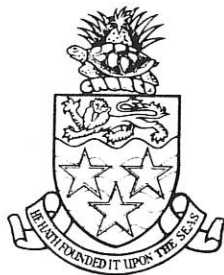


CAYMAN ISLANDS



Supplement No. 2, published with Gazette No. 25 of 1994.

THE PENSIONS (AMENDMENT) REGULATIONS 1994

CAYMAN ISLANDS

THE PENSIONS LAW (CHAPTER 121)

THE PENSIONS (AMENDMENT) REGULATIONS 1994

The Governor in Council, in exercise of the powers conferred on him by subsections (2) and (3) of section 3 of the Pensions Law, makes the following Regulations –

Title

1. These Regulations may be cited as the Pensions (Amendment) Regulations 1994.

Amendment of the Pensions Regulations

2. (1) The Pensions Regulations, contained in the First Schedule to the Pensions Law, are amended by inserting after regulation 4 the following regulation –

"4A. (1) Notwithstanding section 3(4) of this Law and regulation 4 of these Regulations, every pension (within the meaning of paragraph (2) of this regulation) granted to a pensioner or pensionable officer shall be computed to provide a minimum amount of pension payable to the officer of \$400 each month during the period in which the pension is due and payable.

- (2) For the purposes of this regulation "pension" means every pension due and payable under the Law and these Regulations other than any such pension –

- (a) paid before 1st August 1994; or
- (b) payable (whether or not before that date) to –
 - (i) a widow;
 - (ii) a widower; or
 - (iii) a child of a pensioner or pensionable officer."

- (2) The Pension Regulations are amended by adding the following regulation –

***Ex gratia* allowances**

27. (1) Any Caymanian (within the meaning of the Immigration Law) –

- (a) who has held an office in the service of the Islands, for any period of four or more years in the aggregate ending on a date before this regulation came into force; and
- (b) who is not in receipt of (or has not received) any pension, allowance, gratuity or other benefit under the Law, or any other provision of these Regulations; and
- (c) who will not be eligible at any date after this regulation comes into force (whether or not such eligibility is contingent on his further public service) to receive any benefit under the Law other than an allowance under this regulation,

may, before 31st December 1994, apply for an *ex gratia* allowance in accordance with the provisions of this regulation.

(2) An application for an *ex gratia* allowance shall be made in writing to the Financial Secretary.

(3) An application for an *ex gratia* allowance shall include –

- (a) a statement of the applicant's reasons for believing that he or she qualifies for the grant of an *ex gratia* allowance under this regulation; and
- (b) either –
 - (i) a letter to the applicant signed by or on behalf of the Permanent Secretary of the Personnel Department of the Government confirming that the applicant, or the person in respect of whose service the application is made, has held an office in the service of the Islands for any period of four or more years in the aggregate; or
 - (ii) two affidavits made by persons having knowledge of the service of the applicant, or the person in respect of whose service the application is made, confirming that the applicant (or that person) has held an office in the service of the Islands for any period of four or more years in the aggregate.

(4) The Financial Secretary shall not grant an application for an *ex gratia* allowance unless he is satisfied that the application has been made in accordance with the provisions of this regulation.

(5) Subject to paragraph (4) of this regulation, if the Financial Secretary is satisfied that the application is one which ought to be granted, he shall grant the application; and if he is not so satisfied, he shall refuse the application.

(6) Where an application for an *ex gratia* allowance is granted under this regulation, there shall be paid out of the General Revenues of the Islands to the applicant an *ex gratia*

allowance, of an amount ascertained in accordance with paragraph (7) of this regulation, during the period specified in paragraph (8) of this regulation.

(7) Where –

- (a) the office in the service of the Islands in respect of which an *ex gratia* allowance has been granted was held for a period in the aggregate of four or more years but less than ten years, the *ex gratia* allowance shall be the sum of \$200 each month; and
- (b) the office in the service of the Islands in respect of which an *ex gratia* allowance has been granted was held for a period in the aggregate of ten or more years, the *ex gratia* allowance shall be the sum of \$300 each month.

(8) An *ex gratia* allowance granted under this regulation shall be paid –

- (a) where the applicant had attained 60 years of age on or before 1st August 1994, during the period beginning on that date and ending on the date on which (in accordance with the Law and these Regulations) the benefit ceases to be payable; and
- (b) where the applicant had not attained 60 years of age on or before 1st August 1994, during the period beginning on the date on which the applicant attains that age and ending on the date on which (in accordance with the Law and these Regulations) the benefit ceases to be due and payable.

(9) The provisions of the Law relating to the payment of pensions or other benefits under the Law, excluding the provisions of the Law relating to the payment of benefits to widows and children, but including the circumstances in which benefits cease to become payable, shall apply (with any necessary modifications) to the payment of *ex gratia* allowances under this regulation."

Made in Council this 11th day of October, 1994.

MONA N. BANKS-JACKSON
Clerk of Executive Council.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pensions Regulations, which are contained in the First Schedule to the Pensions Law, to provide for the payment of *ex gratia* allowances in respect of the public service of former civil servants.

These Regulations are intended to help a number of Caymanians who were in the public service in the past but who do not have an entitlement to a civil service pension or other benefit under the Pensions Law.

There is a new regulation 27 added by these Regulations to enable a former civil servant, who can show four or more years service and who will not otherwise be eligible for a pension or other benefit under the Law, to apply for an *ex gratia* allowance. Each application will be decided by the Financial Secretary, and the existing rules relating to benefits under the Law will apply to any *ex gratia* allowance which is granted.

The allowance will be \$200 a month for those who had four (or more) to ten years service and \$300 a month for those who had ten or more years service. All applications must be made before 31st December 1994. Applications by persons aged 60 or more which are made and granted in accordance with its provisions will attract payment of the new allowance from 1st August 1994. Any applicant younger than 60 who qualifies for the new allowance will receive it from their 60th birthday.

The Regulations also provide that former civil servants qualifying for a pension will receive a minimum monthly pension of \$400 with effect from 1st August 1994.