



BELIZE

**PENSIONS ACT
CHAPTER 30**

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CHAPTER 30

PENSIONS

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.
3. Pensions Regulations.

PART II

Pensions, Rights and Qualification etc.

4. Pensions, etc., to be charged on revenue of Belize.
5. Pensions, etc., not of right.
6. Circumstances in which pension may be granted.
7. Pension and gratuity on resignation.
8. Retirement on grounds of public interest.
9. Normal retirement age.
10. Maximum pension.
11. Suspension of pension on re-employment.

12. Pensions, etc., not assignable.
13. Pensions, etc., cease on bankruptcy.
14. Pensions, etc., may cease on imprisonment.
15. Pensions, etc., on accepting certain appointments.
16. Gratuity where officer dies in the service or after retirement.
17. Gratuities to dependants when a non-pensionable officer dies in service or as a result of injuries received in the discharge of his duties.

PART III

Miscellaneous

18. Pensionable officer dying after injury or contracting disease
19. War service to count for pension purposes
20. Officers entitled
21. Repealed of Pensions Ordinance
22. Governor-General to act after consultation with Public Service Commission.

Schedule——Pensions Regulations

CHAPTER 30

PENSIONS

CAP. 22,
 R. E. 1980-1990.
 3 of 1976.
 22 of 1987.
 21 of 1988.
 9 of 1997.
 42 of 1999.
 40 of 2001.
 20 of 2005.
 2 of 2008.
 S. I. 95 of 1990.
 S. I. 26 of 1992.

[1st January 1976]

PART I

Preliminary

1. This Act may be cited as the Pensions Act.

Short title.

2.-(1) In this Act, unless the context otherwise requires,

Interpretation.

“house allowance” means the estimated value of free quarters as defined in regulations under this Act;

“inducement allowance” means the inducement allowance referred to in paragraph (a) of clause (3) of the Overseas Service (*British Honduras*) Agreement, 1961, or any allowance substituted therefore in a subsequent Agreement amending or replacing that Agreement;

“non-pensionable office” means an office which is not a pensionable office;

“other public service” means public service not under the Government of Belize;

“pensionable emoluments,”

- (a) in respect of service under the Government of Belize include,
 - (i) salary;
 - (ii) inducement allowance;
 - (iii) personal allowance;
 - (iv) house allowance;

but do not include duty allowance, entertainment allowance or any other emoluments whatever;

- (b) in respect of other public service, means emoluments which count for pension in accordance with the law or regulations in force in such service;

“pensionable office” means,

- (a) in respect of public service under the Government of Belize, an office which by virtue of provisions for the time being in force in a notice made by the Governor-General and published in the *Gazette* is declared to be a pensionable office; and any such notification may from time to time be amended, added to or revoked by a notification so made and published; but where by virtue of any such amendment or revocation so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall as respects that person continue to be a pensionable office;
- (b) in relation to other public service, an office which is for the time being a pensionable office under the law or regulations in force in respect of such service;

- (c) from the date of commencement of this paragraph, the office of an open vote worker; 40 of 2001.

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

“public service” means,

- (i) the public service as defined in section 131 of the Constitution, Cap. 4;
- (ii) any other service that the Governor-General may determine to be public service for the purpose of this Act;

“salary” means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office.

(2) For the avoidance of doubt it is hereby declared that where an officer has been confirmed in a pensionable office and is thereafter appointed to another pensionable office, then, unless the terms of such appointment otherwise require, such last mentioned office is for the purposes of this Act an office in which he has been confirmed.

(3) Where a pensionable office is abolished and the person holding that office retires from the public service in consequence he shall, if the office is abolished before that day, be deemed to have continued to hold it until the day immediately preceding the date of his retirement.

(4) Notwithstanding anything to the contrary in this Act, the Pensions Regulations or any other law, the provisions of this Act and the Pension Regulations apply to the office of an open vote worker as they apply to other pensionable offices. 40 of 2001.

40 of 2001.

(5) For the purpose of this Act and the Pension Regulations, “qualifying service” or “pensionable service” in respect of an open vote worker, means the inclusive period between the date in which the open vote worker begins to draw salary in respect of public service without deduction of any period during which the worker has been absent on leave.

40 of 2001.

(6) Paragraph (c) of the definition of the expression “pensionable office”, subsections (4) and (5) of this section and this subsection only affect open vote workers in the public service under the Government of Belize on the date of commencement of this Act.

Pensions Regulations.
21 of 1988

3.—(1) Pensions, gratuities and other allowances may be granted by the Governor-General in accordance with the regulations contained in the Schedule to this Act or in respect of officers who have been in public service under the Government of Belize.

21 of 1988.

(2) The Governor-General may from time to time make regulations amending, adding to or revoking the regulations contained in the Schedule and all regulations so made shall be laid before the National Assembly and published in the *Gazette*.

(3) Whenever the Governor-General is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose, but no such regulation shall have retrospective effect unless it has received, before being made, the approval of the National Assembly signified by resolution.

(4) All regulations made under this Act shall have the same force and effect as if they were contained in the Schedule, and the expression “this Act” shall, wherever it occurs in this Act, be construed as including a reference to the said Schedule.

21 of 1988.

(5) Any pension, gratuity or other allowance granted under this Act shall be computed in accordance with the provisions in force or, having been made in accordance with subsection (3) of this section, which may be deemed to be in force at the actual date of an officer’s retirement, resignation or death while in the public service, as the case may be.

PART II

Pensions, Rights and Qualification etc.

4. There shall be charged on and paid out of the Consolidated Revenue Fund all such sums as may from time to time be granted by way of pension, gratuity or other allowance in pursuance of this Act.

Pensions, etc., to be charged on revenue of Belize.

5.—(1) No officer shall have an absolute right to compensation for past services or to pension, gratuity or other allowance; nor shall anything in this Act affect the right of the Crown to dismiss any officer at any time and without compensation.

Pensions, etc., not of right.

(2) Subject to the provisions of the Belize Constitution, Cap. 4, where it is established to the satisfaction of the Governor-General that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be withheld, reduced in amount, deferred or suspended.

21 of 1988.

6.—(1) Subject to section 7 of this Act, no pension, gratuity or other allowance shall be granted under this Act to any officer except on his retirement from the public service in one of the following cases,

Circumstances in which pension may be granted.

(a) if he retires from public service under the Government of Belize,

21 of 1988.

(i) on or after he attains the normal retirement age or, in special cases with the approval of the Governor-General, any lower age not being less than fifty years; or

(ii) on the abolition of his office; or

(iii) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belonged, by which greater efficiency or economy may be effected; or

- (iv) on medical evidence to the satisfaction of the Governor-General that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent; or
 - (v) in the case of termination of employment in the public interest as provided in this Act;
- (b) if, having been transferred to other public service,
- (i) he retires after he attains the age at which he is permitted by law or regulations of the public service in which he is last employed to retire on pension or gratuity or, if no age is prescribed by the said law or regulations, he retires after he attains the age of fifty years; or
 - (ii) he retires in any other circumstances in which he is permitted by the said law or regulations to retire on pension or gratuity,

Provided that subparagraph (ii) of this paragraph shall not apply in the case of a female officer who retires for the reason that she has married or is about to marry.

(2) Notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance, a gratuity may be granted to a female officer in accordance with this Act who retires from the public service for the reason that she has married or is about to marry.

(3) An officer not qualified for a pension, gratuity or other allowance under this Act (other than a pension under regulation 24 (4) of the Pensions Regulations) may, on his retirement or removal from his employment after having served in the public service under the Government of Belize for not less than five years, be granted a gratuity in accordance with the provisions of this Act:

Provided that this subsection shall not apply to any officer serving on pensionable terms in the public service at the termination of his service.

7.-(1) An officer who resigns from the public service before attaining the normal retirement age may be granted by the Governor-General in accordance with the regulations contained in the Schedule,

Pension and gratuity on registration. 21 of 1988.

- (a) a gratuity, if he resigns after completing not less than ten years of pensionable service;
- (b) a pension and gratuity, if he resigns after completing not less than fifteen years of pensionable service.

(2) In every case to which subsection (1) of this section applies, the pension (but not gratuity) shall be deferred until the officer reaches the normal retirement age, or in special cases with the approval of the Governor-General, any lower age not being less than fifty years.

8. Where an officer's service is terminated on the ground that having regard to the conditions of the public service the usefulness of the officer thereto and all the other circumstances of the case such termination is desirable in the public interest and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Act, the Governor-General 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 public service in the circumstances described in section 6 (1) (a) (iv) of this Act:

Retirement on grounds of public interest.

Provided that in determining the amount of the pension, gratuity or other allowance for which the officer would be eligible if he had retired from the public service in the circumstances described in section 6 (1) (a) (iv) of the Act, no regard shall be had to regulation 4 (2) of the Pensions Regulations.

9.-(1) Every public officer shall retire from the public service on reaching the normal retirement age.

Normal retirement age.

21 of 1988.

(2) “Normal retirement age” as used in this Act, or “compulsory retirement age” as used in any other law, rule or regulation shall mean the age of fifty-five years, or such other age as the Governor-General may, from time to time, by Order published in the *Gazette*, prescribe.

Maximum pen-
sion.
21 of 1988.
9 of 1997.

10.—(1) Except in cases provided for by subsection (2) of this section, a pension granted to an officer under this Act shall not exceed two-thirds of his highest pensionable emoluments at any time while in the public service under the Government of Belize and, subject to section 5 (2) of this Act, a full pension shall not be less than three thousand two hundred dollars *per annum* or such other higher amount as the Governor-General may from time to time by Order published in the *Gazette* specify.

9 of 1997.

(2) An Order made by the Governor-General under subsection (1) of this section, shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

9 of 1997.

(3) Subject to section 5 (2) of this Act, whenever the Governor-General approves a general increase in the pensions paid to pensioners, such increase shall be applied, in the case of persons in receipt of the minimum pension as specified in subsection (1) of this section, to such minimum full pension.

(4) An officer who has been granted a pension in respect of other public service shall not at any time draw from the public funds of Belize an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of his highest pensionable emoluments at any time in the course of his public service,

Provided that where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of such a pension shall be deemed for the purpose of this subsection to be,

- (a) where the right to commute any part of a pension in return for the payment of a gratuity has been exercised or deemed to have been exercised, the amount as if that right has not been exercised or deemed to have been exercised, as the case may be; or

(b) in all other cases four-thirds of its actual amount.

(5) Where the limitation prescribed by subsection (4) of this section operates, the amount of pension to be drawn from the public funds of Belize shall be such amount as the Governor-General shall determine in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service.

21 of 1988.

(6) For the purpose of this section,

- (a) an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such additional pension under this Act, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of the highest pensionable emoluments enjoyed by him at any time during his pensionable service; and
- (b) no increase in or allowance to or in respect of a pension which is granted subsequently to the granting of a pension, whether before or after the coming into force of this Act, shall be taken into account, whether or not such increase is granted in pursuance of any enactment having the force of law; and
- (c) no regard shall be had to any emoluments enjoyed in, or any pension granted in respect of, any period of public service which has not been taken into account in determining the amount of the pension payable to an officer under this Act.

11. If a person to whom a pension has been granted under this Act is appointed to an office in the public service, he will continue to receive his pension during such employment,

Payment of pension to retired public officers on re-employment.
20 of 2005.
2 of 2008.

Provided that the payment of his pension may, with his written consent, if the Governor-General thinks fit, be suspended during the period of such employment.

Pensions, etc., not
assignable.

12. A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purposes of satisfying,

- (a) a debt due to the Government of Belize; or
- (b) an order of any court for the payment of periodical or former wife or minor child of the person 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 Government as aforesaid.

Pensions, etc. ceases
on bankruptcy.

13.—(1) Where any person to whom a pension or other allowance has been granted under this Act is adjudicated bankrupt or is declared insolvent by the judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) Where an officer is adjudicated bankrupt or declared insolvent by the judgment of any competent court either,

- (a) after retirement in circumstances in which he is eligible for pension, gratuity or other allowance, under this Act but before the pension, gratuity or other allowance is granted; or
- (b) before such retirement and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case, any pension or other allowance eventually granted to him shall cease as from the date of adjudication or declaration (as the case may be), and, in the latter case, the pension or other allowance may be granted but shall cease forthwith and not become payable and in either case the gratuity may be granted but shall not be paid to him.

(3) Where a pension or other allowance ceases or where any gratuity is not paid by reason of this section, it shall be lawful for the Governor-

General, as he thinks fit, from time to time during the remainder of such person's life or during such shorter period or periods, either continuous or discontinuous to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity or other allowance had he not become bankrupt or insolvent to be paid to 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 his wife, child or children, or such other dependents as the Governor-General may determine in such proportion and manner as he thinks proper and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or other allowance has ceased or whose gratuity has not been paid by reason of this section shall, for the purposes of this section, be regarded as applied for his benefit.

(5) Where a person whose pension or other allowance has ceased or whose gratuity has not been paid by reason of this section obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Governor-General to direct that the pension or other allowance shall be restored and the gratuity or so much thereof (if any) as remains after deducting any payments made under subsection (3) of this section, paid as from the date of such discharge or any later date, and the pension or other allowance shall be restored and the gratuity or such remainder thereof (if any) paid accordingly.

(6) For the purposes of this section the word "child" shall include an illegitimate child, a stepchild and an adopted child, adopted in a manner prescribed by law, but shall not include a child who has attained the age of eighteen years or, in the case of a female child, has married.

14.—(1) Where any person to whom a pension or other allowance has been granted under this Act is sentenced to death or to a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Governor-General so directs, cease as from such date as he determines.

Pensions, etc.,
may cease on
imprisonment.

(2) Where any officer is sentenced to death or to a term of imprisonment by any competent court for any offence after retirement in circumstances

in which he is eligible for pension, gratuity or other allowance under this Act but before the pension, gratuity or other allowance is granted, then,

- (a) subsection (1) of this section, shall apply as respects any pension or other allowance which may be granted to him; and
- (b) the Governor-General may direct that any gratuity which may be granted to him shall not be paid.

(3) Where a pension or other allowance ceases or a gratuity is not paid by reason of this section, it shall be lawful for the Governor-General to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity or other allowance, but for the provisions of this section, to be paid or applied in the same manner in all respects as provided in section 13 this Act, of and such moneys shall be paid or applied accordingly.

(4) Where any person whose pension or other allowance ceases or whose gratuity is not paid by reason of this section after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect or his gratuity shall be paid, but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3) of this section.

(5) Where any pension or other allowance ceases or a gratuity is not paid by reason of this section it shall be lawful for the Governor-General at any time and upon such terms and from such date (including any past date) as he thinks fit to restore either in whole or in part, such pension or allowance or to direct the payment of such gratuity or any part thereof, but in determining whether arrears of such pension or allowance are payable and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3) of this section.

15. Where any person to whom a pension or other allowance has been granted under this Act otherwise than under section 18 becomes either a director of any company or a partner in any partnership the principal part of whose business is in any way directly concerned with Belize or an officer or servant employed in Belize by any such company or partnership without the prior permission in writing of the Governor-General, such pension or allowance shall cease if the Governor-General so directs,

Pensions, etc. on accepting certain appointments.

Provided that it shall be lawful for the Governor-General, on being satisfied that the person in respect of whose pension or other allowance any such direction has been given has ceased to be a director of such company or a partner in any such partnership, or to be employed as an officer or servant of such company or partnership in Belize as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if he thinks fit, to such a date as he may specify and the pension or other allowance shall be restored in accordance with any such directions.

16.—(1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in public service under the Government of Belize the Governor-General may grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater,

Gratuity where officer dies in the service or after retirement.

Provided that for the purposes of this section an officer who has not been confirmed in his office and who dies in the circumstances mentioned in section 18 (1) of this Act, shall be deemed to have been confirmed in his office.

(2) Where an officer dies after retirement from public service under the Government of Belize having been granted or having become eligible for a pension under this Act and the sums paid or payable to him at the date of his death on account of such pension including any sum awarded by way of gratuity under regulation 25 of the Pensions Regulations and any pension or gratuity paid or payable in respect of his service under any Scheduled Administration (as defined in regulation 8 of the Pensions

Regulations) but excluding any additional pensions awarded in accordance with the provisions of regulation 24 (3) (b) of the Pensions Regulations, are less in total than the amount of his annual pensionable emoluments the Governor-General may grant a gratuity equal to the deficiency to his legal personal representative.

(3) This section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Overseas Superannuation Scheme in respect of such death or in the case of the death of an officer to whom section 17 of this Act, applies.

(4) In this section,

- (a) “annual pensionable emoluments” means the emoluments taken for the purpose of computing any pension or gratuity granted to the officer under this Act or, in the case of such officer as is described in subsection (1) of this section, the emoluments which would have been taken in accordance with regulation 18 of the Pensions Regulations, for the purpose of computing the pension or gratuity that would have been granted to the officer if, on the day following the date of his death, he had retired from the public service in circumstances which enabled such a grant to be made;
- (b) “commuted pension gratuity” means the gratuity, if any, which might have been granted to the officer under regulation 26 of the Pensions Regulations, if the pensionable service which would be taken for the purpose of computing any pension or gratuity granted to him under this Act had been wholly under the Government of Belize and if, in the case of such officer as is described in subsection (1) of this section, on the date of his death he had retired from the public service in circumstances which enabled the grant of a pension to be made and had elected to receive a gratuity and reduced pension,

Provided that in determining the amount of the gratuity which might have been granted to the officer under regulation 26 of the Pensions Regulations, no regard shall be had to regulation 4 (2) of such Regulations.

17.—(1) Where an officer to whom this section applies dies while in public service under the Government of Belize after serving in that public service for not less than five years, it shall be lawful for the Governor-General to grant to his legal personal representative a gratuity at the rate herein specified for each complete year of that public service, that is to say,

Gratuity to dependants when a non-pensionable officer dies in service or as a result of injuries received in the discharge of his duties.

- (a) for each of that first five years, one week's pay;
- (b) for each of the next five years, two weeks' pay;
- (c) for each additional year, four weeks' pay;

provided that the total amount of the gratuity shall not exceed the amount of one year's pay.

(2) Where an officer to whom this section applies dies as a result of injuries received in public service under the Government of Belize in the circumstances specified in section 18 (1) (a) and (b) of this Act, before completing five years' public service under that Government, it shall be lawful for the Governor-General to grant to his legal personal representative a gratuity not exceeding five weeks' pay.

(3) This section applies to an officer who holds,

- (a) a non-pensionable office; or
- (b) a pensionable office in which he is not serving on probation and (if his appointment to that office is subject to confirmation) in which he has not been confirmed and who is not eligible for the grant of a pension, gratuity or other allowance under this Act (other than a pension under regulation 24 of the Pension Regulations) or for the grant, under his terms of service, of a gratuity or benefit under any other scheme of superannuation.

(4) For the purposes of this section,

- (a) “pay” means pay at the date of the officer’s death and includes personal allowance and house allowance and any other allowance that the Governor-General may see fit to include;
- (b) an officer who, having held a non-pensionable office, holds a pensionable office in which he is serving on probation shall be deemed to hold a non-pensionable office and his pay shall be deemed to be the pay last received by him in respect of the non-pensionable office he previously held or the pensionable emoluments of the pensionable office held by him, whichever is the greater;
- (c) in calculating the period in which any officer has served in public service under the Government of Belize,
 - (i) subject to any general or special direction to the contrary that may be given by the Governor-General only continuous service terminating at his retirement or death shall be taken into account;
 - (ii) no regard shall be had to any period of service for which he is eligible for the grant of or has been granted a pension, gratuity or other allowance under this Act (other than a pension under regulation 24 (4) of the Pension Regulations) or, as provided under his terms of service, a gratuity or benefit under any other scheme of superannuation.

PART III

Miscellaneous

18.—(1) Where an officer while in public service under the Government of Belize,

Pensionable officer dying after injury or contracting disease.

- (a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct,

and dies as a direct result thereof and such death occurs within seven years of the date when he was injured or contracted the disease, the Governor-General may grant, in addition to the grant, if any, made to his legal personal representative under section 16 of this Act,

- (i) if the deceased officer leaves a widow, a pension to her at the rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or seventy-five dollars a year, whichever is the greater;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (i);
- (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 until such child attains the age of eighteen years of double the amount prescribed by paragraph (ii);

- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in paragraph (ii);
- (v) if the deceased officer does not leave a widow or if no pension is granted to his widow and his mother was wholly or mainly dependent on him for her support, a pension to the mother of an amount not exceeding the pension which might have been granted to his widow;
- (vi) if the deceased officer does not leave a widow or mother or if no pension is granted to his widow or mother and if his father was wholly or mainly dependent on him for his support, a pension to the father of an amount not exceeding the pension which might have been granted to his widow;
- (vii) if the deceased officer does not leave a child or children who is or are eligible for a pension under the provisions of this section and if any brother or sister was wholly or mainly dependent on him for support, a pension to any brother or sister until he or she attains the age of eighteen years, of the same amount and subject to the same conditions as the pension which might have been granted under paragraphs (ii), (iii) or (iv) as the case may be,

Provided that,

- (a) if in the opinion of the Governor-General there are compassionate grounds for so doing, he may grant to any child of a deceased officer being a child who at the date of death of the officer was wholly or mainly dependent on him for support and who has attained the age of eighteen a pension for such period as the Governor-General may determine, of an amount not exceeding the pension which may be granted under paragraphs (ii), (iii) or (iv), as the case may be;
- (b) where a deceased officer leaves a child who was incapacitated at the time of the officer's death (hereinafter in this section referred to as an "incapacitated child") the Governor-General may, notwithstanding any pension which may have been granted under paragraphs (ii), (iii) or (iv) grant an additional pension in respect of such incapacitated child after he has attained the age of eighteen years and so long as his incapacity shall continue, of an amount not exceeding one-half of the pension which might have been granted under paragraphs (ii), (iii) or (iv) aforesaid, as the case may be;
- (c) where compensation in respect of the death is payable under any law in force in Belize which provides for the payment of workmen's compensation or where benefits corresponding to benefits granted under this section are payable under the Overseas Superannuation Scheme or under the law in force in respect of any other public service in respect of death, the Governor-General may reduce or withhold any pension which may be payable under this section in such manner as he may consider reasonable;

- (d) no pension shall be payable under this subsection at any time in respect of more than six children exclusive of incapacitated children and where there are more than six such children in respect of whom but for this *proviso* a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age;
- (e) in the case of a pension granted under paragraphs (v), (vi), or (vii), if it appears to the Governor-General at any time that the mother or father or any brother or sister is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

(2) No pension shall be granted to the widow of the deceased officer if she was not married to him at the date of injury.

(3) No pension shall be payable to the widow of the deceased officer or to any other female if,

- (a) in the case of the widow, she was at the time of the death cohabiting with a person other than the deceased officer or after the death she marries or cohabits with any person;
- (b) in the case of a female who is not the widow of the deceased officer, she was at the time of the death married to or cohabiting with any person or after the death she marries or cohabits with any person;

and if after the grant of pension to the widow or other female she marries or cohabits with any person, the pension shall cease from the date of the marriage or the commencement of the cohabitation,

Provided that where,

- (i) a pension is withheld or ceases under this subsection; and
- (ii) the Governor-General is satisfied that at a subsequent date the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of the pension notwithstanding marriage,

the Governor-General may, if he thinks fit, grant or re-grant the pension as from that date.

(4) In the case of an officer not holding a pensionable office the expression “pensionable emoluments” in subsection (1) of this section, shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(5) If an officer proceeding by a route approved by the Governor-General to or from Belize at the commencement or termination of his service in the public service of the Government of Belize or for a period of secondment, duty leave or leave therefrom, dies as a result of a damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of war in which Her Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died as a result of the circumstances described in subsection (1) (a) of this section.

(6) An officer who dies as a result of an injury received while travelling by air in pursuance of official instructions, which injury is not wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct shall be deemed for the purpose of this section to have died in the circumstances described in subsection (1) (a) of this section,

Provided that in such a case the rates of pension prescribed in subsection (1) (i) and (ii) of the section, shall be fifteen-sixtieths and one-sixth respectively.

- (7) (a) Where the Governor-General is satisfied that damages have been or will be recovered in respect of the death for which a pension may be granted under subsection (1) of this section, the Governor-General may take these damages into account against such pension in such manner and to such extent that he may think fit and may withhold or reduce the pension accordingly.
- (b) For the purposes of this subsection an officer shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of a court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

(8) For the purposes of this section the following words have, in relation to an officer, the meanings hereby respectively assigned to them,

- (a) “brother” includes, in relation to a person, every male child of his father or his mother;
- (b) “child” includes,
- (i) a posthumous child;
- (ii) a step-child or illegitimate child born before the date of the injury or contracting the disease, as the case may be, and wholly or mainly dependent upon the deceased officer for support; and
- (iii) an adopted child, adopted in a manner recognised by law, before the date of the injury or contracting the disease, as the case may be, and dependent as aforesaid;

- (c) “incapacitated” means in relation to a child incapable by reason of some specific bodily or mental disability of earning his own living and a child who is in any event too young to earn his own living shall be treated as incapacitated for the purposes of this section if it appears that by reason of any special bodily or mental disability, he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so;
- (d) “father” includes a step-father and a male person by whom an officer has been adopted in a manner recognised by law;
- (e) “mother” includes in relation to a person a stepmother and a female person by whom he has been adopted in a manner recognised by law;

“sister” includes every female child of his father or his mother.

19. Where an officer has served with Her Majesty’s Forces in time of war, with the approval of the Governor of the territory in the service of which he was last employed before so serving or of the Secretary of State, the following provisions shall have effect,

War service to count for pension purposes.

- (i) during the period of such service in Her Majesty’s Forces including any period after the termination of the war (in this section referred to as “military service”) he shall be deemed for the purposes of this Act to have been on leave on full salary from the public service in which he was last employed and to have held the substantive office last held by him in that service prior to military service;
- (ii) during any period between his leaving the public service for the purpose of serving in Her Majesty’s Forces and the date of his commencing military service he shall, for the purposes of this

Act, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed and to have held the substantive office last held by him in that service prior to military service and during any period between the termination of his military service and the date of his re-entering the public service he shall, for the said purposes, be deemed to be on leave as aforesaid from the service and to have held the substantive office in which he is re-employed,

Provided that,

- (a) this section shall not apply when either period mentioned in paragraph (ii) exceeds three months or such longer period as the Governor-General may in any special case determine or if the officer fails, after serving with Her Majesty's Forces, to re-enter the public service otherwise than in circumstances in which he would be permitted under the law applicable to the public service in which he is last employed prior to military service to retire on pension or gratuity, such circumstances arising not later than the expiration of three months or such longer period as may be determined as aforesaid after the termination of his military service;
- (b) if during any period mentioned in paragraph (i) the officer has qualified for pension or received emoluments *in lieu* of pension rights, actually in respect of military service, paragraph (i) shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words 'leave on full salary';
- (c) if during his military service the officer is injured or killed, he shall not for the purposes of this Act be deemed to have been injured or killed in the discharge of his duty;

- (d) the provisions of this section which require that the officer shall be deemed to have held a specified office and to have been on leave from a specified service shall not apply in respect of any period during which he shall actually have held any other substantive office and have been on leave from any public service;
- (e) save where in any particular case the Governor-General otherwise directs, this section shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.

21 of 1988

20.—(1) This Act shall apply,

Officers entitled.

- (a) to every officer first appointed to the public service of Belize,
- (i) after the commencement of this Act; or
- (ii) before the commencement of this Act to whom it was intimated before appointment that he would be liable to be affected by any change in the pension law of Belize; and
- (b) to every officer serving in Belize at the commencement of this Act or transferred from Belize to any other public service before the date of such commencement and still in the public service on that date unless not later than twelve months after such commencement or within such further period as the Governor-General may in any special case allow,
- (i) having already given notice in writing to the Permanent Secretary (Establishment) of his desire that the provisions of the Pensions Ordinance 1928, and all other Acts amending it and the Regulations thereunder, shall apply to

16 of 1928.

him, he confirms in writing to the Permanent Secretary (Establishment) his said desire; or

- (ii) he gives notice in writing to the Permanent Secretary (Establishment) of his desire that the provisions of the Pensions Ordinance (Chapter 234 of the Laws of Belize Revised Edition 1958) and all other Acts amending it and the regulations thereunder shall apply to him,

in which case they shall continue to apply accordingly.

(2) If any officer who has given notice under subsection (1) (b) of this section, is thereafter re-appointed to the service of Belize the provisions of this Act shall apply to him in respect of his whole service,

Provided that except where such an officer eventually becomes eligible for a pension or gratuity under this Act in respect of his service both before and after his re-employment, a pension or gratuity granted to him solely in respect of service prior to such re-employment shall not be recomputed.

Repeal of Pensions Ordinance.

21.—(1) The Pensions Ordinance is hereby repealed.

(2) Nothing in this Act shall either diminish the rights acquired by any person under Pension Ordinance, Cap. 234 R. L. 1958 repealed by this Act or affect the pensions granted to any persons who have retired before the coming into operation of this Act.

Governor-General to act on advice.

22. The powers vested in the Governor-General by this Act shall be exercised by him,

21 of 1988.

- (a) in the case of officers to whom section 107 of the Constitution, Cap. 4 applies, acting in accordance with the advice of the Prime Minister;
- (b) in the case of all other officers, acting in accordance with the advice of the Public Services Commission.

SCHEDULE

PENSIONS ACT
Pensions Regulations ¹
[Sections 3 and 7]

ARRANGEMENT OF REGULATIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Officers Without Other Public Service

3. Application of Part II.
4. Qualification for pension.
5. Gratuities where length of service does not qualify for pension.
6. Marriage gratuities.

PART III

Transferred Officers

7. Application of Part III.
8. Retirement on grounds of public interest.

¹ *These Regulations were made by S.I. 95 of 1990 and amended by S.I. 26 of 1992.*

9. Pension for service wholly within the group.
10. Pension where other service is not within the group.
11. Pension when service both within and not within the group.
12. Gratuities where service does not qualify for pensions.
13. Marriage gratuities.

PART IV

General

14. General rules as to qualifying service and pensionable service.
15. Continuity of service.
16. Leave without salary.
17. Service in Her Majesty's Forces.
18. Emoluments to be taken for computation of pension.
19. Teaching service may be counted as pensionable service.
20. Service in non-pensionable office.
21. Acting service
22. Service under age of 20 or on probation or agreement.

PART V

Miscellaneous

23. Abolishing of office and reorganization.
24. Officers injured or contracting diseases in the discharge of their duties.
25. Additional pension for officers with service between ten and fifteen years retiring on ill health.
26. Gratuity and reduced pension.
27. Gratuities for officers who have served in non-pensionable offices.

PART I

Preliminary

- Short title. **1.** These regulations may be cited as the Pensions Regulations.
- Interpretation. **2.** In these regulations, unless the context otherwise requires,
- “qualifying service” means service which may be taken into account in determining whether an officer is eligible by length of service for pension, gratuity, or other allowance;
- “pensionable service” means service which may be taken into account in computing pensions under these regulations;
- “the Act” means the Pensions Act, Cap. 30.

PART II

Officers without Other Public Service

- Application of Part II. **3.** Save when the Governor-General in any special case otherwise directs, this Part shall not apply in the case of any officer transferred to or from the public service under the Government of Belize from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity, for which the officer would have been eligible, if the service of the officer had been wholly service in the public service under the Government of Belize.
- Qualification for pension.
S.I. 26 of 1992 **4.**—(1) Subject to the provisions of the Act and of these regulations, every public officer holding a pensionable office under the Government of Belize who has been in public service under the Government of Belize for ten years or more may be granted on his retirement or resignation a pension,

- (a) if his pensionable service exceeds ten years, at the annual rate of one-hundred-and-eighty-seven hundred-and-twentieths ($180/720$ ths) of his pensionable emoluments with an addition of one seven-hundred-and-twentieth ($1/720$ th) in respect of each complete month of pensionable service in excess of ten years, or
- (b) if his pensionable service does not exceed ten years, at the annual rate of one four-hundred-and-eightieth ($1/480$ th) of his pensionable emoluments in respect of each completed month of pensionable service.

(2) When an officer retired or resigned from public service under the Government of Belize in the circumstances described in section 6 (1) (a) (iv) of this Act, and at the time of his retirement or resignation his pensionable service was not less than ten years but not more than fifteen years he may be granted in addition to the pension granted under paragraph (1) an additional pension at the annual rate of one seven-hundred-and-twentieth ($1/720$ th) of his pensionable emoluments in respect of each month,

S. I. 26 of 1992.

- (a) by which his pensionable service falls short of fifteen years, or
- (b) if his pensionable service would have been for a shorter period than fifteen years had he continued to hold the same office which he held at the date of his retirement or resignation and retired or resigned on attaining the age of fifty-five years, of such shorter period.

(3) An officer who resigns from the public service shall be paid a gratuity or both a pension and a gratuity in accordance with section 7 of the Pensions Act, Cap. 30.

S. I. 26 of 1992.

5. Every officer, otherwise qualified for a pension, who has not completed length of service the minimum period of service qualifying for a pension, 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 the officer under regulation 4 (1) of these regulations.

Gratuities where length of service does not qualify for pension.

Marriage gratuities.

6. Where a female officer, having been in public service under the Government of Belize for not less than five years and having been confirmed in a pensionable office, retires or is required to retire for the reason that she is about to marry, or has married, and is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, she may be granted, on production within six months after her retirement, or such longer period as the Governor-General may in any case allow, of satisfactory evidence of her marriage, a gratuity of an amount not exceeding,

- (a) one year's annual pensionable emoluments; or
- (b) five times the annual amount of the pension which might have been granted to her under regulation 4 (1) of these regulations, had there been no qualifying period and had that regulation been applicable to her,

whichever amount shall be the less. Provided that a gratuity under this regulation shall not be payable to an officer who was married for longer than a period of six months at the date of retirement.

PART III

Transferred Officers

Application of Part III.

7. This Part shall apply only in the case of an officer transferred to or from public service under the Government of Belize from or to other public service.

Retirement on grounds of public interest.

8.—(1) In this Part and Part IV “scheduled administration” means,

- (a) the Government of any territory, or any authority, mentioned in the Schedule;
- (b) the Government of Ceylon in respect of any officer appointed to service under that Government before 4th February 1948;

- (c) the Government of Palestine, in respect of any officer appointed to service under that Government before 15th May 1948;
- (d) the Government of the Somali Republic, in respect of any officer appointed to service under the former Government of the Somaliland Protectorate before 26th June 1960;
- (e) the Government of Cyprus, in respect of any officer appointed to service under that Government before 16th August 1960;
- (f) the East African Common Services Organization, in respect of any person deemed to have been appointed or appointed to service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa by or under the Eastern Africa Court of Appeal Order in Council 1961 made in S. I. 2323 of 1961;
- (g) the Interim Commissioner for the West Indies in respect of any person deemed to have been appointed or appointed to service as a judge, registrar, officer or servant of the British Caribbean Court of Appeal by or under the British Caribbean Court of Appeal Order in Council 1962.

“Service in the group” means service in the public service under the Government of Belize and under a scheduled administration or scheduled administrations.

(2) Where an officer to whom this Part applies is, on his retirement from the service, not granted a pension or gratuity, in respect of his employment in the service in which he was last employed, solely by reason of the fact that he has not held office or pensionable office therein for a specified period, he shall nevertheless be deemed for the purposes of this Part of these regulations to have retired in circumstances in which he is permitted

by the law in force in respect of the service in which he is last employed to retire on pension or gratuity.

(3) For the purpose of these regulations,

- (a) any officer in public service under the Government of the Federation of Rhodesia and Nyasaland immediately before 1st January 1964, who was immediately before that date employed on secondment to service under the Government of Southern Rhodesia, or Northern Rhodesia or Nyasaland, or was as from the date so employed, shall be deemed to continue to serve in public service under the Government of the Federation of Rhodesia and Nyasaland until his employment on secondment is terminated;
- (b) any pension awarded on or after 1st January 1964 in respect of service under the Government of the Federation of Rhodesia and Nyasaland shall be deemed to have been granted by that Government notwithstanding the provisions of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963.

Pension for service wholly within the group.

9.—(1) Subject to the provisions of the Act and of these regulations, where the other public service of an officer to whom this Part applies has been wholly under one or more scheduled administrations and his aggregate service would have qualified him had it been wholly service in public service under the Government of Belize for a pension under the Act he may, on his retirement from the public service, be granted in respect of his service in public service under the Government of Belize a pension of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in public service under the Government of Belize as the aggregate amounts of his pensionable emoluments during his service in public service under the Government of Belize shall bear to the aggregate amounts of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly service in public service under the Government of Belize,

- (a) in the application of regulation 18, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of his retirement from the public service or during the three years or lesser period preceding that date, as the case may be, except that where the officer is not serving under a scheduled administration at that date, the date upon which he was last transferred from the public service under a scheduled administration shall be deemed to be the date of his retirement for the purposes of this subparagraph;
- (b) no regard shall be had to an additional pension under regulation 4 (2) or under regulation 23, 24 or 25;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the highest pensionable emoluments enjoyed by him at any time during his public service;
- (d) no period of public service under a scheduled administration or under the Government of Belize in respect of which no pension or gratuity is granted to him by that administration or Government, as the case may be, shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of an officer's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age of twenty years,

Provided that,

- (a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under a scheduled administration or under the Government of Belize in respect of which no pension or gratuity is granted to him by that administration or Government, as the case may be;
- (b) where service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, the officer's aggregate pensionable emoluments during that service shall be taken into account to the same extent as that service shall be taken into account as pensionable service.

Pension where other service is not within the group.

10.—(1) Subject to the provisions of the Act and of these regulations, where the other public service of an officer to whom this Part of these regulations applies has not included service under any of the scheduled administrations, and his aggregate service would have qualified him, had it been wholly service in public service, under the Government of Belize for a pension under these regulations, he may on his retirement from public service, be granted in respect of his service in public service, under the Government of Belize a pension of an amount equal to the pension for which he would have been eligible under regulation 4, if there had been no qualifying period and if he had no other public service.

(2) Where the officer is not in public service under the Government of Belize at the time of such retirement,

- (a) his pensionable emoluments for the purposes of paragraph (1) shall be those which would have been taken for the purposes of computing his pension if he had retired from the public service and had been granted a pension at the date of his last transfer from public service under the Government of Belize; and

- (b) no regard shall be had to an additional pension under regulation 4 (2).

(3) For the purposes of these regulations service under the School Teachers Pensions Act, Cap. 42, shall be regarded as other public service not under a scheduled administration.

11. Where a part only of the other public service of an officer to whom this Part applies has been under one or more of the scheduled administrations, the provisions of regulation 9 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

Pension when service both within and not within the group.

12. Subject to the provisions of the Act and of these regulations, where an officer to whom this Part applies retires from the public service but has not been in the public service for ten years, he may be granted in respect of his service in the public service under the Government of Belize 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 9, 10 or 11 as the case may be.

Gratuities where length of service does not qualify for pension.

13. Where a female officer to whom this Part applies retires or is required to retire for the reason that she is about to marry or has married, and

Marriage gratuities.

- (i) would have been eligible for a gratuity under regulation 6 if her public service had been wholly under the Government of Belize; and
- (ii) is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part she may be granted in respect of her public service under the Government of Belize a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible under regulation 9, 10 or 11, had there been no qualifying period and had regulation 9, 10 or 11, as the case may be, been applicable to her,

Provided that for the purpose of computing the amount of such a gratuity,

- (a) in relation to regulation 9 or 11, regulation 9 (2) (c) shall have effect as if the reference to two-thirds of her highest pensionable emoluments were a reference to one-fifth of her annual pensionable emoluments;
- (b) in relation to pension under regulation 9, 10 or 11, the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments.

PART IV

General

General rules qualifying service and pensionable service.

14.—(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 public service and the date of his leaving the public 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.

(3) No period during which the officer was not in public service shall be taken into account as qualifying service or as pensionable service.

Continuity of service.

15.—(1) Except as otherwise provided in these regulations, only continuous public service shall be taken into account as qualifying service or as pensionable service.

(2) Any break in service caused by temporary suspension of employment in the public service not arising from misconduct or voluntary resignation shall be disregarded for the purposes of subparagraph (1).

(3) Any person holding office in public service under the Government of Palestine immediately before 15th May 1948, shall be deemed to have continued in his office until either he was appointed to the service of the Crown elsewhere, or, if he was not so appointed, he retired or was removed from an office.

(4) An officer,

- (a) whose pension has been suspended under section 11 of the Act or under a corresponding provision in any law relating to the grant of pensions in respect of public service; or
- (b) who has retired from the public service without pension on account of ill health, abolition of office, or, re-organisation designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service; or
- (c) who has left pensionable service under
 - (i) any Acts relating to the superannuation of teachers in the United Kingdom; or
 - (ii) a local authority in the United Kingdom; or
 - (iii) the National Health Service of the United Kingdom with a view to entering public service not being pensionable service as aforesaid and has, not later than three months, or such extended period as the Governor-General may in any particular case approve, after leaving such pensionable service, received any salary in respect of employment in public service not so pensionable, may if the Governor-General thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his public service immediately prior to such

suspension, re-employment or employment had not occurred, such pension to be *in lieu* of,

- (a) any pension previously granted to him from the funds of Belize, and
- (b) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation, but additional to any gratuity so granted which is not required to be refunded as aforesaid.

Leave without salary.

16. No period during which an officer has been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave has been granted on grounds of public policy with the approval of the Governor-General.

Service in Her Majesty's Forces.

17. Where an officer, during some period of his service, has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of Belize or of any scheduled administration and have not been refunded, such period shall not be taken into account as pensionable service.

Emoluments to be taken for computation of pension.

18.—(1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years' pensionable service before his retirement,

- (a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increment, the full annual pensionable emoluments

enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;

- (c) in other cases one-third of the aggregate pensionable emolument enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken,

Provided that,

- (i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years those annual pensionable emoluments shall be taken; and
- (ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the Governor-General, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than three years pensionable service before his retirement the average annual pensionable emoluments enjoyed by him during such period shall be taken.

(3) For the purpose of determining under this regulation the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be he shall be deemed,

- (a) to have been on duty on full pensionable emoluments throughout the period of three years or such lesser period immediately preceding the date of his retirement; and

- (b) to have enjoyed the benefit of any increase due to a general revision in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period,

Provided that if he has been transferred from an office which has been abolished and for this reason the pensionable emoluments of that office have not been considered in a general revision of pensionable emoluments, then, for the purposes of this regulation, the pensionable emoluments attached to the abolished office shall be equated with those of such office or offices as are certified by the Accountant General in his discretion as having enjoyed the same pensionable emoluments as the abolished office at the time of the said revision.

(4) The estimated value of free quarters in respect of public service under the Government of Belize shall be such as shall be taken as ten *per centum* of the initial salary of the office or of the actual salary if such salary is non-incremental, whether or not an allowance in cash has been granted *in lieu* of free quarters,

Provided that, for the purpose of this regulation and the definition of “house allowance” in section 2 of the Act,

- (a) the salary immediately after the point in any scale of salary at which an efficiency bar occurs shall be regarded as the initial salary of the office in the case of an officer who has passed such efficiency bar;
- (b) the estimated value of free quarters shall not in any case be reckoned at less than ninety-six dollars nor more than six hundred;
- (c) accommodation provided either during periods of duty or at other times in barracks, hospitals or other public buildings for non-commissioned officers and members of the Police Force, nurses or attendants at the Mental Hospital in consequence of their being required to remain at such places when on duty and

not in pursuance of any express condition of service by which they are entitled to free quarters shall be deemed not to be free quarters; and

- (d) no account shall be taken of the allowance paid to non-commissioned officers and members of the Police Department, prison officers and attendants at the Mental Hospital (being married men or widowers with dependent children) hitherto described in the annual estimates as “rent, contribution to aid” or in similar terms, which allowance shall be deemed not to be a house allowance.

42 of 1999.

(5) In no circumstances shall pensionable emoluments be taken for the purposes of computing the pension or gratuity of any officer exceed the full annual pensionable emoluments enjoyed by the officer at the date of his retirement in respect of the office then held by him.

19. Where an officer holding a pensionable office retires from the public service in circumstances in which he is eligible,

Teaching service may be counted as pensionable service.

- (a) for a pension or gratuity under these regulations; and
- (b) for a pension or gratuity under the School Teachers Pensions Act, or any Act thereby repealed, then, if his service which is pensionable under the School Teachers Pensions Act, Cap. 42, was immediately followed by pensionable service under these regulations, the Governor-General may, either generally or in any particular case, direct that such service which is pensionable under the School Teachers Pensions Act, Cap. 42, may be taken into account as though it were pensionable service under these regulations,

Provided that,

- (i) where any such direction has been given, any pension or gratuity granted under these

regulations shall be *in lieu* of any pension or gratuity for which the officer is eligible under the School Teachers Pensions Act, Cap. 42; and

- (ii) any break in service which may be disregarded under regulation 15 may likewise be disregarded in determining for the purposes of this regulation whether the period of service which is pensionable under the School Teachers Pensions Act, Cap. 42, was immediately followed by pensionable service under these regulations.

Service in non-pensionable office.

20. Only service in a pensionable office (not being service in respect of pensionable which the officer is entitled to a gratuity *in lieu* of pension or to benefit under office any other scheme of superannuation) shall be taken into account as pension,

Provided that,

- (a) where a period of service in a civil capacity otherwise than in a pensionable office (not being service in respect of which the officer is entitled to a gratuity *in lieu* of pension or to benefit under any other scheme of superannuation) is immediately followed by service in a pensionable office and the officer is confirmed therein, such period may with the approval of the Governor-General be so taken into account;
- (b) any break in service which may be disregarded under regulation 15 may likewise be disregarded in determining for the purpose of the preceding provisions of this regulation whether one period of service immediately follows another period of service;
- (c) (i) where an officer has been transferred from a pensionable office in which he had been confirmed to an office which is not pensionable and subsequently retires either from a pension-

able office or an office which is not pensionable his service in the office which is not pensionable may, with the approval of the Governor-General, be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer and at the pensionable emoluments which were payable to him at the date of transfer;

- (ii) where a period of service in an office which is not pensionable is taken into account under this regulation, the officer shall, during that period, be deemed for the purpose of regulations 6, 23 and 24 to be holding a pensionable office, and where that period is taken into account under the preceding proviso to have been confirmed therein.

21. Any period during which an officer has performed only acting service in an office may be taken into account as pensionable service (subject if the office is not pensionable, to the provisions of regulation 20) if the period of such acting service,

Acting Service.

- (a) is not taken into account as part of his pensionable service in other public service; and
- (b) is immediately preceding or followed by service in a substantive capacity in a pensionable office in the public service under the same government or authority, and not otherwise.

22. Except as otherwise provided in these regulations, there shall not be taken into account as pensionable service,

Service under age of 20 or on probation or agreement.

- (a) any period of service while the officer was under the age of eighteen years; or

- (b) any period of service while he was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service,

Provided that any break of service which may be disregarded under regulation 15 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

PART V

Miscellaneous

Abolishing of office and re-organisation.

23. If an officer holding a pensionable office retires from the public service office and in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency or economy may be effected, he may,

- (a) if he has been in the public service for less than ten years, be granted *in lieu* of any gratuity under regulation 5 or regulation 12, a pension under regulation 4 (1) or under regulations 9, 10 or 11 as the case may be, as if the words “for ten years or more” were omitted from regulation 4 (1);
- (b) if he retires from the public service under the Government of Belize, be granted an additional pension at the annual rate of one hundred and eightieth of his pensionable emoluments for each complete year of his pensionable service,

Provided that,

- (i) the addition shall not exceed thirty one-hundred and eightieths; and

- (ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if the words "for ten years or more" were omitted from regulation 4 and if he had continued to hold the office held by him at the date of his retirement, and retired on reaching the age at which he may be required to retire without the approval of the Secretary of State, having received all increments for which he would have been eligible by that date.

24.-(1) This regulation shall apply to an officer who,

Officers injured or contracting diseases in discharge of their duties.

- (a) is injured in the actual discharge of his duty by some diseases in the injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) In this regulation unless the contrary intention appears, references to an officer being injured and to the date on which an injury is sustained shall respectively be construed as including references to him contracting such a disease as is mentioned in paragraph (1) and to the date on which such disease is contracted.

(3) Where an officer to whom this regulation applies is holding a pensionable office in which he has been confirmed, he may,

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the public service for less than ten years, be granted *in lieu* of any gratuity under regulation 5 or regulation 12, a pension under

regulation 4 (1) or under regulation 9, 10 or 11 as the case may be, as if the words “for ten years or more” were omitted from regulation 4 (1);

- (b) if he was injured while in public service under the Government of Belize, be granted on retirement an additional pension, at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table.

When his capacity to contribute to his own support is,

Slightly impaired	five sixtieths
Impaired	ten sixtieths
Materially impaired	fifteen sixtieths
Totally destroyed	twenty sixtieths;

Provided that the amount of the additional pension may be reduced to such an extent as the Governor-General shall think reasonable where the injury is not the cause or the sole cause of retirement.

- (4) (a) An officer to whom this regulation applies who is injured while in public service under the Government of Belize and who holds a non-pensionable office, or who holds a pensionable office in which he has not been confirmed, may be granted on retirement, a pension of the same amount as the additional pension which may be granted to him under paragraph (3) if his office were a pensionable office and he had been confirmed therein.
- (b) Regulation 26 shall not apply to a pension granted under this paragraph.
- (5) (a) If, for the purpose of assessing the amount of any additional pension or pension to be granted under paragraph (3) (b) or under paragraph (4) to any officer to whom this regulation applies, the degree of

permanent impairment of his capacity to contribute to his own support is in doubt he may be granted a provisional award until such time as his degree of permanent impairment can be determined.

(b) Regulation 26 shall not apply to an award made under this paragraph.

(6) If an officer proceeding by a route approved by the Governor-General to or from Belize at the commencement or termination of his public service under the Government of Belize, or of a period of secondment duty leave or leave therefrom, is injured as a result of damage to the vessel, aircraft or vehicle in which he is travelling or of any act of violence directed against any such vessel, aircraft or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such officer shall be deemed for the purpose of this regulation to have been injured in the circumstances described in paragraph (1).

(7) An officer who is injured while travelling by air in pursuance of official instructions, and whose injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed for the purpose of this regulation to have been injured in the circumstances described in paragraph (1),

Provided that in such a case the rates of pension prescribed in paragraph (3) (b) shall be seven-and-a-half sixtieths, fifteen sixtieths, twenty-two and-one-half sixtieths and thirty sixtieths respectively.

(8) Where compensation in consequence of the injury is payable under any law in force in Belize which provides for the payment of workmen's compensation, or where benefits corresponding to an additional pension or pension under paragraph (3) or paragraph (4) are payable, under the Overseas Superannuation Scheme or under the law in force in respect of any other public service, in consequence of the injury, the Governor-General may reduce or withhold any additional pension or pension payable under either paragraph (3) or paragraph (4) aforesaid in such manner as he may consider reasonable.

- (9) (a) Where the Governor-General is satisfied that damages have been or will be recovered by an officer in respect of an injury for which an additional pension or pension may be granted under paragraph (3) (b) or under paragraph (4), the Governor-General may take those damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly.
- (b) For the purpose of this paragraph an officer shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

Additional pension for officers with ten and fifteen years retiring on ill health.

25. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible, had it been wholly under the Government of Belize, for a pension under these regulations is compulsorily retired from the public service in the circumstances mentioned in regulation 4 (2), he may, if at the time he is in public service under the Government of Belize, be granted from the funds of Belize the additional pension allowed by that regulation as well as the pension granted under regulation 9, 10 or 11 as the case may be.

Gratuity and reduced pension.

26.—(1) Any officer to whom a pension is granted under the Act 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 half times the amount by which such pension is reduced,

Provided that in the application of this regulation to cases where the limitation prescribed by section 10 (4) of the Act operates, the words “such pension” shall mean the amount of pension which the officer might have drawn from the funds of Belize if he has not exercised his option under this regulation.

- (2) An option exercisable in accordance with this regulation,

- (a) shall be exercisable, and if exercised, may be revoked, before the date of the officer's retirement or, with the permission of the Governor-General, at any time between that date and the date of the final award of the pension granted to him under the Act;
- (b) shall be exercised or revoked by notice in writing addressed either to the Permanent Secretary (Establishment) or to the Government;
- (c) shall be deemed to have been exercised or revoked on the date on which such notice is received.

(3) If an officer who has not exercised an option in accordance with this regulation dies after he has retired but before a pension has been granted to him under the Act, the Governor-General may, if he thinks fit, grant to his legal personal representative a gratuity and reduced pension as provided in paragraph (1), as if the officer has exercised the option before his death.

27.—(1) Where an officer to whom this regulation applies retires or resigns from public service under the Government of Belize after serving in that public service for not less than five years, he may be granted by the Governor-General a gratuity at the rate herein specified for each complete year of service, that is to say,

Gratuities for officers who have served in non-pensionable officers.

- (a) for each of the first five years, one week's pay;
- (b) for each of the next five years, two weeks' pay;
- (c) for each additional year, four weeks' pay.

(2) This regulation applies to an officer who holds,

- (a) a non-pensionable office,
- (b) a pensionable office in which he is not serving on probation and (if his appointment to that office is subject to confirmation) in which he has not been

confirmed and who is not eligible for the grant of a pension, gratuity or other allowance under the Act (other than a pension under regulation 24 (4) or for the grant, under the terms of service, of a gratuity or a benefit under any other scheme of superannuation.

(3) For the purpose of this regulation,

- (a) “pay” means pay at the date of the officer’s retirement or resignation and includes personal allowance and house allowance and any other allowance that the Governor-General may think fit to include;
- (b) an officer who having held a non-pensionable office holds a pensionable office in which he is serving on probation shall be deemed to hold a non-pensionable office and his pay shall be deemed to be the pay last received by him in respect of the non-pensionable office he previously held or the pensionable emoluments of the pensionable office held by him, whichever is the greater;
- (c) in calculating the period in which any officer has served in public service under the Government of Belize,
 - (i) subject to any general or special directions that may be given by the Governor-General, only continuous service terminating at his retirement or resignation shall be taken into account;
 - (ii) no regard shall be had to any period of service for which he is eligible for the grant of or has been granted a pension, gratuity or other allowance under the Act (other than a pension under regulation 24 (4)) or, as provided under his terms of service, a gratuity or a benefit under any other scheme of superannuation.