

LAWS OF GUYANA

PENSIONS ACT

CHAPTER 27:02

Act

38 of 1957

Amended by

15	of	1962
15	of	1963
8	of	1966A
22	of	1968
2	of	1970
20	of	1970
2	of	1972
2	of	1975
12	of	1976
7	of	1979
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**Note
on
Repeal**

This Act repealed the Pension Ordinance, Cap. 73 of the 1953 Edition.

CHAPTER 27:02**PENSIONS ACT****ARRANGEMENT OF SECTIONS**

SECTION

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CHAPTER 27:02

PENSIONS ACT

38 of 1957 **An Act to amend and consolidate the Law relating to the award of Pensions, Gratuities and other Allowances to Civil Servants in respect of service in Guyana.**

[10th AUGUST, 1957]

Short title. 1. This Act may be cited as the Pensions Act.

Interpretation.
[15 of 1962
15 of 1963
8 of 1966A
12 of 1976]

2. In this Act—

“inducement allowance” means the inducement allowance referred to in (a) of the Schedule to the Overseas Service Agreement Act;

“other public service” means public service not under the Government of Guyana;

“pensionable emoluments” —

(a) in respect of service in Guyana includes—

- (i) salary;
- (ii) personal allowance; and
- (iii) duty allowance paid to a Permanent Secretary:

Provided that this subparagraph shall not be construed as applying to the Solicitor-General;

(iv) surcharge allowance paid to a pilot employed in the Transport an Harbours

Department;

- (v) such portion of the inducement allowance as the Government of the United Kingdom and the Government of Guyana may, from time to time, by agreement determine to be pensionable,

but does not include any duty allowance paid to any other officer, or any entertainment allowance or any other emoluments whatever;

- (b) in respect of other public service means emoluments which count for pension in accordance with the law or regulations in force in such service;

“pensionable office” means—

- (a) in respect of service in Guyana an office which has been declared by the Minister with the approval of the National Assembly by a notification published in the *Gazette* to be pensionable:

Provided that any office declared to be pensionable under this section may be declared at any time by the Minister with the approval of the National Assembly by a notification published in the *Gazette* to be no longer pensionable due regard being had to existing rights;

- (b) in respect of other public service an office which is a pensionable office

under the law or regulations in force in such service;

“personal allowance” means a special addition to such salary granted personally to the holder for the time being of the office and expressed to be pensionable;

“public service” or “service” means—

- (a) service in a civil capacity under the Government of Guyana or of any other Commonwealth country or territory;
- (b) service under the East Africa High Commission, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration or the East African Common Services Organisation;
- (c) service which is pensionable—
 - (i) under the Over sea Superannuation Scheme;
 - (ii) under any Acts relating to the superannuation of teachers in the United Kingdom or Northern Ireland;
 - (iii) under a local authority in the United Kingdom or Northern Ireland; or
 - (iv) under the National Health Service of the United Kingdom or Northern Ireland Health Service;

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2c. 62
- (d) except for the purposes of computation of a pension or gratuity and of section 12 of this Act, service in respect of which a pension may be granted under the Governors Pensions Act, 1957, of the United Kingdom;
- S.I. 1996/2323
- (e) service as the holder of the office of President, Vice- President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa established by the Eastern Africa Court of Appeal Order in Council, 1961, of the United Kingdom;
- (f) service in the service of the Interim Commissioner for the West Indies; and
- (g) any other service that the Minister has determined to be public service for the purpose of this Act;

“the Regulations” means the regulations contained in the Schedule;

“salary” means the salary attached to an office;

“service of Guyana” means service in a civil capacity under the Government of Guyana.

Grant of pensions, etc regulated by Act.

3. The grant by the President of pensions, gratuities and other allowances to persons to whom this Act applies or of a gratuity to the personal representatives of any such person shall be regulated by this Act.

Pensions not of right.

4. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity or

[12 of 1976] other allowance under this Act, nor shall anything herein or in such regulations contained limit the right of the State to dismiss any officer without compensation.

(2) Where it is established to the satisfaction of the President that an officer has been guilty of negligence, irregularity or misconduct the pension, gratuity or other allowance may, subject to article 214 of the Constitution, be reduced or altogether withheld.

(3) No officer shall be granted a pension, gratuity or other allowance under this Act without a certificate from the head of his department or, if he is himself the head of a department, from the Permanent Secretary of his Ministry and, if he is the head of a department not under the control of a Minister or is a Permanent Secretary from the President, to the effect that he has discharged his office with such diligence and fidelity as to justify the grant to him of such pension, gratuity or other allowance.

Preservation
of pension
rights.
[22 of 1968]

5. Where an officer is seconded or temporarily transferred for duty in the service of Guyana from a pensionable office, to an office or employment which would not entitle him to pension under this Act, the period during which he shall serve in such office or employment as aforesaid shall count for pension as if the officer had not been seconded or temporarily transferred unless the President shall in any case otherwise decide.

Service as
Ombudsman to
be pensionable
service.

6. (1) Where an officer serving in a pensionable office is appointed to the office of Ombudsman, his service pursuant to such appointment, shall be deemed to be service in a pensionable office for all intents and purposes, the generality of which shall not be prejudiced by anything in the following provisions of this section; and, upon his retirement in circumstances in which a pension may accordingly be granted to him under this Act, or might be so granted but for any failure of the circumstances of his retirement mentioned in subsection (2) to otherwise

conform to the requirements of this Act, he shall be granted the pension in accordance with this Act, which shall be construed with such adaptations and modifications as are necessary for the purpose.

(2) In subsection (1), “retirement” includes relinquishment of the office of Ombudsman in circumstances where the officer appointed as aforesaid—

- (a) is not, at the expiration of his term of office as Ombudsman, prior to his attainment of the age of 65 years, reappointed to that office or appointed to any public or other office the conditions of which taken as a whole are no less favourable than those appertaining to the office of Ombudsman, although he is not disqualified by reason of infirmity of body or mind for either such appointment; or
- (b) has, on or before the expiration of his term of office as Ombudsman, attained an age at which he may by virtue of this Act, apart from this section, be permitted to retire from the public service and he intimates in writing to the President that on the expiration of his term of office as Ombudsman he wishes neither to be reappointed to the office of Ombudsman nor to be considered for appointment to any public or other office but to so retire,

in which circumstances he shall, for the purposes of subsection (1), be deemed to have retired immediately after the date on which he so relinquished the office of

Ombudsman or on which any period of leave taken by him upon such relinquishment expired, whichever is later, and, in the case of circumstances mentioned in paragraph (a), after completing such length of service in pensionable office as is required for the granting to him of a maximum pension consistently with section 12(1).

Service not
qualifying for
pension.
[20 of 1971]

7. Save as otherwise provided in the Regulations no pension, gratuity or other allowance shall be granted to any officer in respect of any service—

- (a) while on probation or agreement unless without break of service he is confirmed in a pensionable office in Guyana or in an office in other public service which is at the time of confirmation pensionable under the pension law or regulations applicable to such service; or
- (b) while under the age of eighteen years:

Provided that any break in service which may be disregarded under regulation 6 of the Regulations may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

Circumstances
in which
pensions may
be granted.
[12 of 1976]

8. No pension, gratuity or other allowance shall be granted to any officer except on his retirement from the public service in one of the following cases—

- (a) on or after attaining the age of fifty-five years or, in special cases with the approval of the Minister on or after attaining the age of fifty years or, in special cases as mentioned in the proviso to section 11, or in the case of transfer to other public service on or after attaining the

age at which an officer is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity or on or after attaining the age of fifty-five years, whichever is earlier;

- (b) on the abolition of his office; or
- (c) on compulsory retirement for the purpose of facilitating improvement in the organisation of the department to which he belongs by which greater efficiency or economy can be effected; or
- (d) on medical evidence to the satisfaction of the Minister that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent; or
- (e) on termination of employment in the public interest as provided in this Act:

Provided that—

- (a) where an officer retires from the public service under paragraph (d) after completing ten years' pensionable service (reckoned otherwise than in accordance with regulation 7(2)(b)) the pension, gratuity or other allowance granted to him shall, save as otherwise provided under regulation 7,

be computed as though such officer had completed twenty years' pensionable service prior to retirement;

- (b) after the enactment of the Pensions (Amendment) Act 1976, a gratuity may be granted in accordance with regulations 18 and 27 of the Pensions Regulations 1957 to an unmarried female officer who is in the public service at the time of the enactment of the said Act and who resigns from the public service on or with a view to marriage notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.

Terminating employment in the public interest.
[2 of 1970]

9. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under this Act, the Minister may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the officer would be eligible if he had retired from the public service in the circumstances described in paragraph (b) or (c) of the last preceding section.

Additional circumstances in which pension may be granted.

10. Where the service of an officer who holds a pensionable office is terminated by virtue of his resignation from the public service, the Minister may, if he thinks fit having due regard to the special circumstances of the case,

[22 of 1968] grant him such pension, gratuity or other allowance as the Minister considers just and proper as if he were an officer to whom section 9 applies.

Age for
compulsory
retirement.
[12 of 1976]

11. The Public Service Commission may require an officer to retire from the service of Guyana on or after attaining the age of fifty- five years:

Provided that in special cases the Public Service Commission may require an officer to retire from the service of Guyana at any time on or after attaining the age of fifty years.

Maximum
pension
grantable.
[6 of 1981
9 of 1990]

12. (1) A pension granted to an officer under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in Guyana.

(2) Where the officer has been or is granted a pension or pensions in respect of other public service he may be granted the full pension for which he is eligible in respect of his service in Guyana but no person may at any time draw from the public funds of Guyana an amount of pension which when added to the amount of any pension or pensions drawn in respect of other public service exceeds two-thirds of the highest pensionable emoluments drawn by such person at any time in the course of his service in Guyana or in other public service:

Provided that where such a person receives in respect of some period of public service both a gratuity and a pension the amount of such pension shall be deemed for the purpose of this subsection to be four-thirds of its actual amount.

(3) For the purpose of the preceding subsections an additional pension granted in respect of injury shall not be taken into account but where the officer is granted such an additional pension the amount of such additional pension

which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions apart from such additional pension falls short of two-thirds of such highest emoluments.

(4) Where an officer continues in the public service after attaining the age of fifty-five years and where the Minister responsible for the public service certifies in writing that such continued service was at the request of the Government, that officer—

- (a) notwithstanding anything in the foregoing provisions of this section, may be granted a pension computed after taking into account the entire period of service rendered by him whether or not the pension so payable exceeds the limit described in those provisions:

Provided that the pension granted to him under this subsection shall not exceed the highest annual rate of salary payable to him at any time in a pensionable office in Guyana;

- (b) although still in the service may, at his option exercisable in accordance with section 14 (without the right of revocation granted thereby), be paid an amount not exceeding the amount which would have been payable as gratuity to him under that section if he had retired on attaining the age of fifty-five years, and any amount so paid shall be set off against the superannuation benefits granted to him on his

retirement or against any gratuity payable on his death to his legal personal representative.

(5) Subject to the provisions of subsections (6), (7) and (8), where pension computed under regulation 16 of the Regulations exceeds the maximum pension specified in subsection (1), the officer referred to in that regulation (hereafter in this section referred to as the "said officer") may, notwithstanding anything contained in that subsection, be granted the pension so computed:

Provided that the pension granted to the said officer for one year shall not exceed the highest annual rate of pensionable emoluments payable to him at any time in the course of his service in a pensionable office in the service of Guyana:

Provided further that subsections (2) and (3) shall apply in respect of the said officer as if the words "two-thirds of", wherever they occur, were deleted.

(6) Subsection (5) shall not apply in the case of the said officer unless—

- (a) the subsequent retirement referred to in regulation 16 of the Regulations has taken effect on or after the commencement of the Pensions (Amendment) Act 1990;
- (b) the appropriate Minister certifies—
 - (i) that the re-employment was to maintain or improve the efficiency of the Ministry or Department of the Government, or the other public service, in which the

said officer was re-employed, or to provide service at an acceptable level; and

- (ii) that prompt efforts were made to find a person, who has not attained the age of fifty-five years and is suitably qualified therefor, for appointment to the office in which the said officer was re-employed and the efforts were unsuccessful;
- (c) notwithstanding that the pension granted to the said officer in respect of his service prior to the re-employment has not been suspended under section 15(2) during the period of his re-employment, any sums received by him by way of such pension is refunded by him to the Government within such time as may be specified by the Minister:

Provided that where the re-employment was before the date of the enactment of the Pensions (Amendment) Act 1990, the Minister may direct that this paragraph shall not apply to the said officer;

- (d) any gratuity paid to the said officer in respect of his service in the office he held in the service of Guyana, prior to the date of his re-employment referred to in regulation 16 of the Regulations, shall be set off against the superannuation benefits granted to

him on his subsequent retirement from the service of Guyana referred to in that regulation or against any gratuity payable on his death to his legal personal representative.

(7) For the purpose of computing any gratuity and reduced pension payable, under section 14, to an officer referred to in regulation 16 of the Regulations, the reference in the opening part of subsection (1) of that section to pension granted under this Act shall be deemed to be a reference to a pension computed in accordance with subsection (5) of this section, read with that regulation.

(8) In subsection (6) “appropriate Minister” means,—

- (a) where the re-employment referred to in that subsection was prior to the date of the enactment of the Pensions (Amendment) Act 1990, the Minister assigned responsibility for the Ministry or Department of the Government, or the other public service, in which the said officer was re-employed; and
- (b) where the re-employment referred to in that subsection was on or after the date of the enactment of the Pensions (Amendment) Act 1990, the Minister assigned responsibility for the Public Service Ministry.

Officers with
service as
teachers.
c. 39:05
[7 of 1979]

13. Where the service of a public officer has been preceded by service as a teacher in a school within the meaning of the Teachers’ Pensions Act, such service as a teacher shall be taken into account in computing pension or gratuity under this Act:

Provided that—

- (a) where such service as a teacher has not immediately preceded service as a public officer, such service as a teacher shall not be taken into account in computing pension or gratuity under this Act, except with the approval of the Minister;
- (b) such service as a teacher is not reckoned in the computation of pension or gratuity payable to the officer under the Teachers' Pensions Act.

Option to take reduced pension with gratuity.

14. (1) An officer to whom a pension is granted under this Act may, at his option exercisable as hereinafter provided, 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 one-half times the amount by which such pension is reduced:

Provided that in the application of this section to cases where the limitation prescribed by section 12(2) operates, the words "such pension" shall mean the amount of pension which the officer might have drawn from the public funds of Guyana if he had not exercised his option under this section.

(2) An option exercisable in accordance with this section—

- (a) shall be exercised or revoked by notice in writing addressed to the Minister or, in the case of officers in other public services to the Crown Agents for Overseas Governments and Administrations;

- (b) shall be deemed to have been exercised or revoked on the date on which such notice is received;
- (c) shall be exercisable, and if exercised, may be revoked, on or before the date of the officer's retirement or, with the permission of the Minister, at any time between that date and the date of the final award of the pension granted to him under this Act.

(3) An option for a gratuity and a reduced pension under this Act exercised, or deemed to have been exercised, in accordance with any provisions in force before the enactment of this section shall be deemed to have been exercised in accordance with this section and may be revoked accordingly.

Liability of pensioners to be called upon to take further employment, and suspension of pension on re-employment. [9 of 1990]

15. (1) Save as otherwise provided in the Regulations, every pension granted to an officer shall be subject to the following condition:

Unless or until he has attained the age of fifty years, he may, if physically fit for service, be called upon to accept, in lieu of his pension, an office in the public service, not less in value, due regard being had to all the circumstances, than the office which he had at the date of the grant of his pension.

If a pensioner so called upon declines to accept the office for which he has been selected by the appropriate Commission, the payment of his pension may be suspended until he has attained the age of fifty years.

(2) If an officer to whom a pension has been granted under this Act is re-employed in the same or another

office in the public service, the payment of his pension may, if the President thinks fit, be suspended during the period of his re-employment.

(3) For the avoidance of doubt it is hereby declared that subsection (2) shall apply whether or not the re-employment was consequent upon being called upon, under subsection (1), to accept such re-employment in the circumstances mentioned therein.

Gratuity
affected by re-
employment.
[12 of 1976]

16. If any officer to whom a gratuity without pension has been granted under this Act is re-appointed to any office in the service of Guyana or in other public service his previous service may be taken into account for the purposes of pension if he refunds the gratuity on such re-appointment, or later with the permission of the Minister.

Pensions, etc.,
not to be
assignable.

17. No pension, gratuity or other allowance granted under this Act shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Government at the time of the officer's retirement.

Pensions, etc.,
to cease on
bankruptcy.

18. If any officer to whom a pension or other allowance has been granted under this Act is adjudicated a bankrupt or is declared insolvent then the pension or allowance shall forthwith cease:

Provided always that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner, the President from time to time during the remainder of the pensioner's life or during such shorter period or periods either continuous or discontinuous as the President shall think fit may cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance had he not become bankrupt or insolvent to be paid to or applied for the maintenance and personal support or benefit of all or any to the exclusion of the other or others of the following persons

namely, the pensioner and any wife, child or children of his in such proportions and manner as the President as the case may be thinks proper.

Pension, etc., to
cease on
conviction.

19. If any officer to whom a pension or other allowance has been granted under this Act is sentenced to a term of imprisonment by any competent Court whether within or without Guyana for any crime or offence then in every such case the President may order that the pension or allowance shall forthwith cease and after the order the pension or allowance shall not be paid:

Provided that—

- (a) the pension or allowance shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon;
- (b) where a pension or allowance ceases for the reason aforesaid the President may cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance to be paid to or applied for the benefit of any wife, child or children of the pensioner or after the expiration of his sentence also for the benefit of the pensioner himself in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy or insolvency hereinbefore provided.

Pensions, etc.,
to cease on
accepting
certain

20. If any officer to whom a pension or other allowance has been granted under this Act becomes either a director of any company the principal part of whose business

appointments. is in any way directly concerned with Guyana or an officer or servant employed in Guyana by any such company without in every such case the permission of the President in writing first had and obtained then in every such case the President may direct that the pension or allowance shall forthwith cease:

Provided always that the President on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of the company or to be employed as an officer or servant of the company in Guyana as the case may be, may give directions for the restoration of the pension or allowance with retrospective effect if he shall see fit to such a date as he shall specify.

Gratuity where an officer dies in the service or after retirement.

21. (1) (a) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of Guyana, it shall be lawful for the President to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity if any, whichever is the greater.

(b) For the purposes of this section—

- (i) “annual pensionable emoluments” means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in section 8(d);
- (ii) “commuted pension gratuity” means the gratuity, if any,

which might have been granted to the officer under section 14 if his public service had been wholly in Guyana and if he had retired at the date of his death in the circumstances described in section 8(d) and had elected to receive a gratuity and reduced pension.

(2) Where any such officer to whom a pension, gratuity or other allowance has been granted under this Act dies after retirement from the service of Guyana and the sums paid or payable at his death on account of any pension, gratuity or other allowance in respect of any public service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, it shall be lawful for the President to grant to his legal personal representatives a gratuity equal to the deficiency.

Pensions to dependants when an officer is killed on duty.
[4 of 1972
12 of 1976
19 of 1990]

22. (1) Where an officer dies as a result of injuries received —

- (a) in the actual discharge of his or her duty; and
- (b) without his or her own default; and
- (c) on account of circumstances specifically attributable to the nature of his or her duty,

while in the service of Guyana, it shall be lawful for the President to grant, in addition, to the grant, if any, made to his or her legal personal representative under section 21—

- (i) if the deceased officer leaves a spouse, a pension to that spouse, while unmarried, at a rate not exceeding ten- sixtieths of that officer's annual pensionable emoluments at the date of the injury or two hundred and sixteen dollars a year, whichever is the greater;
- (ii) if the deceased officer leaves a spouse to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed by the preceding paragraph;
- (iii) if the deceased officer leaves a child or children, but does not leave a spouse or no pension is granted to the spouse, a pension in respect of each child until such child attains the age of eighteen years, of double the amount prescribed by the last preceding paragraph;
- (iv) if the deceased officer leaves a child or children and a spouse to whom a pension is granted under paragraph (i), and the spouse subsequently dies, a pension in respect of each child as from the date of the death of the spouse until such child attains the age of eighteen years, of double the amount

- prescribed by paragraph (ii);
- (v) if the deceased officer does not leave a spouse, or if no pension is granted to that officer's spouse, and if that officer's mother or father or both were wholly or mainly dependent on him or her for support, a pension to the mother or father or both, while without adequate means of support of an amount not exceeding the pension which might have been granted to the officer's spouse, such pension being equally divided between the mother and father where payable to both;
 - (vi) [Deleted by 19 of 1990]
 - (vii) if the deceased officer does not leave a child or children who is or are eligible for a pension under the provisions of this section, and if any brother or sister were wholly mainly dependent on him or her for support, a pension to any such brother or sister until he or she attains the age of eighteen years while without adequate means of support, of an amount not exceeding the pension which might have been granted under paragraphs (ii) and (iii):

Provided that—

- (a) pension shall not be payable under this subsection at any time in respect

of more than six children; and

- (b) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of remarriage; and if it appears to the Minister at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Minister may determine.

- (c) [Deleted by 19 of 1990]

(2) In the case of an officer not holding a pensionable office, the expression “pensionable emoluments” in the preceding subsection shall mean the emoluments enjoyed by him or her which would have been pensionable emoluments if the office held by him or her had been a pensionable office.

(3) For the purposes of this section—

- (a) the word “child” shall include—
- (i) a posthumous child;
 - (ii) a stepchild, or a child born out of lawful wedlock before the date of the injury, and wholly or mainly dependent upon the deceased officer for support;
 - (iii) an adopted child adopted in a manner recognised by law before the date of injury and dependent as aforesaid;

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- (b) “father” includes any person who, for the purpose of establishing that the relationship of father and child existed between himself and an officer, produces evidence to the satisfaction of the Minister that during the lifetime of the officer he had acknowledged that he was the father of the officer;
- (c) “widow” includes—
- (i) a widower;
 - (ii) a single woman or widow who was living with a single officer or with a widower who was an officer as his reputed wife at the date of the injury and whom the Minister treats as if she were in law his widow, and for the purposes of this subparagraph “widower” shall be construed accordingly.

(4) If an officer proceeding by a route approved by the President to or from Guyana at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the President is satisfied that such damage or act is attributable to circumstances arising out of any war in which the Government of Guyana may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1).

(5) An officer who dies as a result of injuries received while travelling by air in pursuance of official

instructions shall be deemed to have died in the circumstances detailed in subsection (1)(a) and (c); provided that in such a case and if the provisions of paragraph (b) are also satisfied the rates of pension prescribed in subparagraphs (i) and (ii) of that subsection shall be fifteen-sixtieths and one-sixth respectively.

(6) This section shall apply to an officer notwithstanding the fact that by reason of his injury or death he or his dependants as defined under the National Insurance and Social Security Act are entitled to benefits under that Act.

Pensions of
officers with
service in
certain Health
Services, etc.
[2 of 1975
12 of 1976]

23. (1) In computing for the purposes of this Act the pension of any officer who has, in addition to his public service, served in—

- (a) the Society for the Prevention and Treatment of Tuberculosis; or
- (b) the Infant Welfare and Maternity League; or
- (c) (before the 1st January, 1953) the New Amsterdam Fire Service Unit; or
- (d) the service of the Mayor and Town Council of Georgetown before 1st July, 1948 and retires 31st January, 1975 from the public service or the service in which he was last employed, his service in the said Society or in the said League, or (before the 1st January, 1953) in the said Fire Service Unit, or in the service of the Mayor and Town Council of Georgetown as aforesaid, as the case may be, shall be taken into account as if it had been service of Guyana.

(2) The Minister may, by order which shall be subject to negative resolution of the National Assembly, designate service in any institution or organisation as service which may be taken into account as if it had been service of Guyana for the purposes of subsection (1) and an order made under this subsection may be expressed to apply to service given in an institution or organisation prior to the enactment of this Act.

24. [Omitted]

Settlement of
questions
arising under
the Act.

25. The President shall have full power and authority to decide all questions that may arise in respect of or in connection with the administration of this Act.

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16. (1) Officers retiring on account of injuries.
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PART III

SPECIAL REGULATIONS FOR OFFICERS WITH OTHER PUBLIC SERVICE

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26. Officers transferred to other public service and retiring after less than 12 months employment in last service.
27. Retirement of transferred officers on account of marriage.

SCHEDULE—Scheduled Government.

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**PART II
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ENTIRELY IN GUYANA**

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12. Abolition or reorganisation of office.
13. Rates of pension when offices are abolished.
14. Rates of gratuity on abolition when service less than ten years.
15. (1) Officers retiring on account of injuries.

S.3

SCHEDULE

[15 of 1963
8 of 1966A
2 of 1970
O. 67/1958
3/1959
70/1959
20 of 1971]

REGULATIONS for the Granting of Pensions, Gratuities, and other Allowances to persons who have been in the Public Service of Guyana.

**PART I
PRELIMINARY**

Citation.

1. These Regulations may be cited as the Pensions Regulations.

Interpretation.
[8 of 1966A]

2. (1) In these Regulations—
“scheduled Government” means—

- (a) the Government of any territory, or any authority, mentioned in the Schedule to these Regulations.
- (b) the Government of Ceylon, in respect of any officer appointed to service under that Government before the 4th day of February, 1948;
- (c) the Government of Palestine, in respect of any officer appointed to service under that Government before the 15th day of May, 1948;
- (d) the Government of the Somali Republic in respect of any officer appointed to service under the Government of the Somaliland

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Pensions Regulations

Protectorate before the 26th day of June, 1960;

- (e) the Government of Guyana, in respect of any officer appointed to service under that Government before the 16th day of August, 1960;
- (f) the East African Common Services Organisation in respect of any person deemed to have been appointed to service under that Government before the 16th day of August, 1960;
- (g) the East African Common Services Organisation in respect of any person deemed to have been appointed to service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa by or under the Eastern Africa Court of Appeal Order in Council, 1961; and
- (h) the Interim Commissioner for the West Indies in respect of any person deemed to have been appointed or appointed to service as Judge, Registrar, officer or servant of the British Caribbean Court of Appeal by or under the British Caribbean Court of Appeal Order in Council, 1962:

S.I 1961/2323.

S.I 1961/1086.

Provided that the Minister may, by order, vary the Schedule to these Regulations by the addition thereto or the removal therefrom of

any Government or any authority.

(2) For the purpose of these Regulations—

“the Act” means the Pensions Act;

- (a) any officer in public service under the Government of the Federation of Rhodesia and Nyasaland immediately before the 1st January, 1964, who was immediately before that date employed on secondment to service under the Government of Southern Rhodesia, or Northern Rhodesia or Nyasaland, or was as from that date so employed, shall be deemed to continue to serve in public service under the Government of the Federation of Rhodesia and Nyasaland until his employment or secondment is terminated;
- (b) any pension awarded on or after the 1st January, 1964, in respect of service under the Government of the Federation of Rhodesia and Nyasaland shall be deemed to have been granted by that Government notwithstanding the provisions of The Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963.

S.I 1963
No. 2085

PART II
REGULATIONS DEALING WITH PUBLIC SERVICE ENTIRELY IN
GUYANA

Pensions to
whom and at
what rates to

3. Subject to the Act and these Regulations, every officer holding a pensionable office who has been in the

[Subsidiary]

Pensions Regulations

be granted. service of Guyana for ten years or upwards may be granted a pension at the rate of one six-hundredth of his pensionable emoluments in respect of each complete month of such service subject to the limit described in section 12 of the Act.

Gratuities where length of service does not qualify for pension.

4. Every officer otherwise qualified for a person, who has not completed the minimum period of service qualifying for a pension 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 under Regulation 3.

Period of service in Guyana qualifying for pension or gratuity defined.

5. Subject to section 7 of the Act and these Regulations, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an officer begins to draw salary or half salary from the public funds of Guyana and the date of his leaving the service of Guyana.

Continuity of service. [12 of 1976 6 of 1981]

6. (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 interruption in service caused by—

- (a) temporary suspension of employment and arising from misconduct; or
- (b) voluntary resignation (whether before or after 1st October, 1974) in circumstances otherwise than as mentioned in paragraph (2) followed by re-employment in the public service at any time thereafter,

shall be disregarded for the purposes of this paragraph of this regulation but only with the approval of the Minister in

respect of the circumstances to which paragraph (b) of this proviso applies.

(2) If an officer –

- (a) resigned from the public service not earlier than one month prior to the date on which lists of candidates may be submitted to the Chief Election Officer in order to become qualified for election as a member of the National Assembly;
- (b) was a candidate at the elections; and
- (c) failed to be elected,

he shall, if on application made by him he is re-employed in the public service within twelve months after the notification by the Elections Commission in the *Gazette* of the results of the election, be deemed for the purposes of this regulation to have been employed in the public service as if he had not resigned and as if during the period commencing with the effective date of his resignation and ending on the day immediately preceding his re-employment he had been on leave of absence without pay, and that period shall be taken into account as qualifying service.

(2A) If an officer –

- (a) resigned from the public service not earlier than one month prior to the date on which lists of candidates may be submitted to the Chief Election Officer in order to become qualified for election as a member of a regional democratic council, held before the

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publication of the Miscellaneous Enactments (Amendment) Act 1981 in the *Gazette*.

- (b) was a candidate at the elections; and
- (c) was declared to be elected as a member of that council or failed to be so elected.

he shall, if on application made by him he is re-employed in the public service within twelve months after the notification by the Elections Commission in the *Gazette* of the results of the election, be deemed for the purposes of this regulation to have been employed in the public service as if he had not resigned and as if during the period commencing with the effective date of his resignation and ending on the day immediately preceding his re-employment he had been on leave of absence without pay, and that period shall be taken into account as qualifying service,

and the aforesaid amendment shall be deemed to have come into operation on 6th October, 1980.

(3) An officer—

- (a) whose pension has been suspended under section 15 of the Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or
- (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

15 & 16
Geo. 5,
c. 59

- (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 Minister thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment has not occurred, such pension to be in lieu of—

- (i) any pension previously granted to him from the public funds of Guyana, 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.

^{*}(4) For the purposes of this regulation, in reckoning service paid for out of an open vote, such service shall be deemed to be continuous if the officer has been

^{*}This paragraph, inserted by Act 20 of 1971, applies to an officer in the public service on or after 1st October, 1964(see Act 20 of 1971, section 2).

[Subsidiary]

Pensions Regulations

c. 19:07 employed continuously, excluding public holidays within the meaning of the Public Holidays Act.

Computation of pensions and gratuities. Leave of absence. [20 of 1971 12 of 1976 6 of 1981]

*7. (1) For the purpose of computing the amount of an officer's pension or gratuity the following periods shall be taken into account as pensionable service—

- (a) any periods during which he has been on duty;
- (b) any period during which he received half salary from the public funds of Guyana while proceeding to Guyana on first appointment;
- (c) any period during which he has been absent from duty on leave, with salary:

Provided that, save as hereinafter provided in this section, where an officer is absent from duty on leave with salary otherwise than at the full rate, the period to be counted shall be the period which bears the same proportion to the amount of salary received by him;

- (d) any period during which he has been absent from duty on leave with or without salary granted on grounds of public policy and during which he has not qualified for pension or gratuity in respect of other public service;

* The amendments to this regulation effected by Act 20 of 1971 apply to an officer in the public service on or after 1st October 1964 (see Act 20 of 1970, section 2).

- (e) any period during which he has been absent from duty on leave by reason of interdiction from duty which has been succeeded by reinstatement with or without a penalty by way of deduction of salary being imposed;
- (f) absence from duty on leave with salary otherwise than at the full rate, or without salary, for not more than sixty days in the aggregate prior to the commencement of this paragraph, shall be counted;
- (g) any period during which a female officer has been absent from duty by reason of the grant to her of maternity leave with salary whether at the full rate or otherwise;

and any periods during which he has been absent on leave, other than those specified above, shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

(2) For the purpose of computing the amount of pension of a Judge of the Supreme Court of Judicature, or the Solicitor-General, or the Director of Public Prosecutions, or the Chief Parliamentary Counsel —

- (a) the pension granted to him shall be equal to the maximum pension which may be granted to an officer as provided by section 12 of the Act, if he retires from any such office after completing fifteen years' pensionable service in any such office (reckoned

[Subsidiary]

Pensions Regulations

otherwise than in accordance with subparagraph (b) or that length of service in the aggregate in more than one such office and —

- (i) in the case of a Judge of the Supreme Court of Judicature or the Director of Public Prosecutions if he retires on attaining the age at which he is required by the Constitution to vacate that office;
 - (ii) in the case of the Solicitor-General, or the Chief Parliamentary Counsel, if he retires on attaining the age of sixty- five years;
- (b) pensionable service in any of the aforementioned offices shall be so reckoned as if every year of pensionable service were counted as two years of pensionable service, if the holder retires therefrom on attaining the age specified in subparagraph (a):

Provided that the Minister may, if he thinks fit, having due regard to the special circumstances of any particular case, grant to the holder of any such office who —

- (i) has completed the minimum period of service required for the purposes of subparagraph (a), the benefits conferred by that subparagraph;
- (ii) has not completed that

minimum period of service, the benefits conferred by subparagraph (b),

notwithstanding that he retires therefrom on or after attaining the age of fifty years but before attaining the age specified in subparagraph (a).

(2A) Where the holder of an office referred to in paragraph (2) is allowed to continue in office after attaining the age of retirement referred to therein, he—

- (a) notwithstanding the provisions of paragraph (2), may be granted a pension computed after taking into account the entire period of service rendered by him whether or not the pension so payable exceeds the limit described in section 12:

Provided that the pension granted to him under this paragraph shall not exceed the highest annual rate of salary payable to him at any time in a pensionable office in Guyana;

- (b) although still in service may, at his option exercisable in accordance with section 14 (without the right of revocation granted thereby, be paid an amount not exceeding the amount which would have been payable as gratuity to him under that section if he had retired on attaining the age of retirement referred to in paragraph (2) and any amount so paid shall be set off against the superannuation benefits granted to him on his retirement or against any gratuity

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Pensions Regulations

payable on his death to his legal personal representative.

(3) The Minister may, by order, direct that with effect from such date as may be specified in the order, paragraphs (2) and (2A) shall apply to the holder of such other office (being an office connected with the courts of Guyana or for the appointment to which legal qualifications are required) enjoying conditions of service which taken as a whole are, in the opinion of the Minister, not less favourable than those enjoyed by the holder of the office of Judge of the High Court, as the said paragraphs apply to the holder of an office mentioned therein.

(4) Paragraphs (2), (2A) and (3) shall apply to the persons holding the offices to which those respective paragraphs apply on or after 1st January, 1965, and the power conferred on the Minister by the proviso to paragraph (2) may be exercised by him in relation to a person who held any such office on 1st January, 1965, notwithstanding that he retired therefrom before the enactment of the Pensions (Amendment) Act 1976.

(4A) The amendment effected in relation to paragraph (4) by the Miscellaneous Enactments (Amendment) Act 1981 shall not apply to any person who retired from any of the offices referred to in that paragraph before the coming into operation of that amendment.

(5) Subject to section 6, paragraphs (2) and (2A) shall, as the same apply in relation to a Justice of Appeal, apply *mutatis mutandis* in relation to an officer holding a pensionable office, who is appointed to the office of Ombudsman on or after 26th May, 1966.

War service
not to
prejudice
pension rights.

8. For the purpose of computing the amount of pension or gratuity of an officer who, during some period of his service in a pensionable office in Guyana has served with

the Guyana Defence Force or, before the 26th May, 1966, with the consent of Government with the armed forces of a Commonwealth country or in any other capacity connected with a state of war, the whole or any part of such period may be taken into account.

Emoluments to be taken for computing pension or gratuity.
[15 of 1963
2 of 1970]

9. (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 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 retirement, the full annual pensionable emoluments enjoyed by him 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 at the date of his retirement in respect of the office then held by him shall be taken;
- (c) in other cases one third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

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Provided that—

- (i) if such one third is less than the highest annual pensionable emoluments enjoyed by him 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 at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the Minister, 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 paragraph (1) the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he 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 retirement;
- (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 as if such increase had been payable throughout such period of three years:

Provided that—

- (i) if he has been transferred from an office which has been abolished and by reason thereof the pensionable emoluments of that office were not considered for revision in a general revision of the pensionable emoluments of public officers; or
- (ii) if he has been transferred from an office the pensionable emoluments of which have for any reason been altered subsequent to his having held that office thereby affecting the revision of those emoluments in a general revision of the pensionable emoluments of public officers,

then, for the purposes of this regulation, the pensionable emoluments of the office which has been abolished or of the office the pensionable emoluments of which have been altered shall be equated with the pensionable emoluments of such office or offices as are certified by the Secretary to the Treasury as having enjoyed the like pensionable emoluments as the office which has been abolished, at the time of the said revision, or as the office the

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Pensions Regulations

pensionable emoluments of which have been altered, immediately prior to such alteration, as the case may be;

- (c) to have enjoyed the benefit of any inducement allowance and any increase thereof forming part of his pensionable emoluments, as if such allowance or increased allowance, as the case may be, 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 retirement—

- (a) the average annual pensionable emoluments enjoyed by him during such periods shall be taken;
- (b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period;
- (c) he 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 as if such increase had been payable throughout such period; and
- (d) he shall be deemed to have enjoyed the benefit of any inducement allowance and any increase thereof forming part of his pensionable emoluments, as if such allowance or increased allowance had been payable

throughout such period.

(4) This regulation (except paragraphs (2) (c) and (3) (d) which shall be deemed to have come into operation on 1st April 1961) shall be deemed to have come into operation on the 1st January, 1954.

Service in a non-pensionable office.
[20 of 1971
12 of 1976
7 of 1979]

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

Provided that—

- (a) 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 in computing pension or gratuity;
- (b) where service in an appointment other than a pensionable office, or of service paid for out of an open vote, or of both such services, in circumstances to which paragraph (b) of the proviso to regulation 6(1) applies has preceded service in a pensionable office, the service in an appointment other than a pensionable office or of service paid for out of an open vote, or of both such services, or any part thereof, may be taken into account in computing pension or gratuity.

(2) Any break in service which may be disregarded

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Pensions Regulations

under regulation 6 may likewise be disregarded in determining for the purposes of the proviso to paragraph (1) whether one period of service immediately follows another period of service.

(3) For the purpose of this regulation—

(a) where a person who shall be or has been appointed to a pensionable office or to an office or employment other than a pensionable office has, preceding such appointment (whether before or after the coming into operation of this sub-paragraph) had service as a teacher in a school within the meaning of the Teachers' Pensions Act and retires from a pensionable office, then if the name of that person

c. 39:05

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- (i) is in the Teachers' Pension Register in accordance with the Teachers' Pensions Act; or
 - (ii) is not in the Teachers' Pension Register but he had given service as a teacher which would have been reckonable in determining his eligibility to have his name entered in the said Register, if he had continued to serve as a teacher,

the period of service of such person as a teacher shall be taken into account in computing pension or gratuity, and in the case of a person to whom subparagraph (a) (ii) applies, as if the name of that person had been entered in the Register and where such a

person was in retirement at the time of the enactment of the Pensions (Amendment) Act 1976 if he retired on or after 19th June, 1971:

Provided that where the service as a teacher of a person who retires from a pensionable office did not immediately precede the service of that person in the public service the period of service as a teacher may be taken into account, only with the approval of the Minister;

- (b) a 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, shall be deemed to be unbroken if during some period of such service an officer has served with the Guyana Defence Force or, before 26th May, 1966, with the armed forces of a Commonwealth country, or in any other capacity connected with a state of war.

Acting service.
[20 of 1971]

***11.** Where an officer has performed acting service in the public service, the period of such service may be taken into account as qualifying or pensionable service:

Provided that this period of service is immediately succeeded by service in a substantive capacity in the public service.

Abolition or

12. If an officer holding a pensionable office is retired

* †The substitution (by Act 20 of 1971) of this regulation for the previous regulation 11 as enacted in the original Ordinance 38 of 1957 applies to an officer in the public service on or after 1st October, 1964 (see Act 20 of 1971, section 2).

[Subsidiary]

Pensions Regulations

reorganisation
of office.

from the service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency or economy can be effected he may be granted a pension calculated in accordance with regulation 13 subject to the condition that he shall be liable to be recalled to service in Guyana:

Provided that—

- (a) if such person is not qualified for other employment or if there is no reason, in the opinion of the Minister, to expect that he can be shortly re-employed, a pension may be granted to him free from the above-mentioned condition;
- (b) such person shall not be liable to be recalled to service in Guyana after the expiration of one year from the date of his retirement.

Rates of
pension when
offices are
abolished.
[12 of 1976]

13. (1) In the case of an officer retired as provided in regulation 12 who has served ten years or upwards in Guyana, and whether such officer has attained the age of fifty-five years or not, his pension may be at the rate of the number of number of six-hundredths of his pensionable emoluments set out in regulation 3 and there may be granted also an additional pension based on the number of sixtieths of his pensionable emoluments not exceeding the following:

- (a) in the case of an officer who has served not less than twenty years . . . 8
- (b) in the case of an officer who has served seventeen years 7
- (c) in the case of an officer who has

served fifteen years..... 6

(d) in the case of an officer who has served twelve years..... 5

(e) in the case of an officer who has served ten years4

(2) No additional pension shall be granted under this regulation so as to entitle an officer to a higher total pension than the maximum of two-thirds of his pensionable emoluments at the date he ceased to be in the service of Guyana or than the pension for which he would have qualified by length of service on reaching the age at which he may be required to retire under section 11 (except for the proviso) having received all increments for which he would have been eligible by that date.

Rates of gratuity on abolition when service less than ten years.

14. In the case of an officer retired as provided in regulation 12 and whose length of service is not such as to entitle him to a pension, a special gratuity not exceeding one-eighth of a month's pensionable emoluments for each complete month of service may be granted.

Officers retiring on account of injuries. [4 of 1972]

15. (1) Where an officer has been permanently injured—

(a) in the actual discharge of his duty; and

(b) without his own default; and

(c) by some injury specifically attributable to the nature of his duty;

and his retirement is thereby necessitated or materially accelerated, he may, if he is qualified for a pension under regulation 3, be granted, in addition to the pension granted to him under that regulation, an additional pension at the rate of

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the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:

When his capacity to contribute to his own support is—

slightly impaired	...	five-sixtieths;
impaired	...	ten-sixtieths;
materially impaired	...	fifteen-sixtieths;
totally destroyed	...	twenty-sixtieths:

Provided that the amount of the additional pension shall be reduced to such an extent as the Minister shall think reasonable in the following cases:

- (i) where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires;
- (ii) where the injured officer is fifty years of age or upwards at the date of his injury; or
- (iii) where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to the injury.

Provided also that the total amount of the additional pension shall not exceed the amount prescribed in section 12(3) of the Act.

Pensions to injured officers where service less than 10 years.

(2) An officer so injured, whose length of service is not such as to qualify him for a pension under regulation 3, but who is qualified for a gratuity under regulation 4, may nevertheless be granted in lieu of such gratuity a pension at the rate of one six-hundredth of his pensionable emoluments for each complete month of pensionable service together with such additional pension as might be awarded to him under the

preceding part of this regulation as if he were qualified for a pension.

(3) An officer so injured who is not qualified for either a pension under regulation 3 or a gratuity under regulation 4 may nevertheless be granted an allowance payable monthly at the same rate as the additional pension which he might have been granted if he had been so qualified.

(4) If an officer proceeding by a route approved by the Minister to or from Guyana at the commencement or termination of his 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 is travelling or of any act of violence directed against such vessel or vehicle, and the President is satisfied that such damage or act is attributable to circumstances arising out of any war in which the Government of Guyana may be engaged, such officer shall be deemed, for the purposes of this regulation to have been injured in the circumstances described in paragraph (1).

(5) 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 paragraph (1)(a) and (c):

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

(6) This regulation shall apply to an officer notwithstanding the fact that by reason of his injury he or his dependants as defined under the National Insurance and Social Security Act are entitled to benefits under that Act.

c.36:01

Computation
of pensions.

16. (1) If any officer to whom a pension has been granted from the public funds of Guyana is re-employed in

[Subsidiary]

Pensions Regulations

Re-employed pensioners.
[9 of 1990]

the same or another office in the service of Guyana, or in other public service and subsequently retires in circumstances in which he may be granted a pension, he may be granted in lieu of his previous pension a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of Guyana, whichever may be the greater:

Provided that if on his previous retirement he was paid a gratuity and a reduced pension, he may be granted a pension computed on his total service, calculated for the first period on the same reduced principle as his previous pension and as a full pension for the next period of such service:

Provided further that, where an officer exercises the option referred to in section 14 (1) in respect of the pension for the next period of service referred to in the preceding proviso, section 14 shall apply in respect of the pension for the aforesaid next period of service.

Allowance to officers who have served twenty years in a non-pensionable office.
[12 of 1976]

17. (1) In special cases any person holding a non-pensionable office who after the commencement of the Act retires in circumstances in which he might have been granted a pension if he had held a pensionable office may if he has not less than 20 years continuous service in Guyana or such shorter period of service as the Minister may approve in the special circumstances of any particular case be granted an annual allowance not exceeding two-thirds of the pension that he might have been granted had he been employed in a pensionable office.

(2) Where an officer has been transferred from a pensionable to a non-pensionable office, he shall be entitled either—

- (a) to count his service in the non-pensionable office as though it were service in a pensionable office at the

salary which he received immediately prior to such transfer; or

- (b) to count his service in the pensionable office as though it were in the non-pensionable office, and to take the benefit of this regulation accordingly.

(3) An officer who is granted an annual allowance under this regulation may, in like manner as an officer to whom a pension is granted under the Act, exercise the option to be paid an annual allowance at the rate of three-fourths of such allowance together with a sum equal to twelve and one-half times the amount by which such annual allowance is reduced.

Gratuities to be paid to female officers on marriage.
[12 of 1976]

18. Where after the date of the enactment of the Pensions (Amendment) Act, 1976 an unmarried female officer who was in the public service on that date resigns from the service of Guyana on or with a view to marriage after having held a pensionable office or offices in Guyana for not less than five years and having been confirmed in a pensionable office, she may, if she is not otherwise eligible for the grant of any pension, gratuity or other allowance from the public funds of Guyana, be granted, on production within six months of her resignation, or such longer period as the Minister may in any particular case allow, of satisfactory evidence of the marriage, a gratuity not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service in Guyana or one year's pensionable emoluments, whichever shall be the less.

PART III

SPECIAL REGULATIONS FOR OFFICERS WITH OTHER PUBLIC SERVICE

Application of regulations in Part II

19. Subject to the succeeding regulations, regulations 10 and 16 shall apply to the case of an officer who has been transferred to or from the service of Guyana from or to other

[Subsidiary]

Pensions Regulations

public service, and regulations 5 to 10 (inclusive) and 17, shall apply to the case of an officer so transferred as if his whole service had been in Guyana.

Pension for
service wholly
under the
scheduled
Governments.
[12 of 1976]

20. (1) Where the other public service of an officer has been wholly Pension for under one or more of the scheduled Governments and his aggregate service would have qualified him, had it been wholly in Guyana, for a pension under the Act, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from Guyana of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in Guyana as the aggregate amounts of his pensionable emoluments during his service in Guyana shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable emoluments from the scheduled Governments.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly in Guyana—

- (a) the final pensionable emoluments taken shall be those of his last period of service under the scheduled Governments;
- (b) no regard shall be had to regulations 13 and 15;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments;
- (d) no period of other public service under any scheduled Government

which does not grant a pension or gratuity to the officer shall be taken into account.

(3) For the purpose of this regulation the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in Guyana and under the scheduled Governments subsequent to the attainment of the age of eighteen years:

Provided that—

- (a) in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service under any scheduled Government which does not grant the officer a pension or gratuity, or of any period of leave without salary or with salary at a special rate which was granted to him in order to make continuous service interrupted either by abolition of office or in consequence of a reorganisation designed to effect greater efficiency and economy;
- (b) where an officer entered the public service prior to the 1st January, 1930, his pension in respect of his service in Guyana may be calculated as though any scheduled Government under which he has served had not been included in the schedule of these Regulations, if this should be to his advantage.

[Subsidiary]

Pensions Regulations

Pension where other service not within scheduled Governments. [12 of 1976]

21. Where the other public service of an officer has not included service under any of the scheduled Governments, and his aggregate service would have rendered him eligible, had it been wholly in within Guyana, for a pension under these Regulations, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity or on or after attaining the age of fifty-five years, whichever is earlier, be granted a pension from the public funds of Guyana at the rate of one six-hundredth of the amount of his pensionable emoluments at the date of his transfer or retirement from the service of Guyana for each calendar month of his pensionable service in Guyana.

Pension where other service both with and not with scheduled Governments.

22. Where a part only of the other public service of an officer has been under one or more of the scheduled Government, regulation 20 shall apply; but in calculating the amount of pension regard shall be had only to service in the scheduled Governments.

Addition to pension in respect of abolition or reorganisation of office.

23. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible had it been wholly in Guyana for a pension under these Regulations is compulsorily retired from the public service in circumstances mentioned in regulation 12 he may if at the time he is in the service of Guyana be granted from the public funds of Guyana in addition to the pension granted to him under regulation 20, 21 or 22, as the case may be, an addition to his pension equal to the addition to his pension which might have been granted to him if his total pensionable service had been in Guyana.

Addition to pension to officers retiring on account of injury.

24. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible had it been wholly in Guyana for a pension under these Regulations is compulsorily retired from the public service in circumstances mentioned in regulation 15 he may if at the time he is in the service of Guyana be granted

from the public funds of Guyana an addition to his pension allowed by that regulation as well as the pension granted under regulation 20, 21 or 22, as the case may be.

Gratuities where length of service does not qualify for pension.

25. (1) Where an officer who has been transferred to or from the service of Guyana from or to other public service retires from the public service in circumstances in which he is permitted by the law or does not regulations of the service in which he is last employed to retire on pension or gratuity but has not completed in the aggregate the minimum period of service qualifying him for a pension he may be granted from the public funds of Guyana 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 under regulation 20, 21 or 22, as the case may be.

(2) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation 12 he may if at the time he is in the service of Guyana be granted a special gratuity equal to one-third of the gratuity which might have been granted to him if his total pensionable service had been in Guyana together with the gratuity if any which may be granted to him under paragraph (1).

(3) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation 15 he may if at the time of such retirement he is in the service of Guyana be treated as if he had no other public service but he shall not be granted in addition the gratuity for which he is eligible under paragraph (1).

Officers transferred to other public service and retiring after less than 12 months employment in

26. Where an officer who is transferred to other public service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed solely by reason of the fact that he has not completed twelve months' service therein he shall not on that account be disqualified from receiving a pension or gratuity from the public funds of Guyana if otherwise eligible therefor.

[Subsidiary]

Pensions Regulations

last service.

Retirement of
transferred
officers on
account of
marriage.
[12 of 1976]

27. A female officer who has been transferred to or from the of transferred service of Guyana and who retires on or with a view to marriage, and in consequence—

- (a) is, or, if the whole of her public service had been in the service of Guyana, would have been eligible for a gratuity under regulation 18(1); and
- (b) if she is, at the date of her resignation or retirement in other public service, eligible for a gratuity under provisions corresponding to that regulation in the law or regulations of the public service in which she is last employed, may if she is not otherwise eligible for the grant of any pension, gratuity or other allowance from the public funds of Guyana, be granted a gratuity which bears to the gratuity for which she would be eligible if her public service had been wholly in the service in which she is last employed the proportion which her service in Guyana bears to her total public service:

Provided that, for the purpose of computing such an officer's total public service under this regulation, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

reg. 2
[O. 67/1958
70/1959
15/1963]

SCHEDULE

SCHEDULED GOVERNMENT

Aden

Antigua
Bahamas
Barbados
Basutoland
Bechuanaland Protectorate
Bermuda
British Honduras
Brunei
Cayman Islands
Crown Agents for Overseas Governments and Administrations
Dominica
East African High Commission
East African Railways and Harbours Administration
Eastern Region of Nigeria
Employing Authorities under the Overseas Superannuation Scheme
Employing Authority under the Overseas Service Act, 1958, of the United Kingdom
Falkland Islands
Federated Malay States
Federation of Malaya
Federation of Nigeria
Federation of Rhodesia and Nyasaland
Fiji
Gambia
Ghana
Gibraltar
Gold Coast
Government of the United Kingdom and Northern Ireland
Hong-Kong
Interim Commissioner for the West Indies
Jamaica
Kenya
Leeward Islands (before 1st July, 1956)
Malayan Establishment
Malayan Union
Malta
Mauritius
Montserrat

[Subsidiary]*Pensions Regulations*

New Hebrides
Nigeria
North Borneo
Northern Region of Nigeria
Northern Rhodesia
Nyasaland
Overseas Audit Department (Home Establishment)
St. Helena
Sarawak
Seychelles
Sierra Leone
Singapore
St. Christopher, Nevis and Anguilla
Straits Settlements
Swaziland
Tanganyika Territory
Trinidad
Turks and Caicos Islands
Uganda
Virgin Islands
The West Indies
Western Pacific :—
 Gilbert and Ellice Islands
 Solomon Islands
Western Region of Nigeria
Windward Islands :—
 Grenada
 St. Lucia
 St. Vincent
Zanzibar.
