

ABILL

ENTITLED

AN ACT to Establish a contributory pension scheme for the public service to be known as the Public Service Pension Scheme from which payment of pensions, gratuities and other allowances are to be paid in respect of the service of pensionable officers, and to provide for other related matters.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I—*Preliminary*

1.—(1) This Act may be cited as the Pensions (Public Service) Act, 2017.

Short title
and
commence-
ment.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Interpretation.

2.—(1) In this Act—

“Board” means the Board of Trustees of the Fund established pursuant to section 8;

“commuted pension gratuity” means gratuity payable to the legal personal representative of a deceased pensionable officers and calculated in the prescribed manner;

“Constable” means any member of the Force;

“deferred pensioner” means a person who is no longer employed in the public service and is entitled to receive a deferred pension at a future date in accordance with section 16;

“District Constable” means a District Constable who is appointed under the *Constables (District) Act*;

“early retirement age” in respect of—

(a) an existing public officer, means—

(i) where he is granted early retirement during the transition period, the age set out in Column III of the First Schedule corresponding to the month specified in Column I thereof; or

(ii) where he is granted early retirement after the transition period, the age of sixty years;

(b) a new public officer, means the age of sixty years;

“early retirement” means retirement under section 15 or, with respect to Constables, retirement under section 23;

“existing public officer” means a person who is permanently appointed to an office in the public service, before the date specified by the Minister by order, published in the *Gazette*, whether or not the Officer was pensionable prior to the date specified herein;

“the Force” means the Jamaica Constabulary Force constituted under the *Constabulary Force Act*;

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Schedule.

“Fund” means the Public Service Pension Fund established under section 7;

“house allowance” means subject to subsection (3), the house allowance which is granted in respect of the office or rank, as the case may be, to which a pensionable officer is appointed, other than a house allowance that is granted on condition that it shall not be pensionable;

“member” means a pensionable officer, a deferred pensioner and a pensioner;

“new public officer” means a person whose first permanent appointment to an office in the public service occurs on or after such date as may be determined by the Minister by order published in the *Gazette*;

“normal retirement” means retirement in the circumstances provided under section 14;

“normal retirement age” in respect of—

(a) an existing public officer, means—

(i) where he retires during the transition period, the age set out in Column II of the First Schedule corresponding to the month specified in Column I thereof; or

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(ii) where he retires after the transition period, the age of sixty-five years;

(b) a new public officer, means the age of sixty-five years;

“pensioner” means a person who is in receipt of a pension in accordance with the provisions of this Act or any Regulations made under or saved by this Act;

“pensionable emoluments” subject to subsection (5), includes—

(a) in respect of service as a Constable, salary, seniority, house allowance and other allowance which count for pension;

(b) in respect of service as a teacher, salary and any other allowances paid to a teacher in respect of

the assignment to the teacher of responsibility related, but additional, to his duties as a teacher;

- (c) in respect of service as any other public officer, salary and allowances which count for pension,

in accordance with this Act or any other enactment (including Financial Instructions issued pursuant to section 51 of the *Financial Administration and Audit Act*;

“pensionable officer” means an existing public officer or a new public officer;

“public service” means service in a civil capacity under—

- (a) the Government;
- (b) a Municipal Corporation, City Municipality or Town Municipality; or
- (c) an entity—
 - (i) listed in Part A of the Fourth Schedule;
 - (ii) listed in Part B of the Fourth Schedule in relation to a person to whom section 3(2)(e) applies;
 - (iii) listed in Part C of the Fourth Schedule in relation to a person to whom section 3(2)(f) applies,

and includes registered service and service as a Constable or District Constable;

“registered service” means service as a teacher, entered in the register in accordance with the provision of this Act or any regulations made under or saved by this Act;

“salary” means—

- (a) the salary attached to the office held by a pensionable officer; and
- (b) in relation to an existing public officer, where an arrangement is prescribed for taking service in a non-pensionable office into account as

pensionable service, the salary attached to that non-pensionable office;

“Scheme” means the Public Service Pension Scheme established under section 6;

“special early retirement” means retirement in the circumstances provided in subpart B of Part XII;

“teacher” means a person who has registered service in a teaching capacity in—

- (a) a primary school;
- (b) a secondary school;
- (c) a training college; or
- (d) an institution approved by the Minister responsible for education;

“transition period” means the period of five years commencing and ending on such date as may be determined by the Minister by order.

(3) Where a pensionable officer is appointed to an office or a rank, as the case may be, in respect of which no house allowance is granted but that pensionable officer is provided with quarters, an amount equal to fifteen percent of the minimum salary of the office or rank to which the pensionable officer is appointed, shall, for the purposes of this Act, be regarded as house allowance.

(4) The definition of “house allowance” in subsection (1) shall be deemed to have come into operation on the 1st day of January, 1986.

(5) The Minister may by order subject to affirmative resolution, amend the definition of pensionable emoluments.

3.—(1) With effect from such date as may be determined by the Minister by order, all offices in the public service shall be pensionable offices.

Scope and application of Act.

(2) Except as provided for in any other enactment and subject to the provisions of subsection (3), this Act shall apply to all persons

who are permanently appointed as pensionable officers, including the following—

- (a) Constables and District Constables;
- (b) persons employed in a Municipal Corporation, City Municipality or Town Municipality;
- (c) teachers;
- (d) all persons appointed to pensionable posts under the entities listed in Part A of the Fourth Schedule;
- (e) all persons appointed as pensionable officer in executive agencies, listed as entities in Part B of the Fourth Schedule, who made an election under section 17(1) of the *Executive Agencies Act* to have their pensions regulated either by the pension legislation that would have been applicable to such persons prior to the 1st day of April 2002 or by the relevant provisions of the *Executive Agencies Act*;
- (f) all persons appointed as pensionable officers in the entities listed in Part C of the Fourth Schedule who were eligible to receive a pension, gratuity and other allowance under the *Pensions Act*, (repealed under section 39(1)(a)).

(3) For the avoidance of doubt, subsection (2) shall not apply to—

- (a) contractual employees employed on a fixed term or;
- (b) persons who are seconded from statutory bodies or agencies or departments of Government that have their own pension arrangements; and
- (c) persons who provide service overseas and are not deployed from Jamaica as officers in the public service.

PART II—*Payment of Pensions, Gratuities and other Allowances, etc.*

Pensions, gratuities and other allowances.

4.—(1) Subject to the provisions of this Act, pensions, gratuities and other allowances shall be payable to pensionable officers, in accordance with this Act and regulations made hereunder.

(2) Any pension, gratuity or other allowance granted under this Act shall be computed in accordance with the provisions of this Act and any Regulations made under, or saved by this Act at the actual date of retirement of the pensionable officer.

5.—(1) Subject to section 42(1)—

Payment of pensions, etc.

- (a) prior to the establishment of the Fund pursuant to section 7(4), there shall be charged on and paid out of the Consolidated Fund; and
- (b) upon the establishment of the Fund pursuant to section 7(4), there shall be paid out of the Fund,

such sums of money as may from time to time be payable by way of pension, gratuity or other allowance, in pursuance of this Act.

(2) If the Fund, when established, is at any time unable to pay any sum by way of pension, gratuity or other allowance which the Fund is required to pay under this Act, such sum shall be charged on and paid out of the Consolidated Fund.

(3) All sums paid out of the Consolidated Fund pursuant to subsection (2) shall be treated as grants by the Government to the Fund.

(4) The Board, acting on the advice of an actuary may issue directions with respect to the application of any actuarial surplus in the Fund.

PART III—*Establishment of Pension Scheme, Pension Fund and Board of Trustees*

6.—(1) There is hereby established a defined benefit contributory scheme to be known as the Public Service Pension Scheme for the purpose of ensuring that all pensionable officers receive a pension, gratuity or other allowance on retirement.

Establishment of and membership in scheme.

(2) With effect from such date as may be determined by the Minister by order, all pensionable officers shall, by virtue of the provisions of this Act, become members of the Scheme and shall be required to contribute to the Fund upon its establishment under section 7(4) and pending the establishment of the Fund, the contributions shall be paid into the Consolidated Fund.

Establishment
of Fund.

7.—(1) Subject to subsection (4), for the purposes of this Act, there shall be established a Fund to be known as the Public Service Pension Fund.

(2) There shall be paid into or (in the case of property, other than money) transferred to the Fund—

- (a) all contributions made by pensionable officers as members;
- (b) all contributions made by the Government of Jamaica to the Fund, as the employer;
- (c) all contributions made by an undertaking in accordance with section 11(4);
- (d) moneys earned or arising from any investments acquired by or vested in the Fund;
- (e) all other sums which may in any manner become payable to and any property vested in the Fund;
- (f) such sums as may be appropriated by Parliament for the purposes of the Fund.

(3) Notwithstanding section 5(1), the Board may authorize payments out of the Fund for any of the purposes for which payments out of the Fund are expressly authorized by this Act.

(4) The Fund shall be established on such date as the Minister may determine by order, subject to affirmative resolution and to the Minister being satisfied, after consultation with the Auditor General, that the establishment and operation of the Fund will not result in non-compliance with any of the requirements specified in section 48C of the *Financial Administration and Audit Act* (fiscal targets).

(5) Notwithstanding subsection (4), the Fund shall not be established until the Minister is satisfied that the debt to GDP (gross domestic product) ratio has reached sixty percent.

(6) The Fund, when established shall be deemed to be an approved superannuation fund for the purposes of the *Income Tax Act*.

(7) Prior to the establishment of the Fund, the contributions of members under the Scheme shall be deemed to be ordinary annual contributions to an approved superannuation fund for the purposes of section 13 (1)(i) of the *Income Tax Act*.

(8) There shall be paid out of the Fund, when established, in addition to such sums as may be granted by way of pension, gratuity or other allowance, such expenses of administration as are authorized under this Act or regulations made hereunder.

8.—(1) There shall be established, with effect from the date on which the Fund is established, a Board of Trustees of the Fund.

Establishment
of Board of
Trustees.

(2) The Board shall be responsible for—

- (a) the management and control of the Fund in accordance with the provisions of this Act and any regulations made hereunder; and
- (b) the policy and general administration of the Fund.

(3) The provisions of Part A of the Second Schedule shall have effect as to the constitution of the Board of Trustees and otherwise in relation thereto.

(4) The provisions of Part B of the Second Schedule shall have effect with respect to the functions, management and control of the Fund.

Second
Schedule.

PART IV—*Sources*

9. For the avoidance of doubt, it is hereby declared that the moneys and other property of the Fund shall, for the purposes of this Act and any other enactment, be held by the Board in trust for the members of the Scheme, to be administered by the Board in accordance with the provisions of this Act.

Money in
Fund to be
held by Board
in Trust.

10.—(1) Commencing as from such date as the Minister shall determine, the Government shall pay into the Fund, in respect of each pensionable officer, periodic contributions in such amounts and manner as may be determined by the Minister by order, subject to affirmative resolution of the House of Representatives.

Employer's
contribution
to the Fund.

(2) During any period in which a pensionable officer is not in receipt of a salary, the Government shall not be liable to make contributions pursuant to subsection (1) in relation to that pensionable officer.

(3) During any period in which a pensionable officer is in receipt of part salary, the Government's contributions under subsection (1) shall abate proportionately.

(4) Where, after a period referred to in subsection (2) or (3), salary is paid to the pensionable officer in respect of all or any part of that period, the Government shall make contributions under subsection (1) in respect thereof, accordingly.

Employee's
contribution
to the Fund.

11.—(1) As a contribution towards the pensions, gratuities and other allowances provided for under this Act, there shall be deducted from the salary of a pensionable officer and an officer employed in a pensionable office, and paid into the Fund, an amount as may be prescribed by the Minister by order published in the *Gazette* which shall not be an amount which exceeds five percent.

(2) In any period during which a pensionable officer is on part salary, there shall be deducted from the salary he receives during such period, an amount as may be prescribed by the Minister by order published in the *Gazette*.

(3) Any contribution made under this section shall accrue daily and shall be deducted by the Accountant-General or other appropriate pay officer monthly in arrears from the salary of each pensionable officer.

(4) Where a pensionable officer is seconded in accordance with any enactment to an undertaking whose employees are not members of the Scheme, he shall continue to be treated as a pensionable officer for the purposes of this Act, and the undertaking to which he is seconded shall continue to deduct contributions from his salary in the manner provided for in subsection (1) and such contributions shall be paid into the Fund in accordance with section 7(2).

(5) Subsection (4) shall not apply where a pensionable officer is seconded on terms which entitle him to be paid a gratuity by the undertaking to which he is seconded.

12.—(1) A pensionable officer shall be eligible to receive a refund of his contributions paid into the Fund, in any of the following circumstances— Refund of contributions.

- (a) on the abolition of the office of the pensionable officer where he has less than ten years service and is no longer employed in the Public Service;
- (b) on the resignation of the pensionable officer where he has less than ten years service;
- (c) on the dismissal of the pensionable officer from the service.

(2) The payment of a refund under subsection (1)(a) shall not prejudice, the eligibility of a pensionable officer to receive a redundancy payment computed in accordance with the *Employment (Termination and Redundancy Payments) Act*.

(3) Where a pensionable officer from whose pay deductions have been made by way of contribution to his pension, gratuity or other allowance, dies in circumstances where he has less than ten years service, and no pension, gratuity or other allowance has been paid or is payable under this Act, his legal personal representative shall be entitled to a refund of the amount of the deductions so made.

(4) Where a pensionable officer or his legal personal representative becomes entitled to a refund under this section, any debt due to the Government by that pensionable officer may be deducted from the refund.

(5) A pensionable officer who is eligible for a refund of his contributions under this section may give notice in writing to the Minister, that he does not wish to be paid the refund when leaving the public service; however—

- (a) if the pensionable officer should re-enter the public service, the period of service as a pensionable officer during which he made contributions that were not refunded shall be taken into account when computing his pension; or
- (b) if the pensionable officer does not re-enter the public service, he shall be eligible to receive a refund of his contributions on attaining the normal retirement age.

PART V—*Provisions Relating to Pensions for Pensionable Officer*

Non-application of provisions to Constables.

13. The provisions of sections 14, 15, 17, 21 and 22 shall not apply to Constables.

Normal retirement.

14.—(1) For the avoidance of doubt, and subject to subsection (2), it is hereby declared that, without prejudice to the right of the Governor-General to require a pensionable officer to retire from the public service in accordance with the provisions of section 21, or for a pensionable officer to elect to take early retirement in accordance with section 15, the normal retirement age of a new public officer shall be sixty-five years.

First Schedule.

(2) Notwithstanding subsection (1), during the transition period, an existing public officer may be granted normal retirement if he has attained, during any month specified in Column I of the First Schedule, the corresponding age set out in Column II thereof.

Early retirement.

15. Subject to section 21, a pensionable officer may be granted early retirement from the public service by the Governor-General and be eligible to receive pension, gratuity or other allowance if—

- (a) being an existing public officer, he has, during any of the months during the transition period, specified in Column I of the First Schedule, attained the corresponding age specified in Column III thereof;
- (b) he is a new public officer and has attained the age of sixty years; or
- (c) on medical evidence to the satisfaction of the Governor-General, 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.

Deferred pension.

16.—(1) A pensionable officer may be eligible for a deferred pension, calculated at the date of his retirement, in the following circumstances—

- (a) where the pensionable officer resigns from the public service with ten years or more of service; or

- (b) where the office which the pensionable officer occupied was abolished and he had, at the time of the abolition of the office, completed ten years or more of service.

(2) The payment of refund in the circumstances provided under subsection (1)(b) shall not prejudice the eligibility of a pensionable officer to receive a redundancy payment computed in accordance with the *Employment (Termination and Redundancy Payments) Act*.

17.—(1) Where a deferred pensioner dies before attaining the normal retirement age, a commuted pension gratuity may be paid to his legal personal representatives.

Commutated pension gratuity in relation to a deferred pensioner.

(2) The provisions of subsection (1) shall not apply to a deferred pensioner who left the public service on or before such date as may be determined by the Minister by order published in the *Gazette*, unless he has once again become a pensionable officer after that day; and any commuted pension gratuity paid to the legal personal representatives pursuant to subsection (1) shall be computed in accordance with the provisions in force at the date when the pensionable officer finally leaves the public service.

18. No pension, gratuity or other allowance shall be granted under this Act to any pensionable officer in respect of service—

Service not qualifying for pension.

- (a) while on probation unless immediately following that period of probation he was confirmed as a pensionable officer;
- (b) while he was absent from duty on leave without salary, unless such leave is granted on grounds of public policy.

19.—(1) For the purposes of this Act, the emoluments used in the computation of pension, gratuity and other allowance that a pensionable officer shall receive shall be prescribed by Regulations made under this Act.

Emoluments and service to be taken into account when computing pension, gratuity or other allowance.

(2) All service of a pensionable officer after the age of normal retirement up to the age of seventy years but prior to retirement shall be taken into account in computing his pension.

Retirement in the public interest.

20. Where the service of a pensionable officer is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the pensionable officer and all other circumstances of the case, such termination is desirable in the public interest, and the pensions, gratuities or other allowances cannot otherwise be granted to him under the provisions of this Act, the Governor-General may, if he thinks fit, grant such pensions, gratuities or other allowances as he thinks just and proper, not exceeding in amount that for which the pensionable officer would be eligible if he retired from the public service in the circumstances described in section 15(1)(c) and was not eligible for an additional pension in accordance with regulations made hereunder.

Compulsory retirement.

21. The Governor-General may require a pensionable officer to compulsorily retire from the public service at any time after he attains the age of sixty years.

Suspension of pensions, etc., on assumption of other office in the public service.

22. If a pensionable officer to whom a pension, gratuity or other allowance has been granted under this Act, is appointed to another office in the public service, the payment of his pension, gratuity or other allowance, shall be suspended during the period of his re-employment.

PART VI—*Provisions Relating to Pensions for Constables*

Special provisions relating to the payment of pension etc., to Constables on early retirement.

23.—(1) Subject to subsection (2), a Constable may be granted early retirement from the Force and be eligible to receive a pension, gratuity or other allowance in any of the following circumstances—

- (a) on or after attaining the age of fifty-five years;
- (b) on medical evidence, to the satisfaction of the Governor-General, that he is incapable of discharging his duties efficiently by reason of any infirmity of body that is likely to be permanent, or any infirmity of mind; or
- (c) subject to the approval of the Governor-General, on or after attaining the age of fifty years after completing not less than thirty years of service;
- (d) at his option, after completing not less than thirty-five years of service.

(2) If a Constable to whom a pension, gratuity or other allowance has been granted under this Act, is appointed to another office in the public service, the payment of his pension, gratuity or other allowance, shall be suspended during the period of his re-employment.

(3) A Constable who left the Force in circumstances in which, having regard to the provisions of subsection (1), he was not entitled to a pension, gratuity or other allowance, may, on such terms and conditions as may be prescribed, be granted a pension, gratuity or other allowance on attaining the age of sixty years:

However, if he dies before attaining that age, there may be paid to his legal personal representative the gratuity which he would have been eligible to receive if he had attained the age of sixty years and had elected to receive a gratuity and reduced pension.

(4) The provisions of subsection (3) shall not apply to any Constable who, having left the Force prior to such date as may be determined by the Minister by order, was not in the Force on that day, unless he is reappointed to the Force or to the public service after that day.

24. The normal age of retirement of a Constable shall be sixty years.

Normal retirement age of Constable.

25. The Governor-General may require a Constable to compulsorily retire from the Force at any time after he attains the age of fifty-five years.

Compulsory retirement relating to Constables.

PART VII—*Pensions etc., not assignable*

26.—(1) Subject to subsection (2), a pension, gratuity, or other allowance granted under this Act shall—

Pensions, etc., not assignable.

(a) not be assignable or transferable except for the purpose of satisfying—

- (i) a debt due to the Government; or
- (ii) an order of any court for the payment of periodical sums of money towards the maintenance of the

spouse, former spouse, or minor child of the pensionable officer to whom the pension, gratuity, or other allowance has been granted; and

- (b) not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except as provided in this section.

(2) An assignment or a transfer of not more than one-fifth of any gratuity payable by virtue of this Act may be made for the purpose of repaying a debt due to the Jamaica Civil Service Mutual Thrift Society Limited.

PART VIII—*Death Benefits Relating to Pensionable Officers*

Gratuity where a pensionable officer dies in the service.

27. Where a pensionable officer dies while in the public service, the Governor-General may grant to the legal personal representative of that officer, a gratuity of an amount not exceeding either one year's pensionable emoluments of the officer or his commuted pension gratuity, if any, whichever is the greater.

Pensions and gratuities on death of pensionable officer in the course of duty.

28.—(1) Where a pensionable officer in the public service dies as a result of injuries received—

- (a) in the actual discharge of his duties;
- (b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own gross negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

the Governor-General may grant a pension, gratuity and other allowance as may be prescribed.

(2) For the purposes of this section, references to a pensionable officer being injured in the circumstances specified in subsection (1), shall be construed as including references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own gross negligence or misconduct.

(3) A pensionable officer who dies as a result of injuries received while travelling by air, sea or land in pursuance of official instructions shall be deemed to have died in the circumstances specified in paragraphs (a) and (c) of subsection (1).

(4) Nothing in this section shall authorize the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the pensionable officer's death.

(5) Where the Governor-General is satisfied that the death of the pensionable officer resulted from the infliction of injuries which, although not inflicted upon him while he was acting in the execution of his duty, were nevertheless inflicted upon him wholly or mainly because he was in the public service, the Governor-General may grant to the dependents of that pensionable officer, a pension and gratuity as if his death had occurred in the circumstances specified in subsection (1).

PART IX—*Survivor's Benefit*

29. The provisions of this Part shall not apply to Judges.

30.—(1) For the purposes of this Part—

“benefit” means any benefit payable to a relevant child, surviving spouse, mother or father under this Part;

“relevant child” means—

(a) a child of a pensionable officer who is—

(i) a child of both spouses; or

(ii) a child of one spouse who is accepted as a child of the family by the other spouse; or

(b) a child who, having regard to the *Status of Children Act* is a child of a pensionable officer,

and in paragraphs (a) and (b) of this definition “child” includes an adopted child;

Non-application of Part to Judges.

Interpretation in this Part.

“spouse” includes—

- (a) a single woman who has cohabited with a single man as if she were in law his wife for a period of not less than five years;
- (b) a single man who has cohabited with a single woman as if he were in law her husband for a period of not less than five years,

at the date of determination of a benefit under this Part,

“surviving spouse” means the spouse of a deceased pensionable officer.

(2) A relevant child who is a person with a disability within the meaning of the *Disabilities Act* and who was wholly or mainly dependent on the pensionable officer for support, shall be entitled to continue to receive a benefit after he has attained the age of nineteen years.

31.—(1) Benefits to a surviving spouse and a relevant child shall be payable in such manner as may be prescribed.

Payment of benefits.

(2) In all cases where, under this Part, a person entitled to any benefit under subsection (1) is a relevant child, such benefit may be paid to the legal guardian of the child.

32.—(1) Every pensionable officer shall, within six months after the birth of each child born to him, or after the adoption of a child notify the Ministry, Department of Government or an entity listed in the Fourth Schedule in which he is employed, in writing, of the name and date of birth of such child.

Notice of marriage and birth of child of pensionable officer.

(2) Every pensionable officer who shall marry shall, within six months thereafter, notify the Ministry, Department of Government or an entity listed in the Fourth Schedule in which he is employed of the following, in writing—

- (a) the name of his spouse;
- (b) the date of marriage; and
- (c) if there is a step child who is a relevant child, the name and date of birth of the step child.

33.—(1) Every pensionable officer shall, within six months after being employed, furnish the Ministry, Department of Government or an entity listed in the Fourth Schedule in which he is employed with a notification in writing stating—

Notification as to names and ages of spouse, children, *etc.*, to be furnished to the Ministry or Department.

- (a) the name and date of birth of the pensionable officer;
- (b) the name and date of birth of his spouse, if any;
- (c) if he has a relevant child the name, date of birth and sex of the relevant child; and
- (d) such other information as may be prescribed.

(2) The Ministry, Department of Government or an entity listed in the Fourth Schedule in which a pensionable officer is employed may require evidence to prove to its satisfaction the accuracy of the information furnished under this Part.

(3) A pensionable officer shall notify the Ministry, Department of Government or an entity, listed in the Fourth Schedule to which he is employed of any change to the information that he is required to furnish under subsection (1), within six months after the change occurs.

Fourth Schedule.

34. Every pensionable officer shall notify the Ministry, Department of Government or an entity listed in the Fourth Schedule in which he is employed, within six months from the date of the event, the death of his spouse or any of his relevant children.

Notice of death of spouse or child of officer. Fourth Schedule.

35. For the purposes of this Part, when the marriage of any pensionable officer has been annulled or dissolved by the decree of any competent court—

Divorce of officer.

- (a) the pensionable officer shall notify the Ministry, Department of Government or an entity listed in the Fourth Schedule in which he is employed, within six months from the date of the decree, the fact thereof; and
- (b) the spouse of the pensionable officer shall upon such decree, cease to be a person who, by virtue of being such a spouse, is eligible for the award or payment of benefit under this Part.

Recognition
of paternity.

36. For the purposes of this Act, where the father and mother of a relevant child were not married to each other at the time of its conception or at some subsequent time, the relationship of father and child, and any relationship traced in any degree through that relationship shall be recognized only if paternity has been admitted or established in accordance with the Status of the *Children Act*.

PART X—*Miscellaneous Provisions and Regulations*

Regulations
and making
of orders by
the Minister.

37.—(1) The Minister may make regulations, generally for giving effect to the provisions of this Act and without prejudice to the generality of the foregoing make regulations—

- (a) with respect to the management, control and administration of the Fund;
- (b) prescribing the manner of payment and collection of contributions;
- (c) providing for the procedure for dealing with unclaimed moneys under the Fund;
- (d) providing that the provisions of this Act shall not apply or shall, apply with such modifications as may be specified in the regulations, to any person or class of person;
- (e) for the computation of payments of pension, gratuity and any other benefit;
- (f) with respect to the suspension or abatement of a pension in circumstances where the pensionable officer is sentenced to a term of imprisonment or death by a competent court;
- (g) giving guidance to the Board regarding the issuing of directions in accordance with section 5(4) and any other provisions of this Act;
- (h) to provide for anything which may be necessary for the better carrying out of any of the provisions of this Act.

(2) Where the Minister 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.

(3) Regulations under this section shall be subject to affirmative resolution of the House of Representatives.

(4) The Minister may, by order, with effect from the date specified in the order, not being earlier than the date of commencement of the Act, amend any law if he considers the amendment to be necessary for the carrying out of the functions of this Act.

(5) An order under subsection (4) shall be subject to affirmative resolution.

38.—(1) This Act shall be reviewed from time to time by a committee of both Houses of Parliament approved for that purpose. Review of Act.

(2) The first such review shall be conducted no later than two years after the date of commencement of this Act.

PART XI—*Repeal and Consequential Amendments*

39.—(1) The following Acts are hereby repealed— Repeal.

- (a) the *Pensions Act*;
- (b) the *Pensions (Civil Service Family Benefits) Act*;
- (c) the *Pensions (Expatriate Officers) Act*;
- (d) the *Pensions (Federal Civil Service) Act*;
- (e) the *Pensions (Parochial) Officers Act*;
- (f) the *Pensions (Teachers) Act*; and
- (g) the *Provident Fund Act*.

(2) Notwithstanding the repeal of the Acts specified in subsection (1), (hereinafter referred to as “the repealed enactments”) regulations made under the repealed enactments, as in force immediately before the repeal of those Acts—

- (a) shall remain in full force and effect, with such changes as may be necessary as if made under this Act and may be amended or revoked accordingly; and

- (b) a reference in any enactment to specific provisions of the repealed enactments shall be construed as a reference to the equivalent provision of this Act.

Consequential amendments to other enactments. Third Schedule.

40. The provisions of the enactments specified in the First Column of the Third Schedule are amended in the manner specified respectively in relation to them in the Second Column of that Schedule.

Amendment of Second and Fourth Schedules by order.

41. The Minister may, by order subject to affirmative resolutions, amend the Second and Fourth Schedules.

PART XII—*Transitional Provisions*

Subpart A. General Transitional Provisions

Persons receiving pension *etc.*, under repealed Acts.

42.—(1) All persons who, immediately before such date as may be determined by the Minister by order, were receiving a pension, gratuity and other allowance granted under—

- (a) the provisions of the *Pensions Act*, the *Pensions (Civil Service Family Benefits) Act*, the *Pensions (Parochial Officers Act and the Pensions (Teachers) Act* which have been repealed under section 39; and
- (b) the provisions relating to pensions under *the Constables (Special) Act* and the *Constabulary Force Act*, now repealed, shall continue to receive those benefits as if these Acts or provisions respectively had not been repealed.

(2) For the avoidance of doubt, it is hereby declared that the service of all existing public officers prior to such date as may be specified by order of the Minister, shall be taken into account for the award of a pension, gratuity and other allowance granted under this Act.

(3) Notwithstanding the amendment or repeal of an enactment under Part XI, any legal proceedings relating to pension that is pending before the Court under the amended or repealed enactment on the date of commencement of this Act shall continue to be brought and determined as if this Act had not been enacted.

43. All existing public officers and their dependents and persons claiming through them shall, if upon such date as may be determined by the Minister by order published in the *Gazette*, they were eligible to receive benefits under the provisions of the *Pensions (Civil Service Family Benefits) Act*, shall continue to be eligible to receive such benefits, as if that Act has not been repealed.

Savings in respect of repealed *Pensions (Civil Service Family Benefits) Act*.

Subpart B. Special Early Retirement Programme

44.—(1) Notwithstanding any other provisions of this Act, there shall be established with effect from the period commencing and ending on such date as may be determined by the Minister by order, a programme to be known as the Special Early Retirement Programme, to which the provisions of this Subpart shall apply.

Establishment and objectives of Special Early Retirement Programme.

(2) The objectives of the Special Early Retirement Programme is to offer the option of special early retirement to existing public officers who satisfy the requirements specified under section 45, subject to the terms and conditions specified therein or as may be provided by the Minister by Order, subject to affirmative resolution.

45.—(1) An existing public officer shall only be granted special early retirement under this Subpart if—

Requirements for making an application for special retirement under this Subpart.

- (a) he satisfies the requirements specified under subsection (2);
- (b) he makes an application to the Governor General expressing his wish to do so, within the time period as may be prescribed by the Minister by Order; and
- (c) approval is granted by the Governor-General in accordance with subsection (3).

(2) Pursuant to subsection (1), the requirements are that the existing public officer—

- (a) is between the ages of 50 and 59 years; and
- (b) is eligible to receive a pension in accordance with the relevant provisions of any of the repealed enactments specified under section 39, whichever is applicable, and any other relevant enactment relating to pensions.

(3) Pursuant to subsection (1)(c), the approval of the Governor General shall be granted—

- (a) only in special cases, where the existing public officer is between the ages of 50 and 54 years; and
- (b) without reservation, where the existing public officer is between the ages of 55 and 59 years.

(4) The Minister may by Order subject to affirmative resolution, provide that a group or category of existing public officers who would otherwise be eligible to be granted special early retirement under this Subpart are excluded from the provisions therein.

Computing pension, gratuity or other allowance under this Part and additional benefits.

46.—(1) For the purposes of computing the amount of pension or gratuity that may be payable to an existing public officer who is granted early retirement under this Subpart, the provisions of any of the repealed enactments specified under section 39, whichever is applicable, and any other relevant enactment relating to pensions shall apply.

(2) The Minister may by Order, subject to affirmative resolution make provisions for additional benefits to be granted to an existing public officer who opts for special early retirement under this Subpart.

Exclusiveness of benefits.

47. An existing public officer who retires from the public service under this Subpart shall no longer be eligible to receive any benefits under any other enactment relating to the payment of pensions, gratuities or allowances.

Restriction on appointment.

48.—(1) An existing public officer who retires under this Subpart shall not be eligible for appointment to any office in the public service within a period of five years from the date of his retirement.

(2) Subsection (1) shall not prohibit or restrict the employment of an existing public officer under a contract for services.

Making of Regulations to give effect to the provisions of this Subpart.

49. The Minister may make Regulations to give effect to the provisions of this Subpart.

Expiration.

50. The provisions of this Subpart shall expire on April 30, 2019.

FIRST SCHEDULE
Retirement Age

(Sections 2, 14 and 15)

Column I	Column II	Column III
Month of transition Period	Normal Retirement Age	Early Retirement Age
April 2018	60 years 1 month	55 years 1 month
May 2018	60 years 2 months	55 years 2 months
June 2018	60 years 3 months	55 years 3 months
July 2018	60 years 4 months	55 years 4 months
August 2018	60 years 5 months	55 years 5 months
September 2018	60 years 6 months	55 years 6 months
October 2018	60 years 7 months	55 years 7 months
November 2018	60 years 8 months	55 years 8 months
December 2018	60 years 9 months	55 years 9 months
January 2019	60 years 10 months	55 years 10 months
February 2019	60 years 11 months	55 years 11 months
March 2019	61 years	56 years
April 2019	61 years 1 month	56 years 1 month
May 2019	61 years 2 months	56 years 2 months
June 2019	61 years 3 months	56 years 3 months
July 2019	61 years 4 months	56 years 4 months
August 2019	61 years 5 months	56 years 5 months
September 2019	61 years 6 months	56 years 6 months
October 2019	61 years 7 months	56 years 7 months
November 2019	61 years 8 months	56 years 8 months
December 2019	61 years 9 months	56 years 9 months
January 2020	61 years 10 months	56 years 10 months
February 2020	61 years 11 months	56 years 11 months

<u>Column I</u>	<u>Column II</u>	<u>Column III</u>
<u>Month of transition Period</u>	<u>Normal Retirement Age</u>	<u>Early Retirement Age</u>
March 2020	62 years	57 years
April 2020	62 years 1 month	57 years 1 month
May 2020	62 years 2 months	57 years 2 months
June 2020	62 years 3 months	57 years 3 months
July 2020	62 years 4 months	57 years 4 months
August 2020	62 years 5 months	57 years 5 months
September 2020	62 years 6 months	57 years 6 months
October 2020	62 years 7 months	57 years 7 months
November 2020	62 years 8 months	57 years 8 months
December 2020	62 years 9 months	57 years 9 months
January 2021	62 years 10 months	57 years 10 months
February 2021	62 years 11 months	57 years 11 months
March 2021	63 years	58 years
April 2021	63 years 1 month	58 years 1 month
May 2021	63 years 2 months	58 years 2 months
June 2021	63 years 3 months	58 years 3 months
July 2021	63 years 4 months	58 years 4 months
August 2021	63 years 5 months	58 years 5 months
September 2021	63 years 6 months	58 years 6 months
October 2021	63 years 7 months	58 years 7 months
November 2021	63 years 8 months	58 years 8 months
December 2021	63 years 9 months	58 years 9 months
January 2022	63 years 10 months	58 years 10 months
February 2022	63 years 11 months	58 years 11 months

<u>Column I</u>	<u>Column II</u>	<u>Column III</u>
<u>Month of transition Period</u>	<u>Normal Retirement Age</u>	<u>Early Retirement Age</u>
March 2022	64 years	59 years
April 2022	64 years 1 month	59 years
May 2022	64 years 2 months	59 years 2 months
June 2022	64 years 3 months	59 years 3 months
July 2022	64 years 4 months	59 years 4 months
August 2022	64 years 5 months	59 years 5 months
September 2022	64 years 6 months	59 years 6 months
October 2022	64 years 7 months	59 years 7 months
November 2022	64 years 8 months	59 years 8 months
December 2022	64 years 9 months	59 years 9 months
January 2023	64 years 10 months	59 years 10 months
February 2023	64 years 11 months	59 years 11 months
March 2023	65 years	60 years
April 2023	65 years	60 years".

SECOND SCHEDULE

(Section 8)

PART A

The Board of Trustees

Constitution
of Board of
Trustees.

1.—(1) The Board shall consist of such number of persons, not being less than seven nor more than fifteen, as the Minister may from time to time appoint, and shall include—

- (a) not less than two nor more than five representatives of major public sector trade unions;
- (b) a person nominated by the Financial Secretary; and
- (c) an actuary.

(2) The persons appointed to the Board shall be selected from among fit and proper persons who appear to the Minister to be knowledgeable or experienced in matters relating to banking, finance, pension administration and pension fund management or otherwise qualified for appointment to the Board.

(3) A person appointed to the Board shall not have any financial or other interests which would cause or result in a conflict of interest in respect of the activities of the Board.

(4) The following persons shall not be eligible for appointment to the Board—

- (a) members of the House of Representatives or the Senate;
- (b) members of the Council of a Municipal Corporation.

(5) The appointment of a member of the Board may be revoked for—

- (a) physical or mental infirmity;
- (b) bankruptcy or compounding with or suspending payment to his creditors;
- (c) being convicted of an offence involving dishonesty or any one or more offences listed in the Second Schedule to the *Proceeds of Crime Act*;
- (d) no longer meeting the requirement of being a fit and proper person;
- (e) engaging in activities that may be reasonably considered prejudicial to the interest of the Board or the Fund.

(6) For the purposes of this paragraph, a person is “a fit and proper person” if—

- (a) the person—
 - (i) has not been convicted of an offence involving dishonesty or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction;
 - (ii) is not an undischarged bankrupt; and
 - (iii) is in compliance with any tax and other statutory requirements imposed on the person;
- (b) the person’s employment record or any other information does not give the Minister of Finance reasonable cause to believe that the person carried out any act involving dishonesty or any act involving impropriety in the course of his professional life; and
- (c) the person is, in the opinion of the Minister of Finance, a person of sound probity, and is able to exercise competence, diligence and sound judgment in fulfilling his functions as a member of the Board.

2. The Minister may appoint any person to act temporarily in the place of any member of the Board in the absence or inability to act, of such member. Temporary appointments.

3.—(1) The Minister shall appoint one of the members of the Board to be Chairman thereof. Chairman.

(2) In the case where the Chairman is unable to act, the Minister may appoint any other person to perform the functions of the Chairman.

4.—(1) The appointment of every member of the Board shall be evidenced by instrument in writing and such instrument shall state the period of office of the member, which shall not exceed seven years. Tenure of office.

(2) Every member of the Board shall be eligible for reappointment.

(3) Notwithstanding anything to the contrary, the Minister may at any time revoke the appointment of any member of the Board.

Resignation. 5.—(1) Any member of the Board other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of receipt by the Minister of such instrument the member shall cease to be a member of the Board.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of the receipt of such instrument by the Minister and such resignation shall take effect from the date of receipt by the Minister of such instrument.

Publication of membership. 6. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Procedure, quorum and meetings. 7.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board shall determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by at least two members of the Board.

(3) The Chairman shall preside at all meetings of the Board at which he is present and in the case of the Chairman's absence from any meeting, the members present and forming a quorum shall elect one of their number to preside at the meeting.

(4) The decision of the Board shall be by a majority of votes, and, in addition to an original vote, the Chairman or any other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(5) Minutes in proper form of each meeting of the Board shall be kept.

(6) The quorum for meetings of the Board shall be one-third of its members rounded up to the nearest whole number.

(7) Subject to the provision of this Part, the Board may regulate its own proceedings.

(8) Subject to sub-paragraph (6), the validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

8. There shall be paid to the Chairman and other members of the Board, such remuneration (whether by way of honorarium or fees) and such allowances as the Minister may determine.

Remuneration of members.

PART B

The Pension Fund

1. The Board shall prudently manage and invest all assets of the Fund in accordance with the Fund's investment policies and principles.

General duties of the Board in relation to assets.

2.—(1) The Board shall, within six months after the end of each financial year, cause to be made and transmit to the Minister—

Annual report.

- (a) a statement of the accounts of the Fund audited annually by the Auditor General or by an auditor appointed annually by the Board and approved by the Minister; and
- (b) a report dealing generally with the policy and proceedings of the Fund during the financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and auditor's report thereon to be laid on the respective tables of both Houses of Parliament.

3. Pursuant to paragraph (1), the Board shall—

- (a) determine whether an investment will be able to provide an adequate return at an acceptable risk in order to achieve its stated objectives;
- (b) give consideration to the impact of expenses on the return on investment by incurring such costs to the fund that are appropriate and reasonable in amount;
- (c) ensure that appropriate due diligence has been conducted on the issuer of a security or borrower of a loan to ascertain financial credit worthiness, financial condition and strength, earnings potential and ability to meet their obligations are satisfactory prior to making an investments;

Specific duties of Board in relation to investment of assets.

- (d) ensure that any collateral or security is of satisfactory quality and value;
- (e) avoid leaving monies of the Fund idle except to the extent that cash is required for payments.

Investments to be in name of Fund.

4. All investments shall be in the name of the Fund.

General rules relating to investment transactions of the Fund.

5. The following rules shall govern all investment transactions of the Fund—

- (a) no investment shall be made without prior approval of the Board;
- (b) all investment transactions shall be undertaken at arm's length and at prices comparable in the market for similar investment transactions;
- (c) all investment transactions shall have the authorization of the Board and be consistent with the statement of investment policy and principles referred to in paragraph (6).

Statement of investment policies and principles.

- 6.—(1) The Board shall prepare a statement of investment policies and principles which shall be subject to the approval of the Financial Secretary.

(2) A statement made under sub-paragraph (1) shall include—

- (a) the rate of return objective for the Fund, stated gross and net of investment expenses;
- (b) an outline of the Fund's risks and level of risks that can be tolerated by the Fund;
- (c) the outlook of the Fund's continuity and maturity profile of its assets and liabilities; and
- (d) the Fund's target asset mix, in a manner that is consistent with risk-return expectations.

(3) The Board shall review the statement of investment policies and principles at least once every twelve months or at such greater frequency as may be prudent in the circumstances, and any modifications thereto shall be subject to the approval of the Financial Secretary.

(4) In preparing the statement of investment policies and principles, the Board may take into account—

- (a) the type of benefits and features of the Scheme;
- (b) management of interest, liquidity, credit, currency and other financial risks to which the Fund is exposed;
- (c) characteristics of the liabilities of the Fund;
- (d) age and other relevant demographic profile of the contributors to the Fund;
- (e) the funding and solvency levels and requirements of the Fund;
- (f) the prevailing economic conditions;
- (g) expenses;
- (h) diversification of investment portfolio by asset class and within asset classes;
- (i) the retention or delegation of the voting rights acquired through investment; and
- (j) any other matter relating to the Fund that would be relevant in the development and preparation of the statement.

7.—(1) There shall be an independent actuarial evaluation of the Fund at least once every three years.

Valuation of assets and non-actuarial liabilities.

(2) The Board shall submit each evaluation under sub-paragraph (1) to the Minister, within fourteen days of receipt thereof.

8.—(1) The Board shall make investments with financial institutions that are licensed by the Financial Services Commission and place deposits in deposit taking institutions licensed under the *Banking Services Act*.

Investment of Funds.

(2) Pursuant to sub-paragraph (1), the Board may invest in—

- (a) securities or obligations of Governments of jurisdictions with credit rating of “A” or equivalent;
- (b) Government of Jamaica securities or obligations;

- (c) repurchase arrangements where the underlying instruments are securities or obligations of—
 - (i) governments of recognized jurisdictions with credit rating of “A” or equivalent;
 - (ii) the Government of Jamaica;
- (d) commercial paper or promissory notes which have been guaranteed by a licensed deposit taking institution or a registered insurance company;
- (e) securities listed on a recognized stock exchange in Jamaica;
- (f) the securities of a company making an initial public offer where—
 - (i) the company intends to list on a recognized stock exchange; or
 - (ii) the initial public offer meets the requirements for registration under the *Securities Act*;
- (g) securities of the Bank of Jamaica; or
- (h) private equity, which is not listed, but such investment shall not exceed in aggregate five percent of the fund.

(3) In this paragraph the terms “recognized jurisdictions” and “recognized stock exchange” have the meaning assigned to them in the Pensions (Superannuation Funds and Retirement Schemes) (Investment) Regulations, 2006.

(4) The Fund shall not hold, in aggregate, an amount exceeding ten percent of its fair value of its assets denominated in foreign currency, without the prior approval of the Minister after consultation with the Bank of Jamaica.

Limit on exposures.

9.—(1) The Fund shall not either by itself or in conjunction with any other person hold or control in excess of five percent—

- (a) the voting shares in a body corporate;
- (b) the ownership interest in any other entity; or
- (c) the indebtedness of any entity.

(2) The Board shall not invest more than five percent of the Fund in securities or loans to any single entity other than the Government of Jamaica or the Bank of Jamaica.

10. The Minister shall—

- (a) at the end of each financial year, review the operations of the Fund with a view to determining whether the Fund has operated in accordance with the statement of investment policies and principles approved by the Financial Secretary pursuant to paragraph 6;
- (b) at the end of each third financial year, with the assistance of an actuary, review the operations of the Fund with a view to determining whether the assets of the Fund are sufficient to meet the liabilities of the Fund.

Minister to
review
operations of
Fund.

THIRD SCHEDULE

(Section 40)

Provisions

Amendments

The Child Care and Protection Act

Section 91

1. Insert next after subsection (1), the following new subsection as subsection (1A)—

“ (1A) Notwithstanding the provisions of subsection (1), any regulations made in relation to pensions under this Act shall be made by the Minister responsible for finance and shall be subject to affirmative resolution.”.

First Schedule,
Appendix A

Paragraph 1

Delete and substitute therefor the following—

“1. Interpretation—

“Fund” means the Pension Fund established under the Pensions (Public Service) Act;”

“pensionable emoluments” has the meaning assigned to it in the Pensions (Public Service) Act.”.

Insertion of
new paragraph
1A

Insert next after paragraph 1 the following new paragraph as paragraph 1A—

“Contribu-
tion
to pension
etc.

1A. With effect from such date as may be determined by the Minister by order published in the *Gazette* as a contribution towards pension, gratuity or other allowance there shall be deducted each month from the salary of the Children’s Advocate an amount to be prescribed by the Minister by order.”.

Provisions	Amendments
Paragraph 2	<p>Delete sub-paragraph (6)(a) and substitute therefor the following—</p> <p style="padding-left: 40px;">“ (a) pensions payable in the manner provided in section 5(1) of the Pensions (Public Service) Act;”.</p>
Paragraph 6	<ol style="list-style-type: none"> 1. Delete the numeral and brackets “(1)”. 2. Delete sub-paragraph (2).
Paragraph 7	<p>Delete the marginal note and substitute therefor the following “Pension to dependents where Children’s Advocate dies as a result of injuries received”.</p>
Paragraph 9	<ol style="list-style-type: none"> 1. Delete sub-paragraph (1). 2. In sub-paragraph (2) delete the word and numeral “paragraph (2)” and substitute therefor the word and numeral “paragraph (2)”. 3. Delete sub-paragraph (3)(a) and substitute therefor the following— <ul style="list-style-type: none"> “ (a) payable in the manner provided under section 5(1) of the Pensions (Public Service) Act;”. 4. Delete sub-paragraph (4).
<i>The Constables (Special) Act</i>	<p>Delete sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and the Fifth Schedule.</p>
<i>The Constabulary Force Act</i>	<p>Delete sections 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66A and the First Schedule.</p>
<i>The Contractor General Act</i>	
Section 31	<p>Insert next after subsection (1), the following new subsections—</p> <p style="padding-left: 40px;">“ (2) Notwithstanding the provisions of subsection (1), any regulations made in relation to pensions under this Act shall be made by the Minister responsible for finance.</p>

Provisions

Amendments

(3) Regulations made under subsection (2) shall be subject to affirmative resolution.”.

First Schedule

Paragraph 1

Delete and substitute therefor the following—

“1. In this Schedule—

“Fund” means the Pension Fund established under the Pensions (Public Service) Act;

“pensionable emoluments” has the meaning assigned to it in the Pensions (Public Service) Act; and in so far as the emoluments of a Contractor-General include a house allowance, the office of the Contractor-General shall be deemed to be a specified office;”.

Insertion of new

paragraph 1A

Insert next after paragraph 1 the following paragraph as paragraph 1A—

“Contribu-
tion to
pension *etc.*

1A. With effect from such date as may be determined by the Minister by order published in the *Gazette* as a contribution towards pension, gratuity or other allowance there shall be deducted each month from the salary of the Contractor-General an amount to be prescribed by the Minister by Order.”.

Paragraph 2

Delete sub-paragraph (5)(a) and substitute therefor the following—

“ (a) payable in the manner provided in section 5(1) of the Pensions (Public Service) Act;”.

Paragraph 4

In the marginal note and the paragraph, delete the word “fifty” and substitute therefor the word “seventy”.

Paragraph 6

1. Delete the number (1).
2. Delete sub-paragraph (2).

Provisions

Amendments

Paragraph 10

Delete sub-paragraph (2)(a) and substitute therefor the following—

- “ (a) payable in the manner provided under section 5(1) of the Pensions (Public Service) Act; and”.

*The Electoral
Commission
(Interim) Act*

Section 10

1. Insert next after subsection (2), the following new subsections—

“ (3) For the purposes of this section “Minister” means the minister responsible for finance.

(4) Regulations made under this section shall be subject to affirmative resolution.”.

*The Electoral
Commission
(Commissioners)
Retiring Benefits
Regulations*

Regulation 2

Insert the following definition in alphabetical sequence—

““Fund” means the Pension Fund established under the *Pensions (Public Service) Act*.”.

Regulation 3

Delete sub-paragraph (7)(a) and substitute therefor the following—

“ (a) payable in the manner provided in section 5(1) of the Pensions (Public Service) Act; or”.

Insertion of new
Regulation 3A

Insert next after regulation 3 the following regulation as Regulation 3A—

3A. With effect from such date as may be determined by the Minister by Order published in the *Gazette* as a contribution towards pension, gratuity or other allowance

“Contribu-
tion to
pension *etc.*

ProvisionsAmendments

there shall be deducted each month, from the salary of every Commissioner, an amount to be prescribed by the Minister by Order.”.

Regulation 5 Delete the word “fifty” and substitute therefor the word “sixty”.

Regulation 7 1. Delete the numeral and brackets (1).
2. Delete sub-paragraph (2).

Regulation 10 1. Delete paragraph (1).
2. Delete sub-paragraph (3)(a) and substitute therefor the following—

“ (a) be payable in the manner provided in section 5(1) of the Pensions (Public Service) Act; and”.

3. Delete sub-paragraph (4).

*The Electoral
Commission
(Director of
Elections)
Retiring Benefits
Regulations*

Regulation 2 Delete and substitute therefor the following—

“2. Interpretation—

“Fund” means the Pension Fund established under under the Pensions (Public Service) Act;

“pensionable emoluments” has the meaning assigned to it in the Pensions (Public Service) Act; and in so far as the emoluments of a Director of Elections include a house allowance, the office of the Director of Elections shall be deemed to be a specified office within the meaning of the Electoral Commission

Provisions

Amendments

(Employees Retiring Benefits)
Regulations, 2011.”.

Regulation 3

1. In paragraph (3)(c), delete the word “sixty” and substitute therefor the word “sixty-five”.

2. Delete sub-paragraph (6)(a) and substitute therefor the following—

“ (a) payable in the manner provided in section 5(1) of the Pensions (Public Service) Act; ”.

Regulation 5

In the marginal note and the regulation, delete the word “fifty-five” and substitute therefor the word “sixty”.

Regulation 7

1. Delete the number and brackets (1).

2. Delete sub-paragraph (2).

Regulation 10

1. Delete the reference in the marginal note to “Family benefits” and substitute therefor the words “Survivors benefits”.

2. Delete paragraph (1).

3. Delete sub-paragraph (3) and substitute therefor the following—

“ (a) payable in the manner provided under section 5(1) of the Pensions (Public Service) Act; and”.

4. Delete sub-paragraph (4) and substitute therefor the following—

“ (4) Pensions payable to a widow pursuant to paragraph (2) shall be without prejudice to any pension to which she may be entitled under Part IX of the Pensions (Public Service) Act”.

*The Employment
(Termination
and Redundancy
Payments) Act*

Section 2

In subsection (1), in the definition of “employee”, delete paragraphs (a) and (b) and substitute the following—

“ (a) any person employed by the Government except a person whose office has been

Provisions

Amendments

abolished and who is no longer employed by the Government;

- (b) any person employed in a Municipal Corporation, City Municipality or Town Municipality except a person whose office has been abolished and who is no longer employed in a Municipal Corporation, City Municipality or Town Municipality.

*The Governor-General
(Expenditure,
Personal Staff,
Tax Exemption
and Pensions)
Act*

Section 12

Insert next after paragraph (b) in the definition of "entitled child" the following new paragraph—

- " (c) a person with a disability within the meaning of the *Disabilities Act* and who has wholly or mainly depended on the Governor-General for support,".

Second Schedule

Paragraph 4

Delete the letters and numeral "(GLS1)" and substitute therefor the following—

"(LMO/TS1)".

Paragraph 5

Delete the letters and numeral "(LMO1)" and substitute therefor the following—

"(LMO/TS1)".

*The Independent
Commission of
Investigations
Act*

Section 36

Amend the section as follows—

- (a) by renumbering the subsection as section 36(1);

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- (b) by deleting the words “the Minister” and substituting therefor the words “Subject to subsection (2), the Minister”;
- (c) by inserting next after subsection (1), the following new subsection—

“ (2) The Minister responsible for finance shall amend Part II of the First Schedule by Order subject to affirmative resolution.”.

First Schedule,
Part I

Paragraph 1

In sub-paragraph (3), delete the word and numeral “paragraph (6)” and substitute therefor the following “sub-paragraph (4)”.

Part II

Paragraph 7

Delete and substitute therefor the following—

“7. Interpretation—

“Fund” means the Pension Fund established under the Pensions (Public Service) Act;

“pensionable emoluments” has the meaning assigned to it in the Pensions (Public Service) Act;

Insertion of new
Paragraph 7A

Insert next after paragraph 7 the following paragraph 7A—

“Contribu-
tion to
pensions,
etc.”

7A. With effect from such date as may be determined by the Minister by Order published in the *Gazette* as a contribution towards pension, gratuity or other allowance there shall be deducted from the salary of the Commissioner an amount to be prescribed by the Minister by Order.”.

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- Paragraph 8 Delete sub-paragraph (6)(a) and substitute therefor the following—
- “ (a) payable in the manner provided under section 5(1) of the Pensions (Public Service) Act; or”.
- Paragraph 14 1. Delete sub-paragraph (1).
2. Delete sub-paragraph (3)(a) and substitute therefor the following—
- “ (a) be payable in the manner provided under section 5(1) of the Pensions (Public Service) Act; and”.
3. Delete sub-paragraph (4).

The Judiciary Act

- Section 5 In subsection (3)(b)(i), delete the number “55” and substitute therefor the number “60”.
- Section 9 Delete subsections (1) and (5).
- Section 12 1. In subsection (1), delete the words “The Minister” and substitute therefor the following, “Subject to subsection (1A), the Minister”.
2. Insert next after subsection (1), the following new subsection—
- “ (1A) The Minister responsible for finance may make regulations relating to pensions for Judges and such regulations shall be subject to affirmative resolution.”.

First Schedule

- “Circumstances” 1. In paragraph 1, delete the number “55” and substitute therefor the number “60”.
2. In paragraph 3, delete the number “65” and substitute therefor the number “70”.
- “Rate of Pension” In paragraph 3, delete the number “55” and substitute therefor the number “60”.

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*The Political
Ombudsman
(Interim) Act*

Section 24

1. Renumber the section as section 24(1).
2. In subsection (1) as renumbered, delete the words “the Political Ombudsman” and substitute the following “Subject to subsection (2), the Political Ombudsman”.
3. Insert next after subsection (1) as re-numbered, the following new subsection—
 - “ (2) The Minister responsible for finance may make regulations in relation to pensions and such Regulations shall be subject to affirmative resolution.”.

First Schedule

Paragraph 1

Delete and substitute therefor the following—

“1. In this Schedule—

“Fund” means the Pension Fund established under the Pensions (Public Service) Act;

“pensionable emoluments” has the meaning assigned to it in the Pensions (Public Service) Act;

Insertion of new
Paragraph 1A

Insert next after paragraph 1 the following paragraph as paragraph 1A—

“Contribution to pensions, etc.

1A. With effect from such date as may be determined by the Minister by Order published in the *Gazette* as a contribution towards pension, gratuity or other allowances provided for in this Schedule there shall be deducted from the salary of the Political Ombudsman each month, an amount to be prescribed by the Minister by Order.”.

Provisions	Amendments
Paragraph 2	Delete sub-paragraph (6)(a) and substitute therefor the following— “ (a) be payable in the manner provided in section 5(1) of the Pensions (Public Service) Act; and”.
Paragraph 4	Delete the word “fifty-five” and substitute therefor the word “seventy”.
Paragraph 9	1. Delete sub-paragraph (1). 2. Delete sub-paragraph (3)(a) and substitute therefor the following— “ (a) payable in the manner provided under section 5(1) of the Pensions (Public Service) Act; and”. 3. Delete sub-paragraph (4).
Paragraph 10	Delete the word “ten” and substitute therefor the word “seven”.
<i>The Public Defender (Interim) Act</i>	
Section 27	1. Renumber the section as section 27(1). 2. In subsection (1) as re-numbered, delete the words “The Public Defender may” and substitute therefor the following, “Subject to subsection (2), the Public Defender may”. 3. Insert next after subsection (1), the following new subsection— “ (2) The Minister responsible for finance may make regulations relating to pension, and such Regulations shall be subject to affirmative resolution.”.
<i>First Schedule</i>	
Paragraph 1	Delete and substitute therefor the following— “1. Interpretation— “Fund” means the Pension Fund established under the Pensions (Public Service) Act;

Provisions

Amendments

Insertion of new
Paragraph 1A

Insert next after paragraph 1 the following paragraph as paragraph 1A—

“Contribu-
tion to
pensions,
etc.”

1A. With effect from such date as may be determined by the Minister by Order published in the *Gazette* as a contribution towards pension, gratuity or other allowance there shall be deducted each month from the salary of the Public Defender, an amount to be prescribed by the Minister by Order.”.

Paragraph 2

1. In sub-paragraph (3)(a)(i), delete the word “sixty-five” and substitute therefor the word “seventy”.
2. Delete sub-paragraph (6)(a) and substitute therefor the—

“ (a) be payable in the manner provided in section 5(1) of the Pensions (Public Service) Act; and”.

Paragraph 4

In the marginal note and paragraph, delete the word “sixty-five” and substitute therefor the word “seventy”.

Paragraph 6

1. Delete the numeral and brackets (1).
2. Delete sub-paragraph (2).

Paragraph 9

1. Delete sub-paragraph (1).
2. Delete sub-paragraph (3)(a) and substitute therefor the following—

“ (a) be payable in the manner provided in section 5(1) of the Pensions (Public Service) Act; and”.

3. Delete sub-paragraph (4).
4. In sub-paragraph (5), delete the word “window” and substitute therefor the word “widow”.

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The Retiring Allowances (Legislative Service) Act

- | | |
|------------|---|
| Section 2 | 1. In the definition of “appropriate Minister” delete the words “public service” wherever they appear and substitute therefor the word “finance”. |
| Section 6 | 1. In subsection (1)(a), delete sub-paragraph (iii).
2. In subsection (2), delete paragraphs (c) and (d). |
| Section 14 | Delete the words “public service” wherever they appear and substitute therefor the word “finance”. |

The Retiring Allowances (Parish Councillors) Act

- | | |
|------------|---|
| Section 2 | 1. In the definition of “appropriate Minister”—
(a) delete the word “appropriate”;
(b) delete the words “public service” and substitute therefor the word “finance”;
2. Delete the definition of “normal retiring allowance”.
3. In the definition of “parish council”, insert immediately after the word “Corporation” the words “and a Municipality”. |
| Section 5 | In subsection (1)(a)(iii) delete the word “eight” and substitute therefor the word “eleven”. |
| Section 6 | Delete the word “normal” where it appears in the marginal note and the section. |
| Section 7 | Delete the word “normal” where it appears in the section. |
| Section 10 | Insert next after subsection (3), the following new subsections—
“ (4) Subsection (3) shall not apply where —
(a) a refund has been made to a person under this section; |

Provisions

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(b) subsequently, the person has served again as a Councillor; and

(c) the person repays to the Accountant-General the amount refunded within twelve months next after the date of commencement of the subsequent service as a Councillor or such longer period as the Minister of Finance may, in any case, allow.

(5) Any amount repaid under subsection (4) shall be paid into the Consolidated Fund.”.

First Schedule

Delete the words “President of the Senate”.

*The Constitution
of Jamaica*

*The Judicial Service
Regulations*

Regulation 14

1. Delete paragraph (1) and substitute therefor the following—

“ (1) Where it appears to the Chief Justice that, pursuant to section 21 of the Pensions (Public Service) Act, a judicial officer who has attained the age of sixty years ought to be called upon to retire from the public service, the Chief Justice shall report the matter together with his reasons therefor to the Commission, and the Commission shall recommend to the Governor-General whether that officer ought to be called upon to retire.”.

2. Delete paragraph (3) and substitute therefor the following—

“ (3) A judicial officer may at any time after he attains the age of sixty years apply to the Governor-General for permission to retire pursuant

Provisions

Amendments

to section 15 of the *Pensions (Public Service) Act*, and shall in his application state the grounds on which it is based.”.

Regulation 16

Delete and substitute therefor the following—

“16. Where the appointment of a judicial officer is terminated under regulation 14 or 15 his service shall terminate on such date as the Commissioner may recommend and the question of his pension shall be dealt with in accordance with the provisions of the *Pensions (Public Service) Act*.”.

*The Constitution
of Jamaica
The Public Service
Regulations*

Regulation 23(1)

Delete and substitute therefor the following—

“ (1) On first appointment to the public service an officer will be required to serve a probationary period of one year unless a shorter term is specified in his letter of appointment.”.

Regulation 24(1)

Delete.

Regulation 24(2)

Delete.

Regulation 24(3)

Delete and substitute therefor the following—

- “ (3) An officer may at any time after he attains—
- (a) the corresponding age during the transition period, pursuant to section 15(a) of the *Pensions (Public Service) Act*; or
 - (b) the age of sixty years, pursuant to section 15 (b) of the *Pensions (Public Service) Act*,

apply to the Governor-General for permission for early retirement, and shall in his application state the grounds on which it is based.”.

Provisions	Amendments
Regulation 25	<p>Insert immediately after paragraph (1)(b) the following proviso:</p> <p style="padding-left: 40px;">“ Provided that, where an appointment is so terminated, the termination shall be dealt with under the <i>Employment (Termination and Redundancy) Payments Act.</i>”.</p>
Regulation 27	<p>Delete and substitute therefor the following—</p> <p>“Pension. 27. Where the appointment of a member is terminated under regulations 24 and 26, his service shall terminate on such date as the Commission may recommend and the question of his pension shall be dealt with in accordance with the provisions of the Pensions (Public Service) Act.”.</p>
Regulation 45	<p>Delete and substitute therefor the following—</p> <p>“Proceedings for disciplinary control of certain weekly and daily paid staff and casual employees. 45. The procedure in regard to the disciplinary control of weekly and daily paid staff and casual employees shall be as specified in the Second Schedule.”.</p>
Second Schedule	
Preliminary	Delete the words “the holders of non-pensionable posts,”.
Paragraph (1)	<p>Delete sub-paragraph (1) and substitute therefor the following—</p> <p>“ (1) The appropriate authorized public officer is hereby authorized to make appointments of persons temporarily or permanently and to employ daily paid and casual employees in accordance with the provisions of this Schedule.”.</p>

Provisions

Amendments

*The Constitution
of Jamaica
The Police Service
Regulations*

Regulation 25

1. Delete paragraph (1) and substitute therefor the following—

“ (1) Where it appears to the Commissioner that pursuant to section 25 of the Pensions (Public Service) Act, a member who has attained the age of fifty five years, ought to be called upon to retire from the Force, the Commissioner shall report the matter together with his reasons thereof for consideration by the Commission, and the Commission shall recommend to the Governor-General whether or not that member ought to be called upon to retire from the Force.”.

2. Delete paragraph (3) and substitute therefor the following—

“ (3) A member may at any time after he attains the age of fifty years and have completed not less than thirty years service apply to the Governor-General for permission to retire pursuant to section 23(1)(c) of the Pensions (Public Service) Act and shall in his application state the grounds on which it is based.”.

Regulation 28

- Insert immediately after paragraph 1 (b) the following proviso—

“ Provided that, where an appointment is so terminated, the termination shall be dealt with under the *Employment (Termination and Redundancy) Payments Act*. ”.

Regulation 29

- Delete and substitute therefor the following—

“Pension. 29. Where the appointment of a member is terminated under regulation 25 or 26 his service shall terminate on such date as the

Provisions

Amendments

Commission may recommend and the question of his pension shall be dealt with in accordance with the provisions of the Pensions (Public Service) Act.”.

Fourth Schedule Insert next after the Third Schedule the following new Schedule as the Fourth Schedule—

FOURTH SCHEDULE (Sections 2, 3, 32, 33,
34, 35 and 41)

List of Entities

PART A

Electoral Office of Jamaica
Institute of Jamaica
Jamaica 4H Clubs
Jamaica Cultural Development Commission
Jamaica Library Service
Jamaica National Heritage Trust
National Library of Jamaica
Social Development Commission
Tax Administration Jamaica
Jamaica Agricultural Society

PART B

Executive Agencies designated under the *Executive Agencies Act*

PART C

Statistical Institute of Jamaica
College of Arts, Science and Technology/University of Technology
Rural Agricultural Development Agency
Water Resources Authority
National Irrigation Commission
Planning Institute of Jamaica

Passed in the House of Representatives this 5th day of April, 2017 with thirty-eight (38) amendments.

PEARNEL CHARLES, CD, MP, JP
Speaker.

Passed in the Senate this 29th day of September, 2017 with sixty-two (62) amendments.

THOMAS TAVARES-FINSON, CD, QC, JP
President.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to give effect to the proposal to reform the arrangements for public sector pension scheme by—

- (a) establishing a defined benefit contributory scheme where all pensionable officers will contribute five percent of salary;
- (b) establishment of a segregated fund for the contributions at a time to be determined by the Minister;
- (c) gradually increasing the retirement age to sixty-five years;
- (d) harmonizing the legislation governing public sector pensions in a single statute and repealing several enactments which previously dealt with pensions.

The Bill also seeks to make consequential amendments to the relevant pension provisions in several pieces of legislation.

AUDLEY SHAW
Minister of Finance and
the Public Service.

A BILL
ENTITLED

AN ACT to Establish a contributory pension scheme for the public service to be known as the Public Service Pension Scheme from which payment of pensions, gratuities and other allowances are to be paid in respect of the service of pensionable officers, and to provide for other related matters.

As passed in the Honourable House of Representatives.

As passed in the Honourable Senate.
