

ANTIGUA AND BARBUDA



THE BARBUDA LOCAL COUNCIL PENSION ACT, 2007

No. of 2007

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AN ACT to allow for the payment of pensions and gratuities to members and employees of the Barbuda Local Council and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Barbuda Local Council Pension Act, 2007.

2. Interpretation

In this Act—

“employee” means a person employed by the Barbuda Council on a week to week or month to month basis whose wage or salary is paid from or out of a vote in the Estimates of the Local Council;

“Consolidated Fund” means the Consolidated Fund for which provision is made in Chapter VI of the Constitution;

“Council” means the Barbuda Council established under the provisions of section 3 of the Barbuda Local Government Act, Cap. 44; and

“member” means a member of the Barbuda Council other than a member who is also a member of the House of Representatives or the Senate.

3. Pension to be charged on the Consolidated Fund

There shall be charged on and paid out of the Consolidated Fund all sums of money as may from time to time be granted by way of pension or gratuity under this Act.

4. Pension or gratuity not as of right

(1) A member or an employee shall not have the absolute right to compensation for past services or to pension or gratuity under this Act.

(2) Where it is established to the satisfaction of the Cabinet that a member or an employee has been guilty of negligence, irregularity or misconduct, the pension or gratuity may be reduced or altogether withheld.

5. Circumstances in which pension or gratuity may be granted

(1) A pension shall be paid to a person who—

(a) has served in the Council as an elected member for a period equal in the aggregate to not less than 10 years;

(b) has ceased to be a member of the Council; and

(c) either—

(i) has attained the age of fifty-five years and retires at that age; or

(ii) produces medical evidence by two medical practitioners registered in accordance with the provisions of the Antigua and Barbuda Medical Act, Cap. 269, to the satisfaction of the Cabinet that he is incapable by reason of infirmity of mind or body of discharging his duties as a member of the Council and that such infirmity is likely to be permanent.

(2) Pension or gratuity shall be granted under this Act to an employee on retirement from the Council’s employment in any one of the following circumstances—

(a) after having attained the age of fifty-five years and retires at that age;

(c) on his compulsory retirement on attaining the age of sixty years;

(d) on medical evidence to the satisfaction of the Cabinet that he is incapable by reason of infirmity of mind or body of continuing as a member or as an employee and has been in the service of the Council for at least ten years.

(3) A person who has not retired after having attained the age of fifty-five years shall not receive a pension until his compulsory retirement on attaining the age of sixty years.

(4) For the purpose of this section a person shall be considered to have served as a member of the Council if he was a member of the Council on or after the 23rd day of December, 1976.

6. Pension how paid and maximum pension

A pension granted to a member or an employee under this Act shall be paid monthly in arrears and shall not exceed an amount equal to two and two-thirds times his weekly wage or two-thirds of his monthly salary, received at the time of his retirement.

7. Pension how granted and rate

(1) Subject to the provisions of this Act every member or employee of the Barbuda Council who has been a member or an employee for a continuous period of ten or more years, or for periods amounting in the aggregate to ten or more years, may be granted on retirement a pension at the annual rate of one-fiftieth of fifty-two times his weekly wage at the time of his retirement for each complete year of his employment.

(2) In this section—

- (a) for the purpose of computing the continuous period of ten or more years, "year" means a calendar year;
- (b) for the purpose of computing the periods amounting in the aggregate of ten or more years "year" means every fifty-two weeks whether continuous or not.

(3) Where the member has been a member or the employee is employed after the completion of ten or more years, whether continuous or not, for a portion of a year exceeding twenty-six weeks, whether continuous or not, that portion shall be considered to be a complete year.

8. Gratuity and reduced pension

A member or an employee to whom a pension is granted under this Act may, at the discretion of the Cabinet, be paid in lieu of that pension, a monthly pension at the rate of three fourths of that pension, together with a gratuity equal to one hundred and fifty times the amount of the reduction so made.

9. Gratuity for members or employees of not less than seven years standing

(1) An employee may, if he has been employed by the Council for a continuous period of not less than seven years, or for periods amounting in the aggregate to not less than seven years, and has retired in one of the circumstances mentioned in section 5, may be granted, if the Cabinet thinks fit, a compassionate gratuity of two week's pay at the time of his retirement for each complete year of his employment.

(2) A member may, if he has been a member of the Council for a continuous period of not less than seven years, or for periods amounting in the aggregate to not less than seven years, and has retired from membership of the Council in one of the circumstances mentioned in section 5, may be granted, if the Cabinet thinks fit, a compassionate gratuity of one month's pay at the time of his retirement for each complete year of his employment.

(3) The provisions of subsections (2) and (3) of section 7 shall apply to this section as though a reference to ten or more years in those subsections were a reference to seven or more years respectively.

10. Gratuity to personal representative

There shall be paid to the personal representative of—

- (a) a member who dies whilst being a member of the Council; or
- (b) an employee who dies whilst employed by the Council;

a gratuity equivalent to fifty-two weeks wages of the member or the employee.

11. How weekly wage ascertained in certain cases

For the purpose of granting a pension or gratuity under sections 7, 9 or 10 where a member or an employee is in receipt of a monthly salary, his weekly wage shall be considered to be one-fourth of his monthly salary.

12. Suspension of pension on re-employment

If a member or an employee to whom a pension has been granted under this Act is re-employed by the Government or the Council, the payment of his pension may, if the Cabinet thinks fit, be suspended during the period of his re-employment.

13. Application of Act

(1) The provisions of this Act shall apply to—

- (a) a member who—
 - (i) is first a member with the Council after the commencement of this Act;
 - (ii) is a member of the Council at the commencement of this Act or within six months before or after the commencement of this Act and continues to be a member after the commencement of this Act; and
- (b) an employee who—
 - (i) is first employed by the Council after the commencement of this Act;
 - (ii) is employed by the Council at the commencement of this Act or within six months before or after the commencement of this Act and continues to be employed after the commencement of this Act.

(2) Notwithstanding the provisions of this Act, the Cabinet may apply the provisions of this Act to any former employee of the Council who ceased to be an employee of the Council in any of the circumstances mentioned in section 5.

Passed the House of Representatives on the _____, 2007.

Passed the Senate on the _____, 2007.

Speaker.

President.

Clerk to the House of Representatives.

Clerk to the Senate.

EXPLANATORY MEMORANDUM

This Bill would provide for payments of pensions and gratuities to members, officers and employees of the Barbuda Council.

Clause 3 provides that pensions and gratuities are to be charged on the Consolidated Fund.

Clause 5 makes provision for pension to be paid to persons who can no longer work for medical reasons. The clause provides that proof of the medical condition must be provided to the satisfaction of the Cabinet before any pension or gratuity can be paid.

Clauses 6, 7 and 11 make provision for the calculation of pensions and gratuities.

Clause 9 makes provision for the payment of gratuities.

Clause 10 provides for the payment of gratuities to personal representatives.

Clause 12 provides for the suspension of pensions or gratuities during a period of re-employment.

Clause 13 makes provision for the Cabinet to exercise discretion in respect of the payment of pensions and gratuities notwithstanding the provisions of the Act.