



SUPPLEMENT No. 3
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 801 of 30th January, 1988.
SUBSIDIARY LEGISLATION

C O N T E N T S

The following SUBSIDIARY LEGISLATION is published in this Supplement which forms part of this Gazette :—

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GAZETTE No. 801 of 30th JANUARY, 1988.

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(Ordinances 11 of 1971, 7 of 1975 and 2 of 1985).

THE POLICE ORDINANCE, 1967

(Ordinances 9 of 1967, 14 of 1969 and 7 of 1975).

THE POLICE AND PRISON OFFICERS' (PENSIONS)
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No. 7

THE PRISONS ORDINANCE, 1971
(Ordinances 11 of 1971 and 2 of 1985).

THE POLICE ORDINANCE, 1967
(Ordinances 9 of 1967, 14 of 1969 and 7 of 1975).

REGULATIONS MADE UNDER SUBSECTION (2) OF SECTION 15
OF THE PRISONS ORDINANCE READ WITH SECTION 11
OF THE PRISONS ORDINANCE AND WITH SECTION 9
OF THE POLICE ORDINANCE.

In exercise of the powers vested in me by subsection (2) of Section 15 of the Prisons Ordinance, 1971, read with Section 11 of that Ordinance and with Section 9 of the Police Ordinance, 1967, I, the Superintendent of Prisons and the Chief Police Officer, with the approval of the Administrator, do hereby make the following Regulations :

Short title.

1.—(1) These Regulations may be cited as the Police and Prison Officers' (Pensions) Regulations, 1988.

(2) These Regulations shall apply to all locally engaged police and prison officers employed by the Sovereign Base Areas Administration.

Interpretation.

2.—(1) In these Regulations, unless the context otherwise requires —

“combined service” means either the Police Force or Prison Service or the Force and the Service where an officer has served in both successively or conjointly ;

“officer” means a locally engaged police or prison officer ;

“officer of the administration” means a locally engaged member of the SBA Administration other than temporarily engaged and hourly paid industrial staff ;

“pensionable emoluments” includes :

- (a) salary ;
- (b) good conduct pay ;
- (c) merit allowance ;
- (d) the whole of the cost of living allowance payable at the date on which an officer retires from the combined service ;

“serve” or “service” or any other connotation of such words means service in either the Police Force, Prison Service, the Administration, or combination thereof.

(2) Subject to paragraph (1) of this regulation and unless the context otherwise requires words or expressions contained in these Regulations shall have the meanings respectively assigned to them in the Police Ordinance, 1967 or the Prisons Ordinance 1971, or any Ordinances amending or substituted for the same.

(3) A person shall be deemed to attain an age on the date of the anniversary of his birthday.

3. No pension, gratuity or other allowance shall be granted under these Regulations to any officer except on his retirement from the combined service in one of the following cases :

Circumstances
in which pension
may be granted.

- (a) on completion of the age of compulsory retirement or of any period of continuation in office under the provisions or regulation 9 of the Police (General) Regulations, 1967, or on termination of engagement under the provisions of paragraph (1) of regulation 10 of the Police (General) Regulations, 1967, or of similar regulations applied to prison officers or the prison service under Section 15 of the Prisons Ordinance ;
- (b) on the abolition of his office in the combined service ;
- (c) on the compulsory retirement from the combined service for the purpose of facilitating improvements in the organisation of the combined service by which greater efficiency or economy may be effected ;
- (d) on medical evidence to the satisfaction of the Administrator that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office in the combined service and that such infirmity is likely to be permanent ;
- (e) in the case of termination of his engagement in the public interest ;
- (f) on voluntary premature retirement, under the provisions of regulation 12 of these Regulations.

4.—(1) Subject to the provisions of these Regulations, every officer who has served in the combined service for ten years or more shall on retirement be granted a pension at the annual rate of one six-hundred-and-sixtieth of his pensionable emoluments as at the date of his retirement for each completed month of his pensionable service :

Eligibility
for pensions
and rates.

Provided that all prior service as an officer in the combined service of the Administration or as an 'Officer' shall be regarded as service qualifying for pension :

Provided that in case of retirement of an officer on the day preceding the date of granting an increase of the cost-of-living allowance on the basic salary, his pensionable emoluments shall be increased to take into account such cost-of-living increase.

(2) Where the salary of an officer is on a scale and by the date of his retirement the officer has earned part of the next annual increment of his scale, his pensionable emoluments shall be deemed to have increased by so many twelfths of the amount of such increment as are the months during which he has served after the grant of his last increment.

(3) For the purpose of computing an officer's total pensionable service any period exceeding fifteen days shall count as a completed month.

(4) Subject to the provisions of regulation 18 of these Regulations the pension granted under paragraph (1) of this regulation to any officer below the rank of Inspector who has served for a period exceeding twenty-five years shall be increased by one six hundred-and-sixtieth of his annual pensionable emoluments in respect of each completed month of service in excess of twenty-five years provided that such increase shall not exceed sixty six-hundred-and-sixtieths of his annual pensionable emoluments.

Option under
revoked
Regulations.

5.—(1) These Regulations shall not apply to any officer who irrevocably exercised his option not to come under the provisions granted by the second proviso to paragraph (1) of regulation 4 of the Regulations revoked by regulation 31 of these Regulations hereinafter referred to as "the revoked Regulations".

(2) An officer who has exercised an option in accordance with the revoked Regulations shall continue not to come under the provisions of these Regulations, notwithstanding that he may subsequently be appointed to a higher rank or different grade in the combined service.

Gratuity where
length of
service does
not qualify
for pension.

6.—(1) Every officer otherwise qualified for a pension, who has not been in the combined service for ten years may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 4 of these Regulations.

(2) Where a pensionable officer who has not less than 5 years pensionable service resigns his post but does not satisfy the requirement for voluntary early retirement, he shall be entitled to a gratuity equal to one twelfth of his monthly pensionable emoluments drawn at the time of his resignation for each completed month of service.

Qualifying
service.

7.—(1) Subject to the provisions of these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of service in the combined service or the Administration and the date of his leaving the combined service without deduction of any period during which he has been absent on leave.

(2) No period which is not qualifying service by virtue of the foregoing paragraph shall be taken into account as pensionable service.

Recognition of
previous
service.

8.—(1) Subject to the provisions of paragraphs 2 and 3 of this regulation, if an officer who has served for any period of time has left or leaves the Administration for any reason without the grant of any benefit under these Regulations and he is subsequently re-appointed or may be re-appointed in the Administration and serves for a period not less than five years and he finally retires in any of the cases where he is eligible to pension under regulation 3, his previous service shall be taken into account in computing his pension upon his final retirement :

Provided that if any gratuity has been granted to the officer in respect of his previous service under any other provision of these Regulations or under any provision of any Ordinance or

subsidiary legislation or any administrative regulation, the provisions of this paragraph shall apply only if the officer elects to refund the gratuity so granted thereto within one month of re-appointment :

Provided further that the Chief Officer, may, in any particular case, allow that such election be exercised at a later date.

(2) If an officer who has retired under paragraph (b), (c) or (d) of regulation 3 is re-appointed in the Administration and serves for a period not less than five years and finally retires in any of the cases set out in regulation 3, his previous service shall be taken into account in computing his pension provided that :—

- (i) within one month of re-appointment he refunds any gratuity granted to him under regulation 6, or
- (ii) he gives his consent in writing within one month of re-appointment to the Establishment Officer to the cessation of any annual pension paid by the Administration from the date of his re-appointment, and repays any lump sum paid to him. In such a case any added period of service shall not be taken into account in computing his pension and gratuity payable on his final retirement :

Provided that where the officer has not given notice of his consent as in sub-paragraph (ii) of this regulation provided, any additional annual pension granted under paragraph (b) of regulation 10 or under regulation 13 of these Regulations shall be deducted from his pension as soon as he is re-appointed. The deducted pension shall be the one he was receiving at the date of his re-appointment.

(3) If an officer who has retired under paragraph (e) of regulation 3 of these Regulations is re-appointed in the Administration and serves for a period not less than five years and finally retires in any of the cases set out in regulation 3, his previous service may be taken into account in computing his pension provided that he notifies the Establishment Officer in writing within one month of his re-appointment that he undertakes to refund any gratuity paid to him or gives his consent to the cessation of any annual pension paid by the Administration from the date of his re-appointment :

Provided that the Chief Officer may, in any particular case, allow that such election be exercised at a later date.

(4) If an officer who has retired under paragraph (f) of regulation 3 of these Regulations is re-appointed in the Administration and serves for a period of not less than five years and he finally retires in any of the cases set out in regulation 3, his previous service may be taken into account in computing his pension upon his final retirement, provided that he notifies the Establishment Officer in writing within one month of his re-appointment that he undertakes to refund any gratuity paid to him or gives his consent to the cessation of any annual pension paid by the Administration from the date of his re-appointment :

Provided that the Chief Officer may, in any particular case, allow that such election be exercised at a later date.

(5) The refund of any amount under this regulation shall be made with simple interest at such rate as the Chief Officer may from time to time prescribe; to be calculated from the date on which it had been paid until the date of the refund of the whole amount. The time and manner of the refund shall be prescribed by the Chief Officer.

(6) If the officer to whom paragraphs (1), (2), (3) or (4) of this regulation except where the first proviso to paragraph (2) applies, dies at any time after his re-appointment, his previous service shall be taken into account in computing the widow's and children's pension and the lump sum payable to his legal personal representative and the condition in the above paragraphs for completing a five-year service shall not be taken into account.

Leave without salary.

9. No period during which an officer shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave is educational leave which has been granted by the Chief Police Officer or is leave which has been granted on grounds of public policy with the approval of the Chief Officer.

Abolition of office and reorganisation.

10. If a pensionable officer retires from the combined service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the combined service by which greater efficiency or economy may be effected :—

- (a) he may, if he has been in the combined service for less than ten years, be granted in lieu of any gratuity under regulation 6 a pension under regulation 3 as if the words "for ten years or more" were omitted from regulation 4 ;
- (b) he may, if he has qualified for a pension under regulation 4 of these Regulations, be granted an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each complete period of three years pensionable service :

Provided that :

- (i) the addition shall not exceed ten sixtieths ; and
- (ii) the addition, together with the remainder of the pension of the officer, shall not exceed the pension for which he would have been eligible if he had continued to hold the rank or equivalent rank held by him at the date of his retirement and retired on reaching the age at which he may be required to retire under regulation 9 of the Police (General) Regulations 1967, or a similar regulation adapted under Section 15 of the Prisons Ordinance, having received all increments for which he would have been eligible by that date.

Termination of employment in the public interest.

11. Where the service of an officer is terminated in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of these

Regulations, the Administrator may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper not exceeding in amount that for which the officer would be eligible if he retired from the combined service in circumstances described in paragraph (d) of regulation 3 of these Regulations.

12.—(1) Where an officer holding a pensionable office and having completed a pensionable service of ten years or more and being of an age not less than forty-five years, applies for premature retirement from the service the Chief Officer in consultation with the Chief Police Officer may permit his premature retirement. In such a case, his pension shall be frozen and paid upon his attaining the age of fifty-five years or the age of sixty in the case of officers above the rank of sergeant. His pension shall be computed under regulation 4 and upon his pensionable emoluments on the date of his premature retirement, after the exercise thereby of the option referred to in regulation 17 of these Regulations, and it shall increase by any rate by which the pensions may increase, between the date of his retirement and the date of the payment of the pension under any order providing for a cost-of-living increase of pensions.

Voluntary
Premature
Retirement.

(2) Where an officer who holds a pensionable office but does not fulfil the remaining conditions of paragraph (1) of this regulation has nevertheless pensionable service of not less than five years, resigns his office after permission of the Chief Officer he shall, after his resignation receive a gratuity equal to one twelfth of his monthly pensionable emoluments on the date of the resignation for every complete month of service.

(3) If a pensionable officer who has voluntarily retired under the terms of paragraph (1) of this regulation becomes ill at any time before attaining the age of fifty-five years or the age of sixty in the case of officers above the rank of sergeant, the Chief Officer, may, if he is satisfied after consultation with the Medical Advisers of the Administration that for reasons of any infirmity of body or mind the officer is unlikely to work, may allow the officer to draw his pension immediately, and in such case regulation 13 shall not apply.

(4) If an officer who has voluntarily retired under the provisions of paragraph (1) of this regulation dies at any time before attaining the age of fifty-five or the age of sixty years in the case of officers above the rank of sergeant, a widow and children's pension under Part II of these Regulations, excluding the application of first proviso of regulation 26(1), shall be payable to his widow and children, provided they are entitled to a pension under these Regulations.

(5) If an officer, who has voluntarily retired under the provisions of paragraph (1) of this regulation dies before attaining the age of fifty-five or the age of sixty years in the case of officers above the rank of sergeant, a lump sum shall be granted to his legal representative equal to the lump sum of the pension which would be granted to him, to which he would have been eligible at the time of this premature retirement.

(6) (a) If an officer who has voluntarily retired under the provisions of paragraph (1) of this regulation is re-employed by the Administration before the payment of

any pension and he finally retires from the Administration under one of the circumstances set out in regulation 3 of these Regulations his previous service shall be taken into account in computing his pension on his final retirement provided that this previous service is not less than five years and that on reinstatement he refunded any gratuity granted to him under regulation 6(2):

Provided that if he dies at any time after his reappointment, his previous service shall be taken into account in calculating the widow's and children's pension and the lump sum payable to his legal representatives but the term set out in this paragraph in regard to the completion of five years' service shall be disregarded;

(b) the refund of a gratuity paid under the provisions of this paragraph shall be made with simple interest at such rate as the Chief Officer may determine from time to time, computed from the date of payment to the date of refund of the whole amount. The method of refund shall be determined by the Chief Officer.

(7) If an officer to whom paragraph (1) of this regulation applies is re-appointed or re-instated after having reached fifty-five years of age, no pension shall be payable during the period of his re-appointment. The payment of pension will start again after his final retirement, at the rate at which it would have been paid if not discontinued.

Increased
pension on
account of
ill health.

13.—(1) Subject to the provisions of paragraph (2) of this regulation, a pensionable officer who at the date of his retirement under paragraph (d) of regulation 3 of these Regulations has completed pensionable service of ten years or over but under twenty years shall be deemed to have completed twenty years service for the purpose of computing the pension payable. If, however, the difference between his age at the date of his retirement and the date of his completion of the age of compulsory retirement added to the period of his service is under twenty years, such lesser period shall be substituted for twenty years in computing the pension payable.

(2) The provisions of paragraph (1) of this regulation shall not apply where an officer has been disabled as a result of injury in the actual discharge of his duty and who is eligible for additional pension under regulation 16 of these Regulations if such additional pension is greater than the benefit granted under paragraph (1) of this regulation.

(3) (a) Every pensionable officer who has retired under regulation 3(d) of this regulation or was granted a pension under regulation 12(2) shall be required to have a medical examination from time to time by the Medical Adviser of the Administration. If the Medical Adviser(s) decides that the officer is fit to work the Chief Officer may, taking into consideration any special circumstances of the officer's case, direct the discontinuation of the whole or part of the officer's pension. In such a case, the officer's whole pension shall be payable as soon as he has reached the age of fifty-five years or the age of sixty years in the case of officers above the rank of sergeant, unless he dies before

the age of fifty-five years or the age of sixty years in the case of officers above the rank of sergeant and then the provisions of regulation 23 or 12(5), as the case may be, shall be applicable;

- (b) if any pensionable officer who has been directed to be medically examined under the provisions of sub-paragraph (a) of paragraph (3) of this regulation fails to comply with the direction without any reasonable cause and within a reasonable period, the payment of his pension shall be suspended until he complies with the direction;
- (c) if the pensionable officer, whose pension has been discontinued under sub-paragraph (a) of paragraph (3) of this regulation becomes ill again at any time before reaching the age of fifty-five years or the age of sixty in the case of officers above the rank of sergeant, the Chief Officer shall direct that the pension of the officer shall start again if the Medical Adviser of the Administration considers that for reasons of any infirmity of body or mind the officer is unlikely to render further useful service.

14.—(1) (a) Where an officer who is not on probation dies while in the service of the combined service it shall be lawful for the Administrator to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater;

Gratuity where an officer dies in the service or after retirement.

(b) for the purpose of this paragraph:

- (i) "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death, or where at the date of his death he was entitled to vacation leave, at the date at which such leave expires, in the circumstances described in paragraph (d) of regulation 3 of these Regulations;
- (ii) "commuted pension gratuity" means the gratuity if any, which may have been granted to the officer under regulation 17 if he had retired at the date of his death, or where at the date of his death he was entitled to vacation leave, at the date on which such leave expires, in the circumstances described in paragraph (d) of regulation 3 of these Regulations and had elected to receive a gratuity and reduced pension.

(2) Where an officer to whom a pension, gratuity or other allowance has been granted under these Regulations dies after retirement from the combined service and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any service with the combined service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, it shall be lawful for the Administrator to grant to his legal personal representative a gratuity equal to the deficiency.

Pensions to dependants when an officer is killed on duty.

15.—(1) Subject to the provisions of this regulation where an officer dies as a result of injuries received :—

- (a) in the actual discharge of his duty ; and
- (b) without his own default ; and
- (c) on account of circumstances specifically attributable to the nature of his duty, while in the combined service, it shall be lawful for the Administrator to grant in addition to the gratuity granted to his legal personal representative under regulation 14 of these Regulations :
 - (i) if the deceased officer leaves a widow, a pension to her while unmarried at a rate not exceeding ten sixtieths of his annual pensionable emoluments at the date on which he suffered the injury ;
 - (ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding sub-paragraph and a child or children, a pension in respect of each child of an amount not exceeding one sixth of the pension prescribed under the preceding sub-paragraph ;
 - (iii) if the deceased officer leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child of double the amount prescribed by the preceding sub paragraph ;
 - (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under sub-paragraph (i) of paragraph (1) of this regulation and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow of double the amount prescribed in sub-paragraph (ii) of paragraph (1) of this regulation ;
 - (v) if the deceased officer does not leave a widow or if no pension is granted to his widow and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while she is without adequate means of support, of an amount not exceeding the pension which would have been granted to his widow.

Provided that :

- (a) pension shall not be payable under this regulation at any time in respect of more than three children ;
- (b) in the case of a pension granted under sub-paragraph (v) of paragraph (1) of this regulation, if the mother is a widow at the time of the grant of the pension and subsequently remarries, such pension shall cease as from the date of remarriage ; and if it appears to the Administrator at any time that the mother is

adequately provided with other means of support, such pension shall cease as from such date as the Administrator may determine ;

- (c) a pension granted to a female child under this regulation shall cease upon the marriage of such child ;
- (d) the Administrator may direct that a pension shall continue to be paid in respect of a child who, though he has ceased to be eligible therefore under this regulation, has, while entitled to a pension, suffered from infirmity of the mind or body, certified by medical evidence, which renders him incapable of earning his living. any such pension shall cease if the Administrator so directs where he is satisfied by medical evidence that the infirmity has ceased to exist or does not prevent such child from earning his living.

(2) Any pensions payable under this regulation shall be adapted by an amount equal to one third of the annual value of the death benefit in the form of pension payable under the Social Insurance Law of the Republic or any law amending or substituted for the same.

Law No. 41
of 1980.

(3) Any pensions payable under this regulation together with the annual value of any death benefit payable in the form of pension under the Social Insurance Law of the Republic or any law amending or substituted for the same shall in no case exceed the annual pensionable emoluments of the officer at the date of death.

(4) For the purposes of this regulation, the expression "child" means a child who is under the age of sixteen years or over that age but under the age of twenty-five years and is receiving full-time instruction at a recognised school, college, university, or other educational establishment, or is undergoing training by any person for any trade, profession or vocation in such circumstances that he is required to devote the whole of his time to such instruction or training and the expression includes :

- (a) a posthumous child ;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for his support ; and
- (c) an adopted child, adopted in a manner recognised by any enactment of any country before the date of the injury and dependent as aforesaid.

(5) The provisions of this regulation shall not apply in the case of the death of an officer where his widow or children or both are eligible for pensions under Part II of these Regulations :

Provided that if the pensions granted under Part II of these Regulations are on the whole less than the pensions granted under this regulation there shall be paid the pensions which are on the whole the greater.

Pensions to dependants when an officer with ten years service or over is killed on duty.

16. Notwithstanding the provisions of regulation 13 of these Regulations and subject to the provisions of the second proviso to subsection (1) of Section 24 of these Regulations, where an officer who completed service of ten years or more dies:—

- (a) while on duty and in the actual discharge of his duty ; and
- (b) without his own default ; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

the pension to be granted to his widow and children shall be the pension which should have been payable to them if the deceased continued to be in the service and died on the date on which he completed the age of compulsory retirement, calculated on the highest point of the salary scale of the rank immediately higher than his rank on the day of his death. Such added period of service shall be treated as contributory service :

Provided that if the pension granted under regulation 13 or Part II of these Regulations is greater than the pension granted under this regulation, the greater pension in payable :

Provided further that if the officer on the day of his death holds the rank of Chief Inspector, the pension payable to his widow and children shall be the pension adjudged by the Administrator to be fair and equitable after considering what would be the highest point of the salary scale of a rank immediately higher than the rank of Chief Inspector, if such a rank existed in the Force and could be held by an officer who was not a gazetted officer.

Pension where retirement is on account of injuries.

17.—(1) If a pensionable officer who is not on probation is permanently disabled as a result of injuries received :

- (a) in the actual discharge of his duty ; and
- (b) without his own default ; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

the Administrator may—

- (i) after his retirement becomes necessary or is substantially accelerated and if his total service is less than ten years, grant to him, in lieu of a gratuity under regulation 6, a pension under regulation 4, regardless of the condition relating to the completing of ten years service ;
- (ii) grant to him on his retirement additional pension calculated on the basis of his pensionable emoluments as at the date of his retirement as follows :

Where the disablement is—

- slight, five sixtieths of his salary ;
- serious, ten sixtieths of his salary ;
- very serious, fifteen sixtieths of his salary ;

total, twenty sixtieths of his salary.

For the purposes of this paragraph the expressions—

“slight disablement” means a degree of disablement between ten per centum and thirty per centum both inclusive;

“serious disablement” means a degree of disablement over thirty per centum and up to fifty per centum inclusive;

“very serious disablement” means a degree of disablement over fifty per centum and up to seventy per centum inclusive;

“total disablement” means a degree of disablement over seventy per centum,

being such degrees of disablement as are defined in relation to the description of the injury in the Social Insurance Law of the Republic or any law amending or substituted for the same:

Provided that the additional pension may be abated by such sum as the Administrator may consider fit if disablement is not the reason or the sole reason for retirement.

(2) If an officer who has been so disabled did not hold a pensionable office at the date of injury or if he held such office on probation, the Administrator may grant to him on his retirement a pension of an amount equal to the additional pension which would have been granted to him under paragraph (1) of this regulation if the post held by him had been pensionable and his appointment to such office had been confirmed. The provisions of regulation 17 shall not apply to any pension granted under this paragraph.

(3) Any additional pension payable under sub-paragraph (ii) of paragraph (1) of this regulation and any pension payable under paragraph (2) of this regulation shall be abated by an amount equal to one third of the annual amount of disablement benefit payable in the form of a pension under the Social Insurance Law of the Republic or any law amending or substituted for the same

(4) Any additional pension payable under sub-paragraph (ii) of paragraph (1) of this regulation and any pension payable under paragraph (2) of this regulation together with any pension payable under Part I of these Regulations and the annual amount of disablement benefit payable in the form of pension under the Social Insurance Law of the Republic or any law amending or substituted for the same shall not exceed the annual pensionable emoluments of the officer at the date of his retirement.

18.—(1) Any officer to whom a pension is granted under these Regulations may, at his option exercisable as in this regulation provided, be paid in lieu of such pension, a pension at the rate of three fourths of such pension together with a gratuity equal to twelve and a half times the amount of the reduction so made in the pension.

Gratuity and
reduced pension.

(2) The option referred to in paragraph (1) of this regulation

shall be exercisable not later than the day immediately preceding the date of retirement of the officer :

Provided that, if the officer does not exercise the option prior to the day immediately preceding the date of his retirement, the Chief Officer may, if it appears to him in all the circumstances equitable so to do, allow him to exercise the option at any time between that date and the actual date of award of pension.

(3) Subject to the provisions of paragraph (2) of this regulation if an officer has exercised the option, his decision shall be irrevocable.

Maximum
pension.

19.—(1) Subject to the provisions of paragraph (2) of this regulation, a pension granted to an officer under these Regulations shall not exceed two thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the combined service :

Provided that where any officer exercises an option under regulation 17 of these Regulations to receive reduced pension and gratuity, the amount of such pension shall be deemed for the purpose of this paragraph to be four thirds of its actual amount.

(2) Any additional pension granted on account of injuries under regulation 16 of these Regulations shall not be taken into account ; but where an officer is granted such an additional pension the amount thereof together with the remainder of his pension shall not exceed five sixths of the highest pensionable emoluments drawn by him at any time in the course of his service in the combined service.

Pensions etc.
not to be
assignable.

20. A pension, gratuity or other allowance granted under these Regulations shall not be assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Crown in any capacity ; or
- (b) an order of any Court in any country for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension, gratuity or other allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatever except a debt due to the Crown in any capacity.

Disqualification.

21. Where it is established to the satisfaction of the Administrator that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or withheld altogether.

Pensions etc.
may cease on
conviction.

22.—(1) If any person to whom a pension or other allowance has been granted under these Regulations is sentenced to a term of imprisonment by any competent Court of any country for any offence, such pension or allowance shall, if the Administrator so directs, cease as from such date as the Administrator may determine.

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under these Regulations but before the pension or allowance is granted, then the provisions of the foregoing paragraph shall apply as respects any pension or allowance which may be granted to him.

(3) Where a pension or allowance ceases by reason of this regulation it shall be lawful for the Administrator to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance, had he not been sentenced as aforesaid, to be paid, or applied, for the maintenance or benefit of all or any, to the exclusion of the other or others, of the following, that is to say, such person and any wife, child or children of his in such proportions and manner as the Administrator thinks proper and such moneys shall be paid or applied accordingly.

(4) If such person after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect; but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the preceding paragraph.

PART II

PENSIONS TO WIDOWS AND CHILDREN.

23.—(1) For the purposes of this Part of the Regulations unless the context otherwise requires—

Interpretation.

“contributory service” means service in the combined service in respect of which periodical contributions as provided by regulation 29 of these Regulations have been paid, or service in respect of which initial contributions have been paid or an option exercised to pay terminal contributions by deduction from the commuted pension gratuity as provided in regulation 28 of the revoked regulation;

“non-contributory service” means service in respect of which initial or terminal contributions as prescribed by regulation 28 of the revoked Regulations are not paid;

“pensionable officer” means an officer holding a pensionable post;

“pensioner” means an officer to whom a pension has been granted under Part I of these Regulations on his retirement from the combined service.

(2) Any word or expression used in this Part of these Regulations but not defined therein shall, unless the context otherwise requires, have the meaning assigned to it by Part I of these Regulations.

24. Subject to the provisions of this Part of these Regulations, on the death of a pensionable officer to whom this Part applies or a pensioner (hereinafter referred to as “the deceased”) there shall be granted in respect of his service—

Pensions to widows and children.

- (a) where he leaves a widow, a pension to that widow (hereinafter referred to "a widow's pension"), and
- (b) where he had a wife at any time after the appointed day (whether or not the marriage continued until his death and whether or not a widow's pension is or can be granted), a pension for the benefit of the children born of such marriage and, in certain circumstances, of other children of his or hers (hereinafter referred to as "a children's pension"):

Provided that for the purposes of this Part of these Regulations no account shall be taken of any marriage of the deceased which takes place after he had ceased to be an officer and any reference in this Part of the Regulations to a marriage, wife, widow or children of the deceased shall be construed accordingly.

Pensions
dependent upon
pension of the
deceased.

25. A pension shall not be granted under this Part of these Regulations unless—

- (a) the deceased was a pensioner; or
- (b) the deceased had become eligible for the grant of a pension under Part I of these Regulations (whether such pension had actually been granted or not); or
- (c) the deceased was still serving as an officer at the time of his death and would, if he had then retired under paragraph (d) of regulation 3 of these Regulations, have been eligible for the grant of a pension.

Widow's
pension.

26.—(1) A widow's pension shall not be granted if the widow was at the time of the husband's death cohabiting with another man or if after the husband's death the widow had remarried and, if after the grant of a widow's pension, the widow remarries the pension shall cease as from the date of the remarriage.

(2) Subject to the provisions of paragraph (1) of this regulation, a widow's pension shall be paid in respect of the period from the death of the husband to the death of the widow.

Rate of widow's
pension.

27.—(1) Subject to the provisions of paragraph (2) of this regulation, a widow's pension shall be—

- (a) in the case of contributory service at the rate of one one-thousand - seven - hundred - and - sixtieth of the annual pensionable emoluments of the deceased upon which his pension has been or would have been calculated under Part I of these Regulations in respect of each month of contributory service;
- (b) in the case of non-contributory service at the rate of one three-thousand-five-hundred-and-twentieth of the annual pensionable emoluments of the deceased upon which his pension has been or would have been calculated under Part I of these Regulations in respect of each month of non-contributory service:

Provided that if the pensionable officer at the time of his death or his retirement from the combined service under paragraph (d) of regulation 3 of these Regulations had completed

more than ten years but less than twenty years combined service, he shall be deemed to have completed twenty years service and the added period of service shall be treated as contributory service as provided in regulation 22 of these Regulations. If, however, the period between his age at the time of death or retirement from the combined service under paragraph (d) of regulation 3 of these Regulations and the attainment of the age of compulsory retirement when added to his service in the combined service is less than twenty years, such lesser period shall be substituted for twenty years in computing the pension payable :

Provided further that in no case shall a widow's pension exceed three eighths of the full pension of the deceased.

(2) The minimum pension payable under this regulation shall be fifty-five pounds and twenty-four cents monthly. This amount shall not be liable to the cost-of-living increase provided by regulation 33 of these Regulations.

(3) Any pension additional to the ordinary pension granted to the deceased under the provisions of Part I of these Regulations, other than that granted on account of injuries, shall be reckoned as acquired by non-contributory service and three sixtieths thereof shall constitute additional widow's pension.

28.—(1) A children's pension shall be granted if there are children eligible therefore and shall be paid so long as they are entitled thereto.

Children's
pension.

(2) Subject to the provisions of this regulation, the persons for whose benefit a children's pension can enure are the children of the deceased or of any wife of his as provided in paragraph (6) of this regulation.

(3) Under this regulation no children's pension shall be payable—

(a) for the benefit of any children of the deceased born after the lapse of ten months from the time when he ceased to be an officer or adopted by him since he ceased to be an officer ; or

(b) for the benefit of any children of the wife of the deceased born or adopted after the dissolution of the marriage or since the deceased ceased to be an officer.

(4) Subject to the provisions of paragraph (3) of this regulation, no pension shall be granted in respect of—

(a) an illegitimate child of the deceased ; or

(b) a step-child of the deceased and a child of a wife of his ; or

(c) a step-child, an adopted child or an illegitimate child of a wife of the deceased,

unless such child was wholly or mainly dependent upon the deceased at the time of his death.

(5) A children's pension shall not be granted for the benefit of a female child who at the time of the death of the deceased

was married and a children's pension granted in respect of a female child shall cease upon her marriage.

(6) For the purposes of this regulation the expression "child" has the meaning assigned to it by paragraph (4) of regulation 15 of these Regulations.

(7) Notwithstanding any of the provisions in this regulation contained, the Administrator may direct that a children's pension shall be payable in respect of a child who, though he has ceased to be eligible therefore under this regulation, has, while being eligible for a children's pension, suffered infirmity of the mind or body, certified a medical practitioner, which renders him incapable of earning his living. Such pension shall cease by the Administrator's direction if at any time he is satisfied on medical evidence that the infirmity has ceased to exist or that it does not prevent the said child from earning his living.

Children's
pension :
rate and mode
of payment.

29.—(1) Only one children's pension shall be granted in respect of the service of any officer but—

- (a) the rate thereof may vary according to the number of eligible children ;
- (b) it shall be paid to such person or persons and in such proportions as the Administrator may direct ; and
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him without distinction for the benefit of all the children entitled thereto or for the benefit of such of them as the Administrator may direct.

(2) Where the deceased does not leave a widow or, if he leaves a widow, after her death, the annual rate of a children's pension shall be—

- (a) if the children eligible for a pension are three or more in number, fifty per centum more than the pension which would have been payable to the widow ;
- (b) if the children eligible for a pension are two in number, an amount equal to the pension which would have been payable to the widow ;
- (c) if there is only one child eligible for a pension, one half of the pension which would have been payable to the widow.

(3) Where the deceased leaves a widow, the annual rate of a children's pension during her life shall be—

- (a) if the children eligible for pension are three or more in number, and amount equal to the pension payable to the widow ;
- (b) if the children eligible for pension are two in number, two thirds of the pension payable to the widow ;
- (c) if there is only one child eligible for pension, one third of the pension payable to the widow.

(4) The provisions of paragraph (2) of regulation 26 of these Regulations shall apply to the pension referred to in paragraph (2) which would have been payable to the widow and to the pension referred to in paragraph (3) of this regulation payable to the widow.

30.—(1) The following officers (hereinafter referred to as "contributors") shall pay contributions (hereinafter referred to as "periodical contributions") under this regulation:

Periodical
Contributions

- (a) every officer who on the appointed day as defined in the revoked Regulations, was a pensionable officer and who elected to come under the provisions of the revoked Regulations; and
- (b) every officer who joined the combined service after the appointed day as defined in the revoked Regulations.

(2) Periodical contributions under this regulation shall be at the rate of one and three quarters per centum of his annual pensionable emoluments from time to time and shall be payable—

- (a) in the case of a contributor who was serving in the combined service on the appointed day as defined in the revoked Regulations from such appointed day until he ceases to be an officer;
- (b) in the case of a contributor who becomes a contributor at any time after the appointed day as defined in the revoked Regulations, from the day on which he becomes a pensionable officer until he ceases to be an officer.

(3) Periodical contributions shall be calculated on the monthly pensionable emoluments of the contributor to the nearest multiple of half a cent.

(4) If a contributor is on leave on reduced salary or without salary or is under interdiction from duty he shall contribute at the rate specified in paragraph (2) of this regulation.

(5) Periodical contributions shall accrue daily and shall be deducted monthly in arrear from the emoluments of the contributor and if during a period of leave without salary a contributor does not pay his contributions, the amount of his contributions in arrear shall be deducted from the emoluments payable to him subsequent to such leave in such instalments as the Chief Police Officer may in each case determine.

(6) Notwithstanding the provisions of paragraph (2) of this regulation, no contributor shall be bound to pay a sum representing more than four hundred and forty monthly contributions, taking into account also any other contributions paid or deemed to have been paid under regulation 28 of the revoked Regulations.

31. Every contributor serving in the combined service who exercised the option to pay prescribed contributions under the provisions of paragraph (1) of regulation 28 of the revoked Regulations and who did not pay such contributions by a lump sum payment at the time of such election as provided in paragraph

Contributions
for past service.

(3) of the said regulation 28, shall be liable to deduction from his commuted pension gratuity at the time of retirement or death of the contributions which he opted to pay under the said regulation 28 as if such regulation had not been revoked.

Refund of contributions.

32.—(1) If—

- (a) a contributor who has paid periodical contributions dies or ceases to be an officer without having married during the whole period of his service in respect of which contributions have been paid; or
- (b) a contributor who has paid periodical contributions dies or ceases to be an officer in such circumstances as not to be eligible for a pension under Part I of these Regulations,

the whole of his periodical contributions and any contributions paid at the time of election under the provisions of paragraph (3) of regulation 28 of the revoked Regulations shall be refunded to him or to his legal personal representative as the case may be.

(2) If the wife of a contributor who has paid periodical contributions dies before him and he, without remarrying, dies while in the combined service or retires, the periodical contributions paid by him since the death of his wife and any contributions paid at the time of the election under the provisions of paragraph (3) of regulation 28 of the revoked Regulations shall be refunded to him or to his legal personal representative as the case may be.

(3) Where for an officer's post service payment would have been made by a deduction from the commuted pension gratuity at the time of retirement under the provisions of paragraph (3) of regulation 28 of the revoked Regulations while in the combined service or on his retirement on pension no contributions shall be paid where he is unmarried at the time of his death or retirement or where a pension is not payable to his widow.

(4) Where any contributions must be refunded under this regulation they shall be refunded with simple interest at such rate as the Chief Officer may determine from time to time.

Cost of living allowance.

33.—(1) Notwithstanding the provisions of these Regulations, the Administrator is empowered, so long as method of cost-of-living allowance re-adjustment, on basic salaries, is in force and as a consequence of an increase in the cost-of-living index, to re-adjust the pensions payable to pensioners who had retired prior to the 1st January of the year during which increases were made or the pensions of dependants of public officers or of pensioners who had died prior to the 1st January of the said year.

(2) The limit of such increase shall be prescribed on the basis of the percentage increase of the average of the cost-of-living index during the expired year in comparison with the average of the cost-of-living index of the preceding year and shall be granted with effect from the first day of the year in which the increase is made :

Provided that in cases of retirement or death during the expired year the cost-of-living allowance, which was taken into

consideration in calculating the pension of the pensioned officer or the pension of his dependants, shall be taken into consideration for the purposes of prescribing the limit of such increase.

(3) For the purpose of this Regulation :

“Cost-of-living allowance” means the cost-of-living allowance payable from time to time, which is included in the pensionable emoluments ;

“cost-of-living index” means the Retail Price Index issued by the appropriate authorities of the Republic and published in the Gazette of the Republic from time to time and authorised by the Establishment Officer of the SBA Administration ;

“expired year” means the year which expired the day prior to the first day of the year during which the increases were made ;

“pensioner” means a person to whom a pension was granted under this Scheme ;

“pension of dependants” means pension payable to the widow and/or children of the deceased pensioner or deceased officer.

34. Public Instrument Nos. 62 and 77 of 1975 are hereby revoked without prejudice to anything done or left undone there after.

Revocation.

Made with the approval of the Administrator this 19th day of January, 1988.

A. BINNEY,
Chief Police Officer and
Superintendent of Prisons,
Sovereign Base Areas.

(SBA/193/1/Vol. II)

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