STATUTORY INSTRUMENTS

1963 No. 790

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The West Indies (Retirement and Compensation) (Amendment) (No. 2) Order in Council 1963

Made - - - -	11*th April* 1963
Laid before Parliament	19*th April* 1963
Coming into Operation	20*th April* 1963

At the Court at Windsor Castle, the 11th day of April 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 3 of the West Indies Act 1962(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1. This Order may be cited as the West Indies (Retirement and Compensation) (Amendment) (No. 2) Order in Council 1963 and shall be read and construed as one with the West Indies (Retirement and Compensation) Order in Council 1962(b) (hereinafter called " the principal Order "), as amended by the West Indies (Retirement and Compensation) (Amendment) Order in Council 1962(c) and the West Indies (Retirement and Compensation) (Amendment) Order in Council 1963(d) and shall come into operation on 20th April 1963.

Modification of principal Order.

2.—(1) Notwithstanding anything contained in the principal Order and subject to the provisions of paragraph (2) of this article, where an officer whose retirement has taken place pursuant to paragraph 5 of the Schedule to the principal Order is eligible for the grant of, or has been granted, in pursuance of the provisions of that Schedule—

(*a*) a pension ; or

(*b*) a pension and an additional pension,

and the amount of the unreduced pension or the aggregate amount of the unreduced pension and the unreduced additional pension, as the case may be, does not exceed £100, he may, at his option exercisable not later than one month after his redundancy rate or after 20th May 1963 whichever is the later, be granted in lieu of such pension or such pension and additional pension a gratuity equal to the amount of the unreduced pension or to the aggregate amount of the unreduced pension and the unreduced additional pension, as the case may be, multiplied by the factor set out in Table I of the Annex to that Schedule appropriate to his age at the date of his retirement:

(a) 10 & 11 Eliz. 2. c. 19.
(b) 1962/1085 (1962 II, p. 1232).
(c) S.I. 1962/1551 (1962 II, p. 1765).
(d) S.I. 1963/166 (1963 I, p. 145).

Provided that the amount of any sums that may have been paid to him by way of pension, additional pension or gratuity in pursuance of paragraph 6 (1) or 7 (2) of that Schedule, shall be deducted from any gratuity payable under this paragraph.

(2) Where benefits might enure under the Widows' and Children's Pensions Act 1960 of The West Indies as applied and modified by the Interim Commissioner (Pensions) Regulations 1962 to the widow of an officer and to his or her children that officer shall not be entitled to exercise the option referred to in paragraph (1) of this article.

(3) "Unreduced" in relation to a pension or an additional pension means the full pension or full additional pension, as the case may be, without taking into account any reduction for the purposes of effecting a partial commutation thereof in pursuance of the provisions of the Schedule to the principal Order.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order modifies the provisions of the West Indies (Retirement and Compensation) Order in Council 1962 in their application to the territories of the former Federation of The West Indies other than Jamaica and Trinidad and Tobago, in order to enable certain officers to commute the whole of their pensions where the pensions do not exceed £100.