

PART III, SECTION E RETIREMENT

INTERPRETATION OF ACT #20 OF 1997

Act #20 of 1997 was assented to by the President on the 14th August, 1997. Hereunder is an interpretation of the Act. As such exact quotations from the document are not here included. The Act provides for:

1. Preservation and linking of previous service to pensionable service in the Public Service
2. Transfer of values of superannuation benefits between the Public Service and certain Statutory Boards.
3. Payment of superannuation benefits to temporary employees and unconfirmed public officers.
4. The abolition of Marriage Gratuity and matters related thereto. The Law expressly states, that except where otherwise provided the provisions of this Act shall be in addition to, and not in substitution, nor diminution of the provisions of any other written law. Where before this act comes into force, a person's period of service (in which he is required to contribute to his Pension and Gratuity) is broken, and that service is preserved under sub section 4 (2) he is not entitled to a refund of his contribution.

The law takes effect as follows:

(i) Preservation of Service

This section applies to person(s) holding a pensionable post on or after 1st December 1991. The person must have completed five years of unbroken service in the post in which he was confirmed.

(ii) Linking of Service and Transfer.

This section applies to a person, who holds a pensionable office in the service on or after 2 June 1989.

(iii) Retirement on the grounds of Marriage is abolished only for those who entered the Public Service after the 13th August 1997.

(iv) A person whose service is preserved under subsection 4 (2 or 4) shall be paid on attaining the age of 55, deferred Pension and Gratuity benefits calculated on the basis of:

- (a) If he dies before attaining Age 55, the Death Benefit under the relevant law shall be paid to his legal representatives
- (b) If he dies before repaying the full amount, the unpaid portion will be deducted from the Death Benefit payable under paragraph (a).

1. Linking of Service and Transfer

Where a person's period of service is preserved under section 4 (and that person is subsequently employed in another service, or re-employed in the same service), his preserved service shall count for Pension and Gratuity, together with his service in which he is re-employed or subsequently employed. Any amount already received by him by way of gratuity shall be deducted from the quantum on the basis of his final computation. This applies to persons who move between the Public Service or into a Statutory Board,

Where a person completes a period of not less than two years unbroken service in a pensionable office without being confirmed into it, or is in a temporary capacity, this period shall count for Pension and Gratuity, provided the person was not removed or suspended in pursuance of disciplinary proceedings. Such period of service shall be added to service in the pensionable office, in which he was confirmed.

This section applies to a person, who holds a pensionable office in the service on or after 27th November 1992.

On re-employment or subsequent employment pension being paid shall cease to be payable until final retirement.

2. Unconfirmed Public Officers and persons serving a temporary capacity (Effective 2/6/89)

This section applies to persons, who on or before 2 June 1989 were in the Public Service.

A person, who completes ten years of unbroken service in a Public Service and retires after attaining the age of 55 years, is entitled to Pension and Gratuity in accordance with the relevant pension law as though he was an officer in a pensionable post.

The same applies if he retires on the grounds of ill health.

Should an officer in this category die after two (2) years of service, while in Public Service, the death benefit shall be paid to his personal legal representative.

3. Marriage Gratuity

Retirement on the grounds of marriage has been abolished with effect from 14/8/97.

However, all Teachers employed before that date are still entitled to retire on the grounds of marriage.