
INCREMENTS OF PAY AND COST OF LIVING
ALLOWANCE (CROWN EMPLOYEES AND
PENSIONERS) ORDINANCE 2012

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Increments of Pay and Cost of Living Allowance (Crown Employees and Pensioners) Ordinance 2012	9/2012	01/01/2012
Increments of Pay and Cost of Living Allowance (Crown Employees and Pensioners)(Amendment) Ordinance 2013	20/2013	03/08/2013
Increments of Pay and Cost of Living Allowance (Crown Employees and Pensioners)(Amendment) Ordinance 2016	22/2016	30/12/2016

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INCREMENTS OF PAY AND COST OF LIVING
ALLOWANCE (CROWN EMPLOYEES AND
PENSIONERS) ORDINANCE 2012

An Ordinance to provide for a freezing of increments to pay and cost of living allowance for
Crown employees and of pensions for Crown pensioners

PART 1

Preliminary

Short title and commencement

1.—(1) This Ordinance may be cited as the Increments of Pay and Cost of Living Allowance (Crown Employees and Pensioners) Ordinance 2012 and comes into force on the day after it is published in the Gazette.

(2) Despite subsection (1), this Ordinance is to have effect as if it had come into force on 1 January 2012.

(3) Subject to subsection (4), this Ordinance expires on ~~31 December 2013~~ ~~2016.~~^(a) *31 March 2017.* ^(b)

(4) This Ordinance remains in force after ~~31 December 2013~~ ~~2016~~ *31 March 2017* for the purposes of sections 5, 7 and 11.

Interpretation

2.—(1) In this Ordinance—

“the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas;

“employment” means employment under a contract of employment or a contract of apprenticeship;

“pension” means a pension arising from a contract of employment, a provision of any other Ordinance or any administrative arrangement, and includes a pension paid to a person in respect of a deceased person; and

“the Relevant Period” is the period beginning on 1 January 2012 and ending on ~~31 December 2013~~ ~~2016.~~^(c) *31 March 2017.*^(d)

(2) A reference to “employee” is to be read by reference to the definition of employment.

(3) For the purposes of this Ordinance, a person holding office is an employee.

Application

3.—(1) Subject to subsection (2), this Ordinance applies to the pay of an employee of the Crown or the pension paid arising from a person’s previous employment with the Crown.

(2) This Ordinance does not apply in relation to pay or pension paid by the Crown to a person who is or was employed or in service as—

(a) Amended from 2013 to 2016 by Ordinance 20/2013 wherever it appears in section 1 – came into force on 03 August 2013

(b) Amendments to sections 1(3) and 1(4) made by Ordinance 22/2016 – came into force on 30 December 2016

(c) Amended by Ordinance 20/2013 – came into force on 03 August 2013

(d) Amended by Ordinance 22/2016 – came into force on 30 December 2016

- (a) a member of Her Majesty's Forces;
- (b) a member of the Civilian Component as defined in paragraph 1(b) of section 1 of Annex C to the Treaty of Establishment; and
- (c) a person enjoying the rights and facilities of members of Her Majesty's Forces by virtue of paragraph 3 of section 9 of Part II of Annex B to the Treaty of Establishment.

PART 2

General Provisions

Freezing of increments

4.—(1) Subject to subsection (2), notwithstanding the provisions of any other Ordinance or contractual or administrative arrangement or practice, the increments payable to an employee are not to increase during the Relevant Period.

(2) If an employee is promoted during the Relevant Period, the employee's pay is to be determined in accordance with section 6.

Service during Relevant Period does not count for increments

5.—(1) Service during the Relevant Period is not to be taken into account for the purpose of calculating an employee's increments.

(2) Where a continuous period of employment is required in order for an employee to qualify for an increment in accordance with an Ordinance, administrative or contractual arrangement or practice, for the purposes of calculating the period of employment, the calculation is to be made—

- (a) without taking account of the Relevant Period; but
- (b) as if the period of employment ending on 31 December 2011 and the period of employment beginning on ~~1 January 2014~~ ~~2017~~ ~~(a) 1 April 2017~~ ~~(b)~~ were continuous.

Payment of increment on promotion

6.—(1) If an employee is promoted during the Relevant Period, subject to subsection (2), the employee is to be paid the increment for the promoted post in accordance with the Ordinance, administrative or contractual arrangement or practice which applied on 31 December 2011.

(2) In order to determine the number of increments awarded on promotion, no account is to be taken of the employee's service during the Relevant Period.

Payment of increment for periods of unpaid leave

7.—(1) This section applies where an employee, other than an employee who has a common fixed increment date of 1 April each year, takes unpaid leave during the Relevant Period.

(2) Subject to subsection (4), the date from which the employee is next to be paid an increment (the "current increment date") after the Relevant Period is deferred by the period specified in subsection (3).

(3) The period is—

- (a) the total number of days of unpaid leave; plus
- (b) if necessary, a further number of days in order that the new increment date falls on the first day of the following month.

(4) Subsection (2) does not apply if—

(a) Amended by Ordinance 20/2013 – came into force on 03 August 2013
 (b) Amended by Ordinance 22/2016 – came into force on 30 December 2016

- (a) the unpaid leave is authorised as taken for reasons of public benefit;
- (b) the unpaid leave is taken in accordance with the Parental Leave and Leave on Grounds of Force Majeure Ordinance 2002(a); or
- (c) during the 12 month period of service preceding the current increment date, the number of days of unpaid leave taken by the employee, to which paragraph (a) or (b) does not apply, amounts to 15 days or less.

Payment of interrupted or deferred increment

8. The provisions of this Ordinance apply where—

- (a) due to unsatisfactory service, an employee's increment is deferred or withheld; and
- (b) the effect of the deferral or withholding of the increment ceases during the Relevant Period.

Freezing of cost of living allowance

9. During the Relevant Period, notwithstanding the provisions of any other Ordinance, contractual or administrative arrangement or practice, the amount of the cost of living allowance remains that in effect on 31 December 2011.

Freezing of pension

10. During the Relevant Period, notwithstanding the provisions of any other Ordinance, contractual or administrative arrangement or practice, the amount of a pension payable—

- (a) where payment commenced before 31 December 2011, remains that in effect on that date; or
- (b) where payment commences during the Relevant Period, remains the amount set at the date of commencement.

Review

11. For the purpose of reviewing the cost of living allowance and the amount of a pension payable from ~~1 January 2014~~ ~~2017~~, ~~(b) 1 April 2017~~ (c) the Administrator may take account of any contemporaneous revision of the rate of the cost of living allowance and to the rate of increase of pension made by the Republic.

Power to make regulations

12. The Administrator may make regulations by way of public instruments for the more effective application of this Ordinance.

(a) Ordinance 39/2002
(b) Amended by Ordinance 20/2013 – came into force on 03 August 2013
(c) Amended by Ordinance 22/2016 – came into force on 30 December 2016