

ANTIGUA AND BARBUDA

**THE GOVERNOR-GENERAL'S EMOLUMENTS AND
PENSION BILL, 2006**

ARRANGEMENT OF SECTIONS

Sections

1. Short title.
2. Interpretation.
3. Emoluments, benefits and privileges of Governor-General.
4. Emoluments during absence, leave and incapacity.
5. Emoluments of Acting Governor-General.
6. Gratuity to Governor-General.
7. Pension granted.
8. Reckoning of Governor-General's service for pension in certain cases.
9. Gratuity where Governor-General dies while holding office.
10. Other pensions.
11. Widow's pension.
12. Emoluments, pensions, etc. charged on Consolidated Fund.
13. Regulations.
14. Amendment of the Personal Income Tax Act, 2005.
15. Repeal of Cap. 195.

SCHEDULE Benefits, Privileges and Rates of Salary, Allowances and
Pensions.

ANTIGUA AND BARBUDA

**THE GOVERNOR-GENERAL'S EMOLUMENTS AND
PENSION BILL, 2006**

A BILL FOR

AN ACT to provide for the emoluments, pensions, benefits and privileges attached to the office of Governor-General.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the Governor-General's Emoluments and Pension Act, 2006. Short title

2. In this Act— Interpretation

“Acting Governor-General” means any person who performs the functions of the office of Governor-General under section 23 of the Constitution; and

“service in the Permanent Civil Service” means service in respect of which a pension may be granted under the Pensions Act (Cap. 311). Cap. 311

3. (1) The emoluments appertaining to the office of Governor-General shall be the emoluments specified in paragraphs 1, 2 and 3 of Part 1 of the Schedule and shall be paid in equal monthly instalments in arrears. Emoluments, benefits and privileges of Governor-General

(2) A person who holds the office of Governor-General shall be entitled to the benefits and privileges specified in paragraph 4 of Part 1 of the Schedule for so long as he holds the office.

4. (1) The Governor-General shall— Emoluments during absence, leave and incapacity
 - (a) in respect of any period during which he is absent from Antigua and Barbuda for the purposes of performing any of the functions of his office, receive the full emoluments appertaining to his office; and
 - (b) in respect of any period during which he is absent on leave or is unable to perform the functions of his office, receive the salary appertaining to his office, but shall not receive the allowances specified in paragraphs 2 and 3 of Part 1 of the Schedule.

(2) The Governor-General shall not, for the purposes of this section, be regarded as unable to perform the functions of his office—

- (a) by reason only that he is in passage from one part of Antigua and Barbuda to another; or
- (b) where he has appointed a deputy to perform any of the functions of the office of Governor-General under section 25 of the Constitution and such appointment is subsisting.

5. (1) Subject to the provisions of subsection (2), an Acting Governor-General shall, in respect of the period during which he discharges the functions of the office of Governor-General, receive the emoluments specified in paragraphs 1, 2 and 3 of Part 1 of the Schedule.

Emoluments of
Acting Governor-
General

(2) Where an Acting Governor-General, in respect of any period during which he discharges the functions of the office of Governor-General, receives salary defrayed from the Consolidated Fund in respect of any other office, his emoluments under subsection (1) in respect of such period shall be abated to the extent of the salary so received.

6. (1) There shall be granted a gratuity equal to 20% of the aggregate of the salary and duty allowance paid during his term of office to any person who has held the office of Governor-General for a continuous period of fifteen years or more.

Gratuity to
Governor-General

(2) The gratuity referred to in subsection (1) shall be due and payable on the date on which the person entitled to the gratuity ceases to be Governor-General.

7. (1) Subject to section 8 there shall be granted to a person who has held the office of Governor-General, with effect from the date on which he ceases to hold that office a pension at the rate specified in paragraphs 1, 2 or 3 of Part 2 of the Schedule, as appropriate.

Pension granted

(2) A person who has held the office of Governor-General, with effect from the date on which he ceases to hold that office, shall be entitled to receive the housing allowance, benefits and privileges specified in paragraphs 4, 5 and 6 of Part 2 of the Schedule.

(3) The pension payable under subsection (1) or section 8 and the housing allowance payable under subsection (2) shall be paid in equal monthly instalments in arrears.

8. Where a person who has held the office of Governor-General has, immediately preceding his appointment to that office, been in service in the Permanent Civil Service and the pension in respect of that service is not in payment, he may opt—

Reckoning of
Governor-
General's service
for pension in
certain cases

- (a) to receive a pension under section 7, if he is so entitled; or

- (b) to treat his service in the office of Governor-General as service in the Permanent Civil Service and to receive a pension, or reduced pension and gratuity, or any applicable gratuity under the Pensions Act (Cap. 311) if the length of his joint service in the office of Governor-General and his service in the Permanent Civil Service qualifies him for a pension under that Act,

Cap. 311

and he shall be granted a pension under section 7 or a pension or reduced pension and gratuity or other gratuity under the Pensions Act as he so opts.

9. Where a person dies while he is Governor-General, there shall be granted to his legal personal representative a gratuity of an amount not exceeding either the total of his annual salary and duty allowance at the date of his death, or the gratuity, if any, which would have been granted to him under this Act, whichever is the greater.

Gratuity where Governor-General dies while holding office

10. A person who has a pension in payment in respect of service in the Permanent Civil Service shall be entitled to receive that pension during such time that—

Other pensions

- (a) he holds the office of Governor-General; or
(b) having held the office of Governor-General, he is entitled to receive a pension under this Act.

11. (1) Where a person dies—

Widow's pension

- (a) while he is Governor-General; or
(b) while he is entitled to receive a pension payable under this Act to a person who has ceased to be Governor-General,

and leaves a widow, the widow shall, subject to subsection (3), be paid a pension at the rate specified in paragraph 1 of part 3 of the Schedule which shall be paid in equal monthly instalments in arrears.

(2) A person who receives a pension under subsection (1) shall, during the period of payment of that pension, also be provided by the Government with the benefits and privileges specified in paragraph 2 of Part 3 of the Schedule.

(3) A widow mentioned in this section shall not be entitled to receive and shall not be paid a pension under this section for any period after re-marriage and on re-marriage shall cease to be entitled to, and shall not be provided with, any of the privileges and benefits under subsection (2).

(4) For the purposes of this section “widow” includes “widower.

12. The emoluments of the Governor-General, and all pensions, gratuities, privileges and benefits under this Act shall be charged on the Consolidated Fund and paid thereout.

Emoluments, pensions, etc. charged on Consolidated Fund

The Governor-General's Emoluments and Pension Bill, 2006

13. (1) The Attorney-General may, by regulations amend the provisions of the Schedule. Regulations
- (2) Regulations made under this section shall be subject to affirmative resolution of the Legislature.
14. The Personal Income Tax Act, 2005 is amended in section 9(2) by adding at the end the following paragraph— Amendment of the Personal Income Tax Act, 2005
- “(k) the emoluments and gratuities payable to the Governor-General and the pensions payable to the Governor-General and his widow under sections 3, 6, 7, 9 and 11 of the Governor-General’s Emoluments and Pension Act, 2006.”.
15. The Governor and Governor-General’s Emoluments and Pension Act (Cap. 195) is repealed. Repeal of Cap. 195

SCHEDULE

BENEFITS, PRIVILEGES AND RATES OF SALARY, ALLOWANCES AND PENSIONS

Part 1 – Governor-General

1. A salary at the rate of \$184,140 per annum with effect from the 1 January 2006.
2. A Duty Allowance at the rate of \$36,000 per annum.
3. Where the Governor-General does not live in government-owned premises, a housing allowance of \$96,000 per annum.
4. The following benefits and privileges—
 - (a) exemption from the levies or contributions payable under—
 - (i) section 13 of the Board of Education Act, 1994; 11 of 1994
 - (ii) section 21 of the Social Security Act (Cap. 408); and Cap. 408
 - (iii) section 3 of the Medical Benefits Act (Cap. 271), Cap. 271insofar as they relate to the salary and duty allowance payable to the Governor-General under this Act;
 - (b) exemption from customs duty payable on goods imported only for the Governor-General's personal use;
 - (c) where the Governor-General does not live in government-owned premises—
 - (i) exemption from property tax payable under Part II of the 15 of 2000
Property Tax Act, 2000; and
 - (ii) reimbursement by the Government of the cost of water and electricity supplied,in respect of the Governor-General's main personal residence; and
 - (d) reimbursement by the Government of the cost of local telephone calls.

Part 2 – Retired Governor-General

1. In the case of a Governor-General who held that office for eight consecutive years or more, an annual pension equivalent to the aggregate of his annual salary and duty allowance at the date of his ceasing to hold office.

2. In the case of a Governor-General who held that office for four consecutive years or more but less than eight consecutive years, an annual pension equivalent to two-thirds of the aggregate of his annual salary and duty allowance at the date of his ceasing to hold office.

3. In the case of a Governor-General who held that office for less than four consecutive years, an annual pension based upon the proportion of the amount he would have received as pension if he had held that office for four consecutive years or more, but less than eight consecutive years that the period for which he in fact held office bears to such period of four years.

4. A housing allowance of \$96,000 per annum.

5. The following benefits and privileges—

- (a) exemption from the levies or contributions payable under—
 - (i) section 13 of the Board of Education Act, 1994; 11 of 1994
 - (ii) section 21 of the Social Security Act (Cap. 408); and Cap. 408
 - (iii) section 3 of the Medical Benefits Act (Cap. 271), Cap. 271insofar as they relate to the pension payable to him under this Act;
- (b) exemption from customs duty payable on goods imported only for his personal use;
- (c) (i) exemption from property tax payable under Part II of the Property Tax Act, 2000; and 15 of 2000
(ii) reimbursement by the Government of the cost of water and electricity supplied,
in respect of his main personal residence; and
- (d) reimbursement by the Government of the cost of local telephone calls.

6. The following additional benefits and privileges—

- (a) provision by the Government of a secretary, a housekeeper, and a gardener for so long as he has a garden attached to his main personal residence;
- (b) provision by the Government of a chauffeur and a motor car—
 - (i) of a make and model; and
 - (ii) which shall be replaced at periods,
to be specified by the Cabinet; and
- (c) provision by the Government, if he requires, of police security to such level as may be specified by the Cabinet after consultation with the Commissioner of Police.

Part 3 – Governor-General's Widow

1. An annual pension at a rate equivalent to two-thirds of the rate of pension payable to the spouse of the widow under section 7 or 8.
2. The following benefits and privileges—
 - (a) provision by the Government of a social secretary, a household helper and, if he or she has a garden attached to their main personal residence, a gardener;
 - (b) provision by the Government of a chauffeur and a motor car—
 - (i) of a make and model; and
 - (ii) which shall be replaced at periods, to be specified by the Cabinet;
 - (c) exemption from liability to customs duty payable on goods imported only for his or her personal use; and
 - (d) exemption from property tax under Part II of the Property Tax Act, 2000 in respect of his or her main personal residence.

15 of 2000

EXPLANATORY MEMORANDUM

This Bill would amend the levels of the emoluments, pensions, benefits and privileges attached to the office of Governor-General, bringing the statutory provisions into line with the current practice and enabling amendments to be made in future with the minimum of administrative delay and difficulty.

Clause 1 provides the short title.

Clause 2 is an interpretation clause.

Clause 3 and Part 1 of the Schedule specify the emoluments, benefits and privileges to be provided to the Governor-General while in office.

Clause 4 continues the existing provisions relating to the Governor-General's entitlements during absence, leave and incapacity.

Clause 5 provides for the payment of an Acting Governor-General.

Clause 6 provides for a gratuity of 20% of the total amount of salary and duty allowance paid throughout the term of office of the Governor-General to be paid to him on his retirement provided he has held the office for a continuous period of 15 years or more..

Clause 7 and Part 2 of the Schedule provide for a pension to be paid to the Governor-General, the amount of which depends on the length of time he has held office, and to continue to receive various benefits and privileges on his retirement.

Clause 8 makes supplementary provisions in relation to the Governor-General's pension where he has previously been a pensionable civil servant.

Clause 9 provides for a lump sum to be paid to the relict of a Governor-General when he dies in office.

Clause 10 provides for the continuation of payment of a civil service pension being received by a person who is made Governor-General.

Clause 11 and Part 3 of the Schedule provide for the relict of a Governor-General who dies either in office or having previously held office to receive a pension and various benefits until re-marriage.

Clause 12 provides for expenditure under the Act to be a charge on the Consolidated Fund

Clause 13 enables the emoluments benefits and privileges specified in the Schedule to be amended in the future by regulations which are subject to affirmation by the Legislature.

Clause 14 provides that the salary, allowances and pensions payable under the Act to be free of income tax.

Clause 15 repeals the former Act.