STATUTORY INSTRUMENTS

1969 No. 1501

ASSOCIATED STATES

The Saint Vincent (Compensation and Retiring Benefits) Order 1969

Made - - - - *22nd October* 1969
Coming into Operation *27th October* 1969

At the Court at Buckingham Palace, the 22nd day of October 1969

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 8 of the West Indies Act 1967(**a**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Commencement

1.—(1) This Order may be cited as the Saint Vincent (Compensation and Retiring Benefits) Order 1969.

(2) This Order shall come into operation on 27th October 1969.

Interpretation

2. The Interpretation Act 1889(**b**) shall apply, with the necessary adaptations, for the purposes of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Application of Schedule

3. The provisions contained in the Schedule to this Order shall have effect in relation to the public service of Saint Vincent.

Modified application

4. If the Government of the United Kingdom and the Government of Saint Vincent agree that, in their application to any officer, the provisions of the Schedule to this Order shall have effect subject to modifications or exceptions, being modifications or exceptions which do not cause those provisions to be less favourable to that officer then those provisions shall have effect accordingly.

W. G. Agnew.

(a) 1967 c. 4. (b) 1889 c. 63.

SCHEDULE

COMPENSATION AND RETIRING BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICE OF SAINT VINCENT

Interpretation and application

1.—(1) In this Schedule, unless the context otherwise requires—

"appropriate law" in relation to an officer in the public service means the law in force in Saint Vincent that governs the grant of pensions, gratuities, and other like benefits in respect of the service of that officer in the public service;

"appropriate Service Commission" means—

(*a*) in relation to an officer who can be removed from his office by or in accordance with the advice of the Judicial and Legal Services Commission, that Commission;

(*b*) in relation to an officer who can be removed from his office by or in accordance with the advice of the Police Service Commission, that Commission; and

(*c*) in any other case, the Public Service Commission;

"Constitution" means the Constitution of Saint Vincent set out in Schedule 2 to the Saint Vincent Constitution Order 1969(a);

"dollar" means an East Caribbean dollar;

"eligible officer" means an officer in the public service who, on the operative date, had not attained the age of fifty-five years and—

(*a*) who was before the operative date the substantive holder of an office that was a pensionable office for the purposes of the appropriate law; and

(*b*) who continues after the operative date to be the substantive holder of an office in the public service that has during his tenure thereof been a pensionable office for the purposes of the appropriate law; and

(*c*) who was selected for appointment in the public service, or whose appointment in the public service was approved, by a Secretary of State; or

(*d*) who is a member of Her Majesty's Overseas Judiciary or Her Majesty's Overseas Civil Service;

"General Orders" means the General Orders of the Government of Saint Vincent;

"operative date" means 27th October, 1969;

"pensionable emoluments" means emoluments that may be taken into account in computing the pension of an officer under the appropriate law;

"pensionable service" means the aggregate amount of service that may be taken into account for the purpose of computing the pension of an officer under the appropriate law;

"public service" means the public service of Saint Vincent; and

"substantive holder" in relation to any office does not include a person serving in that office for a specified term under a contract.

(2) For the purposes of this Schedule—

(*a*) a person shall not be regarded as holding any office on the operative date if on that date he was on leave of absence pending his retirement;

(*b*) an eligible officer required to retire under section 79 of the Constitution shall be deemed to have retired under this Schedule.

(a) S.I. 1969/1500 (1969 III, p. 4804).

Retirement on ground that career is prejudiced

2. If, on the application of an eligible officer before he attains the age of fifty-five years, the appropriate Service Commission is satisfied that, as a consequence of constitutional changes, the public service career of the officer has been adversely affected or there are reasonable grounds for believing that his public service career will be adversely affected, the appropriate Service Commission may permit the officer to retire forthwith or on such date as may be specified by the appropriate Service Commission and the officer shall be entitled to retire accordingly.

Appeal to the Public Service Board of Appeal

3. Section 88 of the Constitution shall apply in relation to a decision by the appropriate Service Commission under the foregoing paragraph as it applies in relation to a decision by that Commission to remove a public officer or, as the case may be, a member of the Police Force from office.

Retirement on constitutional grounds

4.—(1) This paragraph shall apply to an eligible officer who has been declared by the appropriate Service Commission to be an officer required to retire to facilitate constitutional changes; and every such officer shall be deemed to have been retired under this Schedule.

(2) An eligible officer to whom this paragraph applies shall, as soon as possible, be paid a disturbance grant equal to one quarter of his annual pensionable emoluments at the date of his retirement.

Grant of pensions and other benefits to eligible officers

5.—(1) An eligible officer, on his retirement under this Schedule, may be granted at his option (such option to be exercised before the date of retirement) either—

(*a*) a pension of such amount as may be granted under the appropriate law; or

(*b*) the pension for which he is eligible under the appropriate law reduced by not more than one-quarter, together with a gratuity equal to the amount of the reduction so made in the annual pension multiplied by the appropriate factor.

(2) An eligible officer, on his retirement under this Schedule, may be granted, in addition to the benefits for which he is eligible under subparagraph (1) of this paragraph, at his option (such option to be exercised within one month of the date on which he receives notification that he may retire or is required to retire, as the case may be) either—

(*a*) an additional pension of such amount as could have been granted to him under the appropriate law, if he had retired from the public service in consequence of the abolition of his office; or

(*b*) compensation assessed in accordance with the provisions of paragraph 7 of this Schedule.

(3) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(*a*) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and

(*b*) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(4) For the purposes of this paragraph the amount of the pension (including, if the officer elects to receive an additional pension, that additional pension) that an eligible officer who is required to retire under section 79 of the Constitution or to whom paragraph 4 of this Schedule applies may be granted under the appropriate law shall be calculated by reference to the full annual pensionable emoluments enjoyed by him on the date immediately prior to his retirement.

(5) If an eligible officer has not exercised the option conferred upon him by subparagraph (1) of this paragraph within the period in which it is required to be exercised he shall be deemed to have elected for the grant of a pension of such amount as may be granted under the appropriate law.

(6) If an eligible officer has not exercised the option conferred upon him by subparagraph (2) of this paragraph within the period in which it is required to be exercised he shall be deemed to have elected for the grant of compensation.

(7) In this paragraph " the appropriate factor " in relation to an officer means the factor obtained from Table I of the Annex to this Schedule that is appropriate to the age of that officer at the date immediately prior to his retirement reckoned in completed years and completed months.

Special gratuity for certain officers

6.—(1) Subject to the provisions of paragraph 12 of this Schedule, where any eligible officer to whom Part III of the Regulations to the Pensions Ordinance of Saint Vincent(a) (as in force on the operative date) applies retires under this Schedule and is granted by any government or other authority that is a Scheduled Government for the purposes of that Part both a pension and a gratuity, having elected to receive that pension and that gratuity in lieu of a pension of greater amount, he may be granted (in addition to any gratuity that may be granted to him under paragraph 5 of this Schedule) a gratuity equal to the amount (if any) by which the amount produced by—

(*a*) subtracting the annual amount of the pension granted to him by the Scheduled Government from the annual amount of the pension that would have been granted to him by that Government had he not elected to receive the gratuity granted to him by that Government ; and

(*b*) by multiplying the resulting amount by the appropriate factor,

exceeds the amount of the gratuity granted to him by that Government.

(2) In this paragraph " the appropriate factor " has the same meaning as in paragraph 5 of this Schedule.

Entitlement to compensation

7.—(1) Every eligible officer who retires under this Schedule, having elected under paragraph 5(2) of this Schedule for the grant of compensation shall become entitled to compensation, which shall be assessed in accordance with the provisions of this paragraph by multiplying by the appropriate factor the amount of his annual pensionable emoluments on the date in relation to which the assessment is made and the resulting amount, or forty-five thousand and six hundred dollars, whichever is the less, shall be the amount to which he is entitled.

(2) The compensation to which each officer is entitled under this paragraph shall be assessed as soon as is reasonably practicable after the date in relation to which the assessment is to be made.

(3) The date, in relation to which the assessment of compensation to which each officer is entitled under this paragraph is to be made, shall be the date on which the officer is given permission to retire or is given notice requiring him to retire, as the case may be.

(4) When the compensation of an officer is assessed, he (or, in the case of an officer who has died, his personal representatives) shall thereupon be given a statement showing the amount of the compensation to which he is entitled.

(5) In this paragraph " the appropriate factor " in relation to an officer means the factor obtained from Table II of the Annex to this Schedule that is appropriate to the age and pensionable service of that officer on the date taken for calculation reckoned in completed years and months or, if it is more favourable to the officer, reckoned in completed years without regard to parts of a year.

(a) St. Vincent Ordinance No. 14/1948.

Payment of compensation

8.—(1) Subject to the provisions of this paragraph, when the compensation of a person who has retired under paragraph 2 of this Schedule has been assessed under paragraph 7(2) of this Schedule—

(*a*) as soon as practical after, and in any case not later than three months after, the date on which he retired, a payment shall be made to him which shall be an amount equal to the amount of the compensation as so assessed or, if that amount exceeds four thousand and eight hundred dollars, then one-sixth of the amount of compensation or four thousand and eight hundred dollars, whichever is the greater;

(*b*) a further payment shall be made to every such person who has become entitled to compensation under paragraph 7 of this Schedule upon each anniversary of the date on which he retired which—

(i) in the case of a payment made upon the first, second, third or fourth anniversary, shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding; and

(ii) in the case of a payment made upon the fifth anniversary, shall be an amount equal to the balance of compensation then outstanding:

Provided that—

(i) where the balance of compensation outstanding upon the first, second, third or fourth anniversary exceeds two thousand four hundred dollars an amount equal to the appropriate fraction of that balance or one thousand nine hundred and twenty dollars, whichever is the greater, shall be paid;

(ii) where the balance so outstanding is less than two thousand and four hundred dollars, an amount equal to that balance shall be paid; and

(iii) if, when a payment of compensation is made, the balance of compensation then outstanding is less than four hundred and eighty dollars, an amount equal to that balance shall be paid together with the instalment.

(2) Subject to the provision of this paragraph, when the compensation of an eligible officer who has been given notice requiring him to retire under section 79 of the Constitution or to whom paragraph 4 of this Schedule applies has been assessed under paragraph 7(2) of this Schedule, an amount equal to the compensation to which he is entitled shall, in the case of an officer who when he receives the notice is on leave of absence upon completion of a tour of duty, be paid to him forthwith and, in the case of any other officer, be paid to him during the month immediately preceding his departure from Saint Vincent in accordance with the notice.

(3) Whenever a person who has become entitled to compensation under paragraph 7 of this Schedule attains the age of fifty-five years, or dies before attaining that age, the balance then outstanding of the compensation, if any, to which he is entitled shall be paid to him or, if he is dead, to his personal representatives.

(4) The Financial Secretary may direct that instead of any payment being made to the personal representatives of a deceased person payment shall be made to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Financial Secretary may think fit.

(5) Whenever any payment of compensation becomes due under sub-paragraph (1) of this paragraph, interest at the rate of five per cent. per annum shall accrue from day to day during the period between the date on which the previous payment of compensation became due and the date on which the next following payment of compensation will become due, upon any part of the compensation outstanding on the date of the previous payment and that interest shall become payable at the end of the period during which it accrued:

Provided that, for the purposes of calculating interest under this sub-paragraph, the initial payment of compensation to which an officer is entitled shall be deemed to have been paid, on the date of his retirement.

(6) In this paragraph " the appropriate fraction "—

(*a*) in relation to an assessment made upon the first anniversary, means one-fifth ;

(*b*) in relation to an assessment made upon the second anniversary, means one-quarter ;

(*c*) in relation to an assessment made upon the third anniversary, means one-third ;

(*d*) in relation to an assessment made upon the fourth anniversary, means one-half.

Passages, baggage facilities, leave and subsistence allowance

9.—(1) This paragraph shall apply to an eligible officer who is required to retire under section 79 of the Constitution or to whom paragraph 4 of this Schedule applies.

(2) In the case of an officer, to whom this paragraph applies, being on leave of absence upon the completion of a tour of residential service when he receives the notice requiring him to retire, he shall—

(*a*) be provided with an appropriate passage for himself, in respect of his return journey to Saint Vincent and in respect of his journey from Saint Vincent consequential upon his retirement ;

(*b*) be provided with appropriate baggage facilities for himself and his family for the purpose of removing his and their effects from Saint Vincent ;

(*c*) be paid a subsistence allowance at the rate prescribed by General Orders for the period of his stay in Saint Vincent or twenty-one days, whichever is the less ; and

(*d*) in the case of an officer to whom paragraph 4 of this Schedule applies, if the period of leave on full pensionable emoluments for which he is eligible on the date upon which he is given notice requiring him to retire is less than 6 months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence from that date to 6 months.

(3) In the case of any other officer to whom this paragraph applies, he shall—

(*a*) be provided with appropriate passages and appropriate baggage facilities for himself and his family in respect of his and their journey from Saint Vincent consequential upon his retirement ; and

(*b*) if the period of leave on full pensionable emoluments for which he is eligible on the date upon which he is given notice requiring him to retire is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence from that date up to six months.

(4) In this paragraph " appropriate passage ", " appropriate passages ", and " appropriate baggage facilities ", in relation to an eligible officer or, as the case may be, to the family of an eligible officer, mean respectively such passage or such passages and such baggage facilities as an officer of his status is entitled to under General Orders for the purpose of travelling to Saint Vincent in order to begin a tour of residential service or, as the case may be, for the purpose of travelling from Saint Vincent when retiring from the public service, having attained the age of fifty-five years and having completed such a tour.

Compensation on death of eligible officer

10.—(1) This paragraph shall apply in relation to—

(*a*) an eligible officer who, after he has been given permission to retire under paragraph 2 of this Schedule, dies before he has retired from the public service ;

(*b*) an eligible officer who, having been given notice requiring him to retire under section 79 of the Constitution or having been declared by the appropriate

Service Commission to be an officer required to retire to facilitate constitutional changes, dies before he has retired from the public service; and

(*c*) an eligible officer who, after he has applied to the appropriate Service Commission for permission to retire under paragraph 2 of this Schedule, dies before the Commission considers his application, and the appropriate Service Commission state that he would have been given permission to retire under that paragraph, if he had not died.

(2) There shall be paid to the personal representatives of an officer in relation to whom this paragraph applies, in addition to any gratuity that may be granted under the appropriate law, an amount equal to the compensation calculated in accordance with paragraph 7 of this Schedule to which the officer would have been entitled if he had not died but had retired under this Schedule having elected under paragraph 5(2) of this Schedule for the grant of compensation:

Provided that—

(i) in the case of an officer who dies in the circumstances described in sub-paragraph (1)(*c*) of this paragraph, the date in relation to which the assessment of compensation is to be made shall be the date of his death;

(ii) for the purposes of section 16(1) of the Pensions Ordinance of Saint Vincent (which provides for the grant of a gratuity to the personal representatives of an officer dying in the public service) in calculating the amount of the gratuity, if any, which might have been granted to the officer under Regulation 24 of the Regulations to that Ordinance, if he had retired at the date of his death, the factor to be used shall be the appropriate factor.

(3) In the proviso to sub-paragraph (2) of this paragraph, "the appropriate factor" has the same meaning as in paragraph 5 of this Schedule.

(4) The Financial Secretary may direct that instead of any payment being made to the personal representatives of a deceased person, payment should be made to one of the dependants of the deceased or to two or more of those dependants in such proportion as the Financial Secretary may think fit.

Place of payment and rate of exchange

11. Any compensation, gratuity, disturbance grant or interest payable under this Schedule to an officer or to his personal representatives or dependants shall be paid, in accordance with any request made from time to time by such officer, his personal representatives or his dependants, as the case may be, in any of the following countries:—

(*a*) in the United Kingdom;

(*b*) in Saint Vincent;

(*c*) in the country from which the officer was recruited or where he intends to reside;

(*d*) in the case of payment to the personal representatives of an officer or his dependants, in the country in which the personal representatives or the dependants, as the case may be, reside; or

(*e*) in such country as the officer or his personal representatives or dependants may, with the concurrence of the Financial Secretary, select,

in the currency of the country in which payment is to be made; and, where payment is to be made in a country other than Saint Vincent, the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of the payment, the amount in sterling of the compensation, gratuity, disturbance grant or interest as calculated at the official rate of exchange prevailing on the operative date.

Application of appropriate law

12. The provisions of the appropriate law shall, subject to the provisions of this Schedule, apply in relation to the grant of any pension or gratuity under

this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law.

Exemption from tax

13. Any compensation, gratuity or disturbance grant payable under any of the provisions of this Schedule shall be exempt from tax under any law in force in Saint Vincent relating to the taxation of income.

Exercise of option

14. Any option exercisable by any person for the purposes of this Schedule—

(*a*) shall be irrevocable after the end of the period within which it is to be exercised;

(*b*) shall be exercised by notice in writing to the appropriate authority;

(*c*) shall be deemed to have been exercised on the date on which notice is received:

Provided that the appropriate Service Commission may, if it thinks fit, generally or in respect of a particular person and subject or not to conditions, extend the period for the exercise of an option.

ANNEX

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE I

I. Read off from the Table the factors for the officer's age—

(*a*) at his last birthday;

(*b*) at his next birthday.

II. Divide the difference between I(*a*) and I(*b*) by twelve and multiply by the number of completed months of age since the last birthday.

III. If I(*b*) is greater than I(*a*), add II to I(*a*).

If I(*b*) is less than I(*a*), subtract II from I(*a*).

III is the factor required.

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE II

I. Read off from the table the factors for officer's age at his last birthday and his—

(*a*) completed years of service,

(*b*) completed years of service plus one year.

II. Subtract I(*a*) from I(*b*), divide the difference by twelve and multiply the result by the number of completed months of service, if any, in excess of the completed years of service.

III. Add I(*a*) and II.

IV. Repeat steps to III for the officer's age at his next birthday.

V. Divide the difference between III and IV by twelve and multiply by the number of completed months of age, if any, since the officer's last birthday.

VI. If IV is greater than III, add V to III.

If IV is less than III subtract V from III.

VI is the factor required.

In calculating factors by interpolation in respect of Tables I and II the calculations should be rounded off to two decimal points and where this results in a difference of point nought one in either direction such difference should be ignored.

Paragraphs 5, 6 and 10

TABLE I

Commutation of pension under compensation arrangements

Age of Officer	*Factor*
25	17·08
26	16·97
27	16·86
28	16·74
29	16·62
30	16·50
31	16·38
32	16·25
33	16·12
34	15·98
35	15·84
36	15·70
37	15·55
38	15·40
39	15·24
40	15·07
41	14·90
42	14·73
43	14·55
44	14·36
45	14·17
46	13·97
47	13·76
48	13·54
49	13·32
50	13·08
51	12·84
52	12·59
53	12·50
54 & over	12·50

NOTE: The factor corresponding to the officer's age in years and completed months should be obtained by interpolation.

Paragraph 7.

TABLE II

Compensation Factors

Age of officer	Factor where length of service is:							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
21	·17							
22	·19	·25						
23	·21	·28	·35					
24	·24	·32	·40	·47				
25	·27	·36	·45	·54	·63			
26	·31	·41	·51	·61	·71	·82		
27	·34	·46	·58	·69	·80	·92	1·04	
28	·39	·52	·65	·78	·91	1·04	1·17	1·30
29	·45	·60	·74	·89	1·04	1·19	1·34	1·49
30	·52	·70	·88	1·05	1·22	1·40	1·58	1·75
31	·62	·82	1·03	1·24	1·44	1·65	1·85	2·06
32	·72	·96	1·20	1·45	1·69	1·93	2·17	2·41
33	·83	1·11	1·38	1·66	1·94	2·22	2·49	2·77
34	·94	1·26	1·57	1·88	2·20	2·51	2·83	3·14
35	1·05	1·40	1·74	2·09	2·44	2·79	3·14	3·49
36	1·14	1·52	1·90	2·28	2·66	3·04	3·42	3·80
37	1·22	1·62	2·02	2·43	2·84	3·24	3·64	4·05
38	1·27	1·70	2·12	2·54	2·97	3·39	3·82	4·24
39	1·31	1·74	2·18	2·62	3·05	3·49	3·92	4·36
40	1·32	1·76	2·20	2·64	3·08	3·52	3·96	4·40
41	1·31	1·75	2·18	2·62	3·06	3·50	3·93	4·37
42	1·28	1·71	2·14	2·56	2·99	3·42	3·84	4·27
43	1·23	1·64	2·06	2·47	2·88	3·29	3·70	4·11
44	1·17	1·56	1·95	2·34	2·73	3·12	3·51	3·90
45	1·10	1·46	1·82	2·19	2·56	2·92	3·28	3·65
46	1·01	1·35	1·68	2·02	2·36	2·70	3·03	3·37
47	·92	1·23	1·54	1·84	2·15	2·46	2·76	3·07
48	·83	1·10	1·38	1·66	1·93	2·21	2·48	2·76
49	·74	·98	1·22	1·47	1·72	1·96	2·20	2·45
50	·64	·85	1·06	1·28	1·49	1·70	1·92	2·13
51	·54	·72	·90	1·07	1·25	1·43	1·61	1·79
52	·43	·57	·71	·85	·99	1·14	1·28	1·42
53	·30	·40	·50	·60	·70	·80	·90	1·00
54	·15	·20	·25	·30	·35	·40	·45	·50
55 and over	nil	nil	nil	nil	nil	nil	nil	nil

NOTE: The factor corresponding to the officer's age and service in years and completed months should be obtained by interpolation.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for compensation and retiring benefits for certain officers in the public service of Saint Vincent.