

# **The Statutory Bodies Pension Funds Regulations 2000**

**GN 90/2000**

**Repealed by [GN No. 7 of 2011]**

**Regulations made by the Minister under section 20 of the Statutory Bodies Pension Funds Act**

**1. Short title**

These regulations may be cited as the Statutory Bodies Pension Funds Regulations 2000.

**2. Interpretation**

In these regulations -

"Act" means the Statutory Bodies Pension Funds Act.

**3. Grant of pension benefit**

(1) Subject to paragraph (2) and to section 13 of the Act, a pension benefit shall be granted to an officer –

(a) when he retires -

(i) on or after attaining -

(aa) the age of 55;

(ab) the age of 50 with the approval of the statutory body, or at the request of the statutory body and with his consent;

(ii) on the abolition of his office;

(iii) on the ground of ill-health;

(iv) with the approval of the statutory body, on or after attaining the age of 45 and completing 10 years pensionable service;

(v) on or after attaining the age of 45, with the approval of the statutory body, in the case of overmanning;

(vi) on any other ground approved by the statutory body.

(b) compulsory retirement -

- (1) upon attaining the age of 60;
  - (ii) on any other lawful ground.
- (2) In the case of a retirement under paragraph (1)(a)(iv), no pension shall be payable to the officer until he attains the age of 50.
  - (2A) An officer who has attained the age of 60 may, with the approval of the relevant statutory body, be allowed to remain in service beyond the age of 60, but not beyond the age of 65, where the statutory body considers that the continuation of his services would be in its interest.
- (3) In the case of a retirement under paragraph (1)(a)(ii) or (1)(a)(v), the retiring officer, in addition to any pension or in lieu of any gratuity payable under regulation 4, may be paid a pension in accordance with regulation 7.

**Amended by [GN No. 125 of 2004]**

**4. Rate of pension and payment of gratuity**

- 1.(1) Every officer who reckons not less than 10 years' pensionable service shall be entitled, on retirement, to a pension at the annual rate of one-six-hundredth of his pensionable emoluments for each completed month of such service.
- (2) Every officer, otherwise qualified for a pension, who reckons less than 10 years pensionable service, may be granted on retirement, a gratuity of an amount equivalent to 15 per cent of his last monthly pensionable emoluments times the number of months of pensionable service subject to a maximum of one year's pensionable emoluments.
  - (2A) Subject to section 7 of the Act, half of the period of any service in a statutory body under any traineeship, studentship, cadetship or apprenticeship scheme when immediately followed by appointment in the related grade, shall be reckoned as pensionable service in the case of any officer holding substantive appointment as at 30 June 2003.
  - (2B) The pensionable emoluments shall include -
    - (i) the estimated value of free quarters or rent allowance taken as one-tenth of the annual basic salary of the officer, subject to a maximum of Rs 5,000 per annum, and

- (ii) the monetary value of the use of a chauffeur-driven official car or 75% of the monetary value of the use of a self-driven official car.

(2C) Any period during which an officer domiciled in the island of Mauritius is required to serve in Agalega or St. Brandon shall be reckoned as pensionable service at the rate of one and a half times.

(2D) Subject to regulation 4(3), every officer who holds or has held an academic post in, and has a PhD Degree recognized by the Council of, the University of Mauritius, shall be entitled -

- (i) in addition to his period of pensionable service computed in accordance with paragraph (1); and

- (ii) notwithstanding paragraph 3,

to an additional period of 4 months of pensionable service for every 3 years of service in respect of an academic post occupied by him, subject to the maximum additional period not exceeding 40 months.

**Added by [GN No. 125 of 2004]; [GN No. 71 of 2007]**

(3) Subject to section 13 of the Act, a pension granted to an officer under this regulation shall not exceed two-thirds of his annual pensionable emoluments.

(4)(a) The pension benefits of an officer appointed to act in or assigned the duties of a higher office, and who retires or is subsequently reverted to his substantive office, shall, subject, to subparagraphs (b) and (c), be computed with reference to the annual pensionable emoluments attached to the higher office, provided -

- (i) the officer has performed the duties of the higher office for a continuous period of at least 2 years;

- (ii) the reversion, if any, to his substantive office, was not the result of inefficiency or misconduct or at his own request; and

- (iii) the officer reached the age of 50 at the time of reversion or retirement, as the case may be.

- (b) In the case of an officer who performed the duties of a higher office between 1 July 1993 and 30 June 1998 the qualifying period prescribed at (a)(i) shall be not less than 3 years; and
- (c) In the case of an officer who is appointed to act in or assigned the duties of -
  - (i) a higher office in a position of Accounting Officer, the salary of which, office is not less than 45,000 rupees a month; or
  - (ii) a higher office than that of Accounting Officer but in the same cadre, the qualifying period specified in subparagraph(a)(i) shall be not less than 6 months.
- (d) In the case of an officer holding a substantive post and appointed or promoted to a higher office in a temporary capacity and who is still performing in such capacity on attaining the age of 60, the retirement benefits shall be computed with reference to the annual pensionable emoluments attached to the higher office provided the officer holds the required qualification for appointment to the post in a substantive capacity.

**Amended by [GN No. 125 of 2004]**

**5. Marriage gratuity**

- (1) A female officer may retire from the service of a statutory body on the ground -
  - (a) of marriage, whether the marriage took place before or after her appointment in the service of the statutory body; or '
  - (b) that she is about to marry.
- (2) Notwithstanding regulation 4(1), a female officer to whom paragraph (1) applies and who reckons not less than 5 years' pensionable service, shall be granted, on production of her marriage certificate, a gratuity calculated on the same basis as the gratuity specified in regulation 4(2).

**6. Option for reduced pension and a gratuity**

- (1) An officer who is entitled to a pension under regulation 3 may on retirement, if he so opts, be paid in lieu of that pension, a reduced pension at the rate of three-fourths of that pension, together with a gratuity equal to 12½ times the amount of the annual reduction so made in that pension.
- (2) An option exercised under paragraph (1) shall be irrevocable.

**7. Pension on retirement on ground of overmanning abolition of office or at**

request of statutory body

- (1) Where an officer retires from a statutory body either on the ground of overmanning, abolition of office or at the request of statutory body with the officer's consent, he may -
  - (a) in lieu of any gratuity payable under regulation 4(2), be paid a pension in accordance with regulation 4(l) as, if the words "not less than 10 years" were omitted from regulation 4(l);
  - (b) in addition to the pension payable under regulation 4(i), be paid, subject to paragraph (2), an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each completed period of 3 years' pensionable service.
- (2) The additional pension payable under paragraph (1)(b) shall not-
  - (a) exceed ten-sixtieths of the pensionable emoluments specified in that paragraph;
  - (b) together with the officer's pension payable under regulation 4(1), exceed the pension for which the officer would have been eligible if he had continued to hold the office held by him at the date of his retirement and had retired at the age of 60, the pension being computed by reference to the annual pensionable emoluments drawn by him at the actual date of his retirement.

**Amended by [GN No. 125 of 2004]**

**8. Pensions to dependents**

- (1) Subject to paragraph (2), where an officer in the service of a statutory body dies as a result of injury in the actual discharge of his duty, without his own fault and on account of circumstances specifically attributable to the nature of his duty, the Company shall, in addition to the gratuity paid to his legal personal representative under section 15 of the Act -
  - (a) grant to the widow of the deceased officer, so long as she does not remarry, a pension at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or 200 rupees a year, whichever is the greater;
  - (b) where the deceased officer leaves a widow to whom a pension is granted under paragraph (a) and children, grant a pension in respect of each child until such child attains the age of 18, of an amount not exceeding one-eighth of the pension payable under paragraph (a);
  - (c) where the deceased officer leaves children but does not leave a widow or no pension is granted to the widow, grant a pension in respect of each child until the child attains the age of 18, of twice the amount payable under paragraph (b);

- (d) where the deceased officer leaves children and a widow to whom a pension is granted under paragraph (a) and the widow subsequently dies, grant a pension in respect of each child as from the date of the death of the widow until the child has reached the age of 18, of twice the amount payable under paragraph (b);
  - (e) where the deceased officer does not leave a widow, or where no pension is granted to his widow, and where his mother, or where his mother is dead, his father, was wholly or mainly dependent on him for support, grant a pension to the mother or to the father, as the case may be, while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;
  - (f) where the deceased officer does not leave a widow, mother or father, or where no pension is granted to any of them under this regulation, and where he leaves no children who are eligible for a pension under this regulation, and a brother or sister was mainly dependent on him for support, grant a pension to the brother or sister, as the case may be, while without adequate means of support, of an amount not exceeding the pension which might have been granted to the widow.
- (2) (a) No pension shall be payable under paragraph (1) at any time in respect of more than 6 children.
- (b) A pension granted to a female child under the age of 18 or to a sister shall cease upon marriage.

9. Adjustment in pensions

Where an additional remuneration or end of year bonus becomes payable or any adjustment in Pension benefits is required following a revision of conditions of service in the public sector, or otherwise, the Statutory Body may direct the Company to pay such corresponding extra amount of pension or make such corresponding adjustments to any pension payable as may be recommended by the Minister.

10. Commencement

- (1) Subject to paragraph (2), these regulations shall come into operation on the date of their publication in the Gazette.
- (2) (a) Regulations 3 and 7 shall be deemed to have come into operation on 1 July, 1993;
- (b) Regulations 4(4)(a) and (c) shall be deemed to have come into operation on 1 July, 1998.

Made by the Minister on 24 June 2000