awards not to be assignable.
- 18. Power to make regulations.

FIRST SCHEDULE—Former Legislative Service.

SECOND SCHEDULE—Specified Qualifying Officers.

CHAPTER 27:03

**PENSIONS (PRESIDENT, PARLIAMENTARY AND SPECIAL OFFICES)
ACT**

30 of 1969

An Act to make provision for the payment of Superannuation Benefits in respect of service in the offices of President and Prime Minister and in other parliamentary and special offices.

[Part II (sections 3 to 6 inclusive) and sections 2, 16, 17 and 18
in their application thereto 10TH NOVEMBER, 1969
Remainder 1ST JANUARY, 1970]

**PART I
PRELIMINARY**

Short title.

1. This Act may be cited as the Pensions (President, Parliamentary and Special Offices) Act.

Interpretation.
[4 of 1972]

2. (1) In this Act—

“award” means any amount payable out of the

Consolidated Fund to any person pursuant to this Act;

“child” includes—

- (a) a posthumous child;
- (b) a step-child;
- (c) an illegitimate child who immediately before the death of the deceased person, was wholly or partially dependent on him for support; and
- (d) an adopted child, adopted in a manner recognised by law and, in the case of the President, the Prime Minister or a person referred to in section 14(1)(a), before the President, the Prime Minister or such person last ceased to be President, Prime Minister, or a legislator, as the case may be;

“contributions” means contributions payable pursuant to section 8;

“contributor” means any person who by virtue of section 7 becomes a contributor under this Act or who by virtue of section 9 is deemed to have become such a contributor;

First Schedule.

“former legislative service” means legislative service between 18th May, 1953 and 31st December, 1969 (both dates inclusive) as set out in the First Schedule, and service between 5th October, 1961 and 31st December, 1969 (both dates inclusive) as the holder of a specified qualifying office;

“legislator” means a person who—

- (a) is a member of the National Assembly; or
- (b) is the holder of a specified qualifying office;

“pension” means a pension payable pursuant to section 9;

“President” in relation to any period prior to 23rd February, 1970 includes Governor-General;

“President’s pension” means a pension payable under Part II to a person who has ceased to be President;

“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 during the period of such service or, where during that 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 President, the Prime Minister or a legislator, the basic salary payable to the President, 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 "basic salary" means the emoluments attaching to the appropriate office exclusive of any duty allowance, professional allowance, entertainment allowance or any other allowance whatever or any amount provided as a contribution to office or any other expenses;

Second
Schedule.

"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 subject to negative resolution of the National Assembly;

"widow" includes widower.

(2) Where the Minister by order made under subsection (1) designates any office to be a 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 PRESIDENT AND PRIME MINISTER

Right of
President and
Prime Minister
to pension.

3. (1) Every person who having held the office of President on or after 16th December, 1966 or who having held the office of Prime Minister on or after 22nd December, 1965, ceases at any time after such date to be President or Prime Minister shall be paid a pension under this Act with effect from the date on which he ceases to be President or Prime Minister, as the case may be, and, subject to subsection (2), such pension shall continue to be paid during the lifetime of that person.

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

Rate of President's and Prime Minister's pensions. [18 of 1991]

4. The President's pension and the Prime Minister's pension shall be seven-eighths of the highest annual rate of salary paid to such person at any time as President or Prime Minister as the case may be or two hundred and four thousand dollars per annum, whichever is the greater.

President's and Prime Minister's widow's pension. [18 of 1991]

5. Where a person dies while he is President or Prime Minister or while he is entitled to receive the President's pension or the Prime Minister's pension and he leaves a widow, the widow shall be paid a pension at an annual rate equivalent to seven-eighths of the President's pension or the Prime Minister's pension, as the case may be.

President's and Prime Minister's children's allowance. [O. 80/1980 6 of 1981 19 of 1990]

6. (1) Where a person dies while he is President or Prime Minister or while he is entitled to receive the President's pension or the Prime Minister's pension, leaving entitled children, each of such children shall be paid, until he dies or ceases to be an entitled child, such allowance at such rate as the President shall determine; so, however, that

- (a) where there is one entitled child, the annual rate of allowance payable shall not exceed one-sixth of the annual rate of pension specified in section 4; or

- (b) where there is more than one entitled child, the aggregate rate of allowance payable shall not exceed one-third of the annual rate of pension specified in section 4.

(2) In this section, "entitled child" means a child who has not attained the age of twenty-one years.

Gratuity where office holder dies leaving no widow or entitled child.
[6 of 1981
19 of 1990]

6A. (1) Where a person dies while he is President or Prime Minister and he does not leave a widow or entitled child, there shall be paid to the legal personal representative of the deceased person a gratuity of an amount not exceeding the highest annual rate of salary payable at any time to the deceased person as President or Prime Minister, as the case may be, as the President shall determine.

(2) Where a person dies while he is entitled to receive the President's pension or the Prime Minister's pension and the aggregate of the pension paid or payable to him, up to the date of his death, under section 4 is less than his highest annual rate of salary, there shall be paid to his legal personal representative a gratuity equal to the deficiency.

(3) In this section "entitled child" has the same meaning as in section 6.

PART III PARLIAMENTARY AND SPECIAL OFFICES

Contributors.

7. (1) Subject to subsection (2), every person who, on 1st January, 1970, is a legislator, and every person who, after 1st January, 1970, becomes a legislator, shall, by virtue of being a legislator, become a contributor under this Act.

LAWS OF GUYANA

10

Cap. 27:03

Pensions

(President, Parliamentary and Special Offices)

(2) This section shall not apply to any person who on 1st January, 1970 is a legislator but who within twenty-one days thereafter notifies the Clerk of the National Assembly in writing of his intention not to become a contributor under this Act.

Contributions.

8. (1) Contributions are payable under this Act by every person who becomes a contributor and such contributions shall—

- (a) be at the rate of 6 per cent of the salary payable to the contributor;
- (b) be payable in respect of the salary of the contributor commencing on 1st January, 1970, or on any later date on which the person concerned becomes a contributor until he ceases to be a legislator;
- (c) accrue daily and be deducted monthly from the salary of each contributor and be paid to the Accountant-General.

(2) All contributions made pursuant to this section shall be paid into the Consolidated Fund.

Circumstances
in which
pensions are
payable.
[24 of 1974
6 of 1981
18 of 1991
4 of 2011]

9. (1) Subject to this Act, a pension shall be paid to any person who, having become a contributor under this Act—

- (a) has served as a legislator for two parliamentary terms or for periods equal in the aggregate to not less than 4 years; and
- (b) has ceased to be a legislator.

(c) [Repealed by Act No. 4 of 2011]

(2) For the purposes of this Act, a person shall be deemed to have become a contributor, notwithstanding that he is not a legislator on 1st January, 1970, or does not become a legislator thereafter, if he was a member of the National Assembly on or after 26th May, 1966; 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 notwithstanding that contributions in respect thereof are not payable under this Act.

(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 National Assembly shall cease to be a member of the National Assembly if he is not such a member when the National Assembly first meets next following the dissolution, and if he so ceases shall be deemed to have ceased to be a member of the National Assembly from the date of the dissolution aforesaid;
- (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 30 days, or such longer period not exceeding three months as may be prescribed, has elapsed after the general election.

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

(6) [Repealed by Act No. 4 of 2011]

(7) [Repealed by Act No. 4 of 2011]

(8) Where a person who has served as a legislator for periods amounting in the aggregate to not less than twelve years continues as a legislator thereafter, he may, at his option exercisable in accordance with section 12, at any time, be paid, although he has not ceased to be a legislator, an amount not exceeding the amount which would have been payable as gratuity to him under that section if he had ceased to be a legislator on the day on which he completed the aforesaid twelve years of service, and any amount so paid shall be set off against the superannuation benefits granted to him on his ceasing to be a legislator after that payment or against any gratuity payable under this Act on his death to his legal personal representative:

Provided that a legislator on receipt of a gratuity or at any time after such receipt may, notwithstanding the provisions of this Act, at his option, intimate in writing to the Minister that he shall thereafter cease to be a contributor; and in respect of the period of his continuance thereafter as a legislator he shall be entitled, notwithstanding the provisions of this Act, to no superannuation benefits under this Act.

(9) Where a person who has served as a legislator

for periods amounting in the aggregate to not less than twelve years continues as a legislator thereafter, he may, notwithstanding the provisions of this Act, at his option exercisable on the day on which he completed the aforesaid twelve years of service or at any time after such day intimate in writing to the Minister that he shall thereafter cease to be a contributor; and in respect of the period of his continuance thereafter as a legislator he shall be entitled, notwithstanding the provisions of this Act, to no superannuation benefits under this Act.

Rate of pension.
[24 of 1974
18 of 1991]

10. (1) The pension payable to any person shall —

- (a) in the case of a person who has served as a legislator for two parliamentary terms or for periods amounting in the aggregate to not less than 4 years, be at an annual rate equal to one-quarter of one year's salary of that person:

Provided that in the case of a person who has served as a legislator for one or more parliamentary terms or for periods amounting in the aggregate to not less than 3 years the pension payable to that person shall be at an annual rate equal to one-quarter of one year's salary of that person multiplied by the fraction of 4 years that the aggregate of his service amounts to;

- (b) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than 6 years, be at an annual rate

equal to one-third of one year's salary of that person;

- (c) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than 8 years, be at an annual rate equal to one-half of one year's salary of that person;
- (d) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than 10 years, be at an annual rate equal to two-thirds of one year's salary of that person; and
- (e) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than 12 years, be at an annual rate equal to seven-eighths of one year's salary of that person.

(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 shall be paid with effect from the date on which that person becomes entitled thereto pursuant to section 10 and, subject to this Act, shall continue to be paid during the lifetime of that person.

Cessation of
pension if
person in
receipt thereof

11. (1) A pension 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 a legislator; but where the rate of such

again becomes
a legislator.

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 recalculated in accordance with section 10.

(3) Where a pension is recalculated pursuant to subsection (2) and the person entitled thereto opts to receive such pension by way of a gratuity and a reduced pension, then in calculating the amount of such gratuity there shall be deducted there from any amount already paid to such person by way of gratuity in respect of the pension payment of which was suspended under subsection (1).

(4) 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.

Gratuity and
reduced
pension.
[24 of 1974]

12. (1) Any person who is entitled to a pension may, at his option exercisable in accordance with subsection (2), be paid instead of a pension at the rate provided for in section 10, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

(2) The option referred to in subsection (1) shall be exercised by notice in writing to the appropriate Minister within 90 days after the date on which the person concerned ceases to be a legislator or within such further period as the appropriate Minister may allow.

Gratuity.

13. (1) Where a person—

- (a) having been a member of the National Assembly, ceased to be such a member prior to 1st January, 1970, and is not eligible for a pension; or
- (b) having become a contributor under this Act by virtue of section 7, ceases to be a legislator but is not eligible for a pension,

he shall be paid a gratuity equal to one-tenth of the total salary received during his period of service as a legislator so, however, that such gratuity shall not in any event exceed three years' salary at the highest annual rate of salary payable at any time to such person as a legislator.

(2) Where a person who would be entitled to such a gratuity dies prior to 1st January, 1970, or before such gratuity has been paid to him, and in the case of a male, leaves no widow or children entitled to an award, there shall be paid to the legal personal representative of such person a gratuity equal to the amount which, pursuant to subsection (1) would have been paid to such person if he had not died.

(3) Where a gratuity has been paid under this section in respect of the service of any person as a legislator, no other award may be made to or in respect of that person in relation to the service of that person as a legislator before the date of the said payment.

Widow's
pension.

14. (1) Subject to this Act, where a person who dies leaving a widow—

- (a) was in receipt of a pension at the date of his death; or

- (b) had at the date of his death, satisfied the requirements of section 9(1) (a); or
- (c) having become a contributor under this Act, died, in the opinion of the Minister, in the course of service as a legislator,

there shall be paid to the widow, during her lifetime and while unmarried, a widow's pension at an annual rate equivalent to one- half of the pension, which—

- (d) in the case of a person mentioned in paragraph (a), was being paid to him; or
- (e) in the case of a person mentioned in paragraph (b), not being a person mentioned in paragraph (c), would have been payable to him with effect from the date of his death if he had not died but had satisfied all the requirements of section 9 for the award of a pension computed in accordance with section 10; or
- (f) in the case of a person mentioned in paragraph (c), would have been payable to him with effect from the date of his death if he had not died but had satisfied all the requirements of section 9 for the award of a pension computed in accordance with section 10 as if he had served as a legislator for periods amounting in the aggregate to 12 years.

(2) A widow's pension under this section—

- (a) shall, subject to subsection (3), if the widow is in receipt of a pension by virtue of having been herself a contributor under the Act, cease to be payable; and
- (b) shall subject to subsection (3), if the widow is in receipt of salary as a legislator, cease to be payable during the period in respect of which the widow is in receipt of such salary.

(3) Where the rate of widow's pension exceeds the rate of pension or the rate of salary, as the case may be, nothing in subsection (2) shall prevent the payment of the widow's pension to the extent of such excess.

(4) Where a person who is serving as a legislator dies before he has served the required minimum period as a legislator to permit his widow to qualify for a widow's pension under subsection (1) there shall be paid to the widow a gratuity equal in amount to the total contributions paid by that person plus a sum equal to the highest annual salary payable at any time to that person as a legislator or in respect of former legislative service.

(5) Notwithstanding anything in this Act, but subject to this section, where a person mentioned in subsection (1)(a), (b) or (c) dies leaving a dependant to whom he has bequeathed an annuity not exceeding one-third of any widow's pension payable under this section consequent on the death of a deceased person or which would have been payable had the deceased person died leaving a widow, and has directed that such annuity be payable under this Act, such annuity shall be paid to such

dependant; and where a widow's pension is payable under this section consequent on the death of the deceased person, the amount of any annuity so paid shall be deducted from such pension:

Provided that where the dependant, being an unmarried person at the date of the deceased's death, marries, the said annuity shall forthwith cease to be payable.

(6) For the purposes of this section—

- (a) "dependant" means any person, other than a widow or a child, who immediately before the death of the deceased person was wholly or partially dependent on him for support;
- (b) where an annuity is payable under sub-section (5)—
 - (i) subsections (2) and (3) shall also apply, *mutatis mutandis*, to such annuity and to the dependant to whom it is payable; and
 - (ii) the reference in subsection (3) to the widow's pension shall, in relation to the widow, be construed as a reference to the pension payable to the widow under this section less the amount deducted therefrom under subsection (5).

Children's
allowance.
[19 of 1990]

15. (1) Subject to this Act, where a person who comes within section 14(1)(a), (b) or (c) (hereinafter in this section referred to as the "deceased legislator") dies leaving

one or more children, a children's allowance shall be payable in respect of such child or children while under the age of twenty-one years.

(2) Only one children's allowance is payable in respect of service of any one person as a legislator, but—

- (a) the rate thereof may vary according to the number of children entitled thereto, so however, that the aggregate rate of allowance payable shall not exceed the rate specified in subsection (3) (a) or subsection (4) (a), as the case may be;
- (b) it shall be paid to such person or persons as the Minister may from time to time direct, and different parts thereof may be directed to be paid to different persons;
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the children for the time being entitled thereto or for the benefit of such of them as the Minister may from time to time direct.

(3) Where the deceased legislator leaves a widow, the annual rate of the children's allowance during her lifetime shall be—

- (a) one-third of the rate of the pension, not being the widow's pension, specified in section 14(1) where there are two or more children

entitled to the children's allowance;
and

- (b) one-sixth of the rate of such pension where there is only one child entitled to the children's allowance.

(4) Where the deceased legislator leaves no widow, or where he leaves a widow, then, after her death, or after any pension payable to her ceases to be paid before her death, the annual rate of the children's allowance shall be—

- (a) one-half of the rate of the pension, not being the widow's pension, specified in section 14(1) where there are two or more children entitled to the children's allowance;
- (b) one-quarter of the rate of such pension where there is only one child entitled to the children's allowance.

Gratuity where contributor dies leaving no eligible relative or dependant.
[6 of 1981
4 of 2011]

15A. (1) Where a person, having become a contributor under this Act, dies, in the opinion of the Minister, in the course of service as a legislator, and where on the occurrence of the death no person is otherwise entitled under this Act to any benefits thereunder, there shall be paid to the legal personal representative of the deceased person a gratuity of an amount not exceeding either the person's highest annual rate of salary payable at any time to him or the commuted pension gratuity granted to him under section 12 if he had retired on the date of his death and had opted to receive a gratuity and reduced pension, whichever is higher, as the President shall determine.

(2) Where any such person to whom a pension or pension and gratuity, as the case may be, has been granted under this Act dies and the aggregate of the sums paid or

payable up to the date of his death on account of such pension or pension and gratuity is less than his highest annual rate of salary, there shall be paid to his legal personal representative a gratuity equal to the deficiency.

PART IV MISCELLANEOUS

Source and method of payments.

16. 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 instalments as far as possible.

Awards not to be assignable.

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

- (a) a debt to the State; 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 the State or any sum recoverable pursuant to any such order of a court as aforesaid.

Power to make regulations.

18. (1) The Minister may make regulations—

- (a) prescribing, in the case of any pension or allowance payable under this Act, the days on which the payments of pension or allowance

shall be made;

- (b) prescribing, where a recipient of any pension or allowance under this Act is incapable of managing his affairs, that the pension or the allowance may be paid to another person on his behalf;
- (c) prescribing anything which may be required to be prescribed, including any forms he considers necessary for the administration of this Act;
- (d) prescribing the manner in which, and the person by whom, accounts of contributions and awards 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.

s. 2(1)

FIRST SCHEDULE

FORMER LEGISLATIVE SERVICE

Legislative service, other than service as a Member holding office of emolument in the service of the State, between 18th May, 1953 and 31st December, 1969, inclusive, as a Member of—

- (a) the House of Assembly or the State Council constituted pursuant to

the British Guiana (Constitution) Order in Council 1953;

- (b) the Legislative Council constituted pursuant to the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953;
- (c) the Legislative Council constituted pursuant to the British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956;
- (d) the Legislative Assembly or the Senate constituted pursuant to the British Guiana (Constitution) Order in Council, 1961;
- (e) the House of Assembly constituted pursuant to the British Guiana (Constitution) Order, 1964; or
- (f) The National Assembly.

s. 2(1)
[24 of 1974
O. 80/1980]

SECOND SCHEDULE

SPECIFIED QUALIFYING OFFICES

Speaker
Minister
Attorney-General, if not a Minister
Minority Leader
Parliamentary Secretary

Deputy Speaker

President of the Senate

A member (not being an employee) of—

c. 19:05

- (a) a public corporation established under the Public Corporations Act; or
- (b) any other public corporation established by law, or of any corporate body in which the controlling interest is vested in the State or in any agency on behalf of the State, as may be designated for the purposes of this Act by order of the Minister:

Provided that the Minister may, by order, exclude from the application of the provisions of this Act membership of such a public corporation established under the Public Corporations Act as may be specified in the order.

SUBSIDIARY LEGISLATION

O. 15/1971
41/1991

**PENSIONS (PRESIDENT, PARLIAMENTARY AND
SPECIAL OFFICES (DESIGNATION) ORDER**

made under section 2

Citation.

1. This Order may be cited as the Pensions (President, Parliamentary and Special Offices) (Designation) Order.

Specified
qualifying
offices.

2. The Offices of Ambassador, High Commissioner, Consul-General, and Minister Counsellor, of Guyana, and the offices of Commissioner for British Guiana are designated as specified qualifying offices for the purposes of the Act.

Persons on
contract holding
specified
qualifying
offices.
[41/1991]

2A. (1) A person, on appointment, or on renewal of such appointment, on contract to an office referred to in clause 2, shall be liable to pay contributions under the Act unless, notwithstanding clause 2, he at his option intimates in writing to the Minister his desire not to be a contributor under the Act.

(2) A person referred to in paragraph (1), appointed on contract or on a renewed contract and who being a contributor is entitled to a gratuity under section 9(8) of the Act may, at his option, intimate in writing to the Minister on the date on which he receives his gratuity or on any later date that thereafter he shall cease to be a contributor; and in respect of the period of his continuance thereafter as a legislator he shall be entitled to no superannuation benefits under the Act.

Service.

3. Notwithstanding clause 2, service in any office mentioned in that clause shall be service as a legislator for the purposes of the Act only if—

Pensions (President, Parliamentary and Special Offices) (Designation Order)

- (a) in the case of a person holding any such office at the commencement of this Order, or of a person who held any such office at any time prior thereto, such person within three months after such commencement or such later date as the Minister may, by directions in writing, in any particular case allow –
- (i) intimates in writing to the Minister his desire to become a contributor under the Act;
 - (ii) repays to the Accountant General all sums paid to him as gratuity under a contract of service in respect of service in any such office less an amount certified by the Commissioner of Inland Revenue to be the amount of income tax paid by him in respect of such sums;
 - (iii) certifies in writing to the Minister his waiver of any right to any gratuity accruing to him under a contract of service in respect of service in any such office; and
 - (iv) pays to the Accountant General an amount representing the contributions payable by him under the Act in respect of his service in any such office after 31st December, 1969;
- (b) in the case of any holder of any such office, service in that office is service to which the Pensions Act does not apply.

c.27:02

LAWS OF GUYANA

28 **Cap. 27:03** *Pensions (President, Parliamentary and
Special Offices)*

[Subsidiary] *Pensions (President, Parliamentary and Special Offices) (Designation)
(Service Commission) Order*

O.47/1973
61/1973

**PENSIONS (PRESIDENT, PARLIAMENTARY AND
SPECIAL OFFICES) (DESIGNATION) (SERVICE
COMMISSION) ORDER**

made under section 2

Citation.

1. This Order may be cited as the Pensions (President, Parliamentary and Special Offices) (Designation) (Service Commission) Order.

Interpretation.

2. In this Order—

“member of a Service Commission” means—

(a) an appointed member of—

(i) the Judicial Service Commission established by the British Guiana (Constitution) Order in Council 1961, not being the holder of high judicial office during his term of office as a member of the Commission;

(ii) the Judicial Service Commission, established by article 134 of the Constitution, not being the holder of the office of judge (within the meaning of paragraph 3(a) of that article) during his term of office as a member of the Commission;

(b) a member of the Public Service

S.I 1961
No. 1188

[Subsidiary]

*Pensions (President, Parliamentary and Special Offices) (Designation)
(Service Commission) Order*

Commission (including the Chairman and Deputy Chairman thereof) established by the aforementioned Order in Council, or by article 135 of the Constitution;

- (c) an appointed member of the Police Service Commission established by the aforementioned Order in Council, or by article 137 of the Constitution.

Specified
qualifying
office.

3. The office of member of a Service Commission is designated as a specified qualifying office for the purposes of the Act.

Service.
[O.61/1973]

4. Notwithstanding clause 3, service in the office of member of a Service Commission shall be service as a legislator for the purposes of the Act only if in the case of a person holding such office at the time of the commencement of this Order, or at any time prior thereto, such person was the holder of that office on or after 26th May, 1966, and within three months after such commencement or such later date as the Minister may, by directions in writing, in any particular case allow —

- (a) intimates in writing to the Minister his desire to become a contributor under the Act; and
- (b) pays to the Accountant General an amount representing the contributions payable by him under the Act in respect of his service in that office after 31st December, 1969.

Contribution
and awards.

5. Where a person is a member of more than one

LAWS OF GUYANA

30 **Cap. 27:03** *Pensions (President, Parliamentary and
Special Offices)*

[Subsidiary]

*Pensions (President, Parliamentary and Special Offices) (Designation)
(Elections Commission) Order*

Service Commission, the contributions payable by him shall be in respect of his membership of the Service Commission in respect of which he receives the higher or highest salary, as the case may be, and the awards payable under the Act in respect of his service shall be computed accordingly.

O. 52/1976
117/1974

**PENSIONS (PRESIDENT, PARLIAMENTARY AND
SPECIAL OFFICES) (DESIGNATION) (ELECTIONS
COMMISSION) ORDER**

made under section 2

Citation.

1. This Order may be cited as the Pensions (President, Parliamentary and Special Offices) (Designation) (Elections Commission) Order.

Specified
qualifying
office.

2. The office of Chairman of the Elections Commission is designated a specified qualifying office for the purposes of the Act.

Service.

3. Notwithstanding clause 2, in the case of the person who held the office of Chairman of the Elections Commission on its establishment on 26th May, 1966 and continues to hold that office at the commencement of this Order, service in the said office shall be service as a legislator for the purposes of the Act if, within three months after the commencement of this Order, or such later date as the Minister may, by directions in writing allow, he—

- (a) intimates in writing to the Minister his desire to become a contributor under the Act; and

[Subsidiary]

*Pensions (President, Parliamentary and Special Offices) (Designation)
(Public Corporations) Order*

- (b) pays to the Accountant General the amount representing the contributions payable by him under the Act in respect of his service in that office after the 31st December, 1969.

Contribution
and awards.
[O.117/1974]

4. Where a person is the holder of more than one specified qualifying office, the contributions payable by him shall be in respect of the office in respect of which he receives the higher or highest salary, as the case may be, and the award payable under the Act in respect of his services shall be computed accordingly.

O.143/1974

**PENSIONS (PRESIDENT, PARLIAMENTARY AND
SPECIAL OFFICES) (DESIGNATION) (PUBLIC
CORPORATIONS) ORDER**

made under Second Schedule

Citation and
commence-
ment.

1. This Order may be cited as the Pensions (President, Parliamentary and Special Offices) (Designation) (Public Corporations) Order and shall be deemed to have come into operation on 1st January, 1970.

Designation of
public
corporations.
c. 56:01
c. 36:01

2. The Guyana Electricity Corporation and the National Insurance Board are designated for the purposes of the Act.
