

No. 5 of 2025.

Pensions (Amendment) Act, 2025.

Saint Christopher
and Nevis.



I assent,

MARCELLA ALTHEA LIBURD

Governor-General.

1st May, 2025.

SAINT CHRISTOPHER AND NEVIS

No. 5 of 2025

AN ACT to amend the Pensions Act, Cap. 22.06.

[Published 2nd May 2025, Extra Ordinary Gazette No. 22 of 2025.]

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short title.

This Act may be cited as the Pensions (Amendment) Act, 2025.

2. Interpretation.

In this Act

“Act” means the Pensions Act, Cap. 22.06.

3. Amendment of section 2.

The Act is amended in section 2 by inserting the following definition in the correct alphabetical order.

“ “Minister” means the Minister of Finance;”.

4. Amendment of section 5.

The Act is amended in section 5 subsection (2), by replacing the expression “the pension, gratuity, or other allowance” with the expression “the pension, gratuity, other allowance or a refund under section 35”.

5. Amendment of Parts III and IV.

The Act is amended by repealing and replacing Parts III and IV, as follows

**“PART III
CONTRIBUTORY PENSION PLAN**

Grants of Pension and Gratuity

24. Interpretation.

In this Part, unless the context otherwise requires,

“contributor” means a person who contributes to the Pensions Fund by virtue of the provisions of this Part;

“contributory service” means service in respect of which a contributor contributes to the Pensions Fund;

“legal personal representative” means the executor or administrator of a deceased person;

“pensionable service” means service which shall be taken into account in computing a pension under this Act;

“pensioner” under this Part includes the following persons

- (a) every officer who joins the public service on or after 18th May 2012 and who shall contribute to the Pensions Fund in accordance with the provisions of this Act;
- (b) Government Auxiliary Employees under the Government Auxiliary Employees Act, Cap. 22.16 (formerly known as non-established workers) who, before 18th May 2012, could not be appointed into the public service and who shall contribute to the Pensions Fund in accordance with the provisions of this Part;
- (c) officers who joined the public service before 18th May 2012 and who elect to retire at the age of sixty-two and who shall contribute to the Pensions Fund in accordance with the provisions of this Act;

“Pensions Fund” means the Pensions Fund established under section 50 of this Act.

25. Regulation of pensions under Part III.

Section 3 shall apply *mutatis mutandis* to a pensioner under this Part, and for the purposes of this Part the expression “First Schedule” shall be replaced with the expression “Third Schedule”.

26. Pensions charged on revenue of State and Pensions Fund.

In addition to the general revenue of the State referred to in section 4, there may be charged on and paid out of the Pensions Fund such sums as may from time to time be granted under Part III of this Act.

27. Entitlement to pension under Part III.

- (1) Subject to section 5, a contributor who has
 - (a) served for fifteen continuous years;
 - (b) contributed to the Pensions Fund for fifteen continuous years; and
 - (c) having satisfied any other requirements relating to the qualifications for the payment of pension under this Act, shall be entitled to a pension under this Part as of right.

(2) In calculating the contributor's pensionable service, any service rendering the contributor eligible for a pension under this Part, shall be counted as pensionable service.

28. Circumstances in which pension may be granted and qualification for gratuity under Part III.

(1) A contributor who has contributed continuously to the Pensions Fund for a period of not less than fifteen years shall be entitled to a pension payment which shall commence when he or she attains the age of sixty-two.

(2) Notwithstanding section 6, a pension under this Part shall be granted at the age of 62.

(3) Notwithstanding section 6 (a), no pension shall be granted under this Part to any officer except he or she shall have served at least fifteen years in the public service.

(4) In calculating the eligibility for pension, any time that an officer is on probation shall not be taken into account.

(5) Section 6 (b), (c), (d), (e) and (f) shall apply *mutatis mutandis* to a pensioner under this Part.

(6) The provisions of section 6 (g) shall apply *mutatis mutandis* to a pensioner under this Part, except no gratuity shall be granted under this Part to an officer who retires for the reason that he or she has married or is about to marry.

(7) A person shall be entitled to payment of a gratuity under this Part who has continuously worked for the Government for a period of at least ten years and resigns from the public service or employment of Government in circumstances specified in the Third Schedule.

(8) An officer who retires after serving for at least ten years shall be eligible to receive their gratuity immediately upon retirement.

(9) The amount of gratuity payable under the provisions of this section shall be prescribed under the Third Schedule.

29. Refund of contributions where service is terminated in the public interest under Part III.

Notwithstanding section 7, where it is necessary to terminate the services of a contributor in the public interest having regard to the following

- (a) the conditions of the public service,
- (b) the necessity for the particular service and all other circumstances of the case,

and where a pension cannot lawfully be paid to the contributor under this Act, the Accountant General shall approve and certify the refund to the contributor of the amount contributed by him or her to the Pensions Fund together with interest thereon.

30. Age of compulsory retirement under Part III.

Notwithstanding section 6, a contributor shall retire from the public service on attaining the age of 62.

31. Maximum pension under Part III.

(1) Notwithstanding section 9, a pension granted to an officer under this Part shall not exceed two-fifths of the highest pensionable emoluments drawn by him or her at any time in the course of his or her service under the Government of the State.

(2) An officer who shall have been granted a pension in respect of other public service shall not at any time draw from the funds of the State an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-fifths of the highest pensionable emoluments drawn by him or her at any time in the course of his or her public service.

(3) Subject to section 31(2), where a contributor is entitled to a deferred pension, any period during which he or she is re-employed shall be counted as separate pensionable service.

32. Sections 10 and 11 do not apply under Part III.

Sections 10 and 11 of the Act do not apply under Part III.

33. Suspension of pension on re-employment under Part III.

(1) Section 12 of the Act does not apply under Part III.

(2) If a pensioner is re-employed in the public service after attaining the age of 62, no pension shall be paid until his or her reemployment in the public service comes to an end.

34. Payment of pensions for infirmity based on medical evidence.

A contributor who has contributed continuously to the Pensions Fund for a period of not less than ten years, and who is not otherwise entitled to a pension

under this Part, who retires from service on satisfactory medical evidence that he or she is incapable, by reason of any infirmity of mind or body, of discharging the duties of his or her office and that such infirmity is likely to be permanent, shall be entitled to payment of pension as from the date he or she ceases to be employed.

35. Refunds.

Where a contributor ceases to be employed in the public service and is not entitled to a gratuity under this Part, an amount equal to the total of his or her contributions to the Pensions Fund, with interest thereon, shall be paid to him or her or where the contributor is deceased to his or her estate or personal representative, as the case may be.

36. Payment of pension or refund where there is no legal personal representative.

Where a person dies in circumstances under which a pension or refund is payable under this Part, then the pension or refund shall be paid to the estate of the deceased or to the deceased's legal representative, and if there is no legal representative, the refund shall be paid to the estate of the deceased or such person as the Accountant General may, after consultation with the Attorney-General, determine.

37. Option to re-instatement in the Pensions Fund in certain circumstances.

(1) Where a contributor ceases to be employed in the public service in the circumstances set out in section 28 then, if within a period of one year after the contributor ceased to be so employed he or she is re-employed in the public service he or she may, within twenty-one days of being so re-employed, elect either

- (a) to repay to the Pensions Fund the amount refunded to him or her, together with interest thereon, calculated from the date of the withdrawal from the Pensions Fund of his or her contributions to the date of repayment into the Pensions Fund;
- (b) to make repayment into the Pensions Fund as provided in paragraph (a) and to pay contributions for the period during which he or she was not employed in the public service, such contributions to be calculated upon the salary at which he or she is re-employed at the rate of 10% per annum or such other rate as may be prevailing at the date of the re-employment; or
- (c) to retain the amount refunded to him or her and contribute to the Pensions Fund as from the date of his or her re-employment.

(2) If a person elects

- (a) only to repay the amount refunded to him or her as provided in subsection (1) (a) the period during which he or she was not employed in the public service shall not be counted as pensionable;
- (b) to reinstate his or her account in the Pensions Fund in accordance with the provisions of subsection (1)(b) his or her service shall not,

for the purpose of calculating his or her pensionable service, be regarded as having been broken by the fact of his or her not having been employed in the public service for the period between his or her ceasing to be employed and his or her re-employment in the public service;

- (c) to retain the amount refunded to him or her and contribute to the Pensions Fund as provided in subsection (1)(c) his or her pensionable service shall commence as from the date when he or she is re-employed.

(3) The Accountant General may allow a person who has elected to reinstate his or her account in the Pensions Fund under subsection (1) to repay the amounts mentioned in paragraphs (a) or (b) of subsection (1), as the case may be, in monthly installments with interest thereon calculated on the outstanding balance from month to month, over such period, not exceeding one year, as the Accountant General may think fit.

(4) The purchase, under this section, of any period or periods of broken service shall not exceed, in any case, a total of one year.

38. Pensions, etc., not to be assignable under Part III.

Section 13 shall apply *mutatis mutandis* to a pensioner under this Part.

39. Pensions etc. in case of bankruptcy under Part III.

Section 14 shall apply *mutatis mutandis* to a pensioner under this Part.

40. Pensions etc. in case of conviction under Part III.

Section 15 shall apply *mutatis mutandis* to a pensioner under this Part.

41. Pensions etc. in case of accepting certain appointments under Part III.

Section 16 shall apply *mutatis mutandis* to a pensioner under this Part.

42. Gratuity where officer dies in the service or after retirement under Part III.

Section 17 shall apply *mutatis mutandis* to a pensioner under this Part.

43. Pensions to dependants in case of death as a result of injuries or disease under Part III.

Section 18 shall apply *mutatis mutandis* to a pensioner under this Part.

44. Pensions of *Gazetted* Police Officers under Part III.

Section 19 shall apply *mutatis mutandis* to a pensioner under this Part.

45. Application of Part III.

- (1) Notwithstanding the provisions of section 20(1), this Part shall apply to
 - (a) every officer who joins the public service on or after 18th May 2012 and who shall contribute to the Pensions Fund in accordance with the provisions of this Act;

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- (b) Government Auxiliary Employees under the Government Auxiliary Employees Act, Cap. 22.16 (formerly known as non-established workers) who, before 18th May 2012, could not be appointed into the public service and who shall contribute to the Pensions Fund in accordance with the provisions of this Part;
- (c) officers who joined the public service before 18th May 2012 and who elect to retire at the age of sixty-two and who shall contribute to the Pensions Fund in accordance with the provisions of this Act.

(2) Section 20(2) of the Act shall apply to a pensioner under this Part.

(3) An officer referred to under subsection (1)(c) shall elect to remain in the employment of the State in the form set out in the Fourth Schedule and addressed to the Chief Personnel Officer.

46. Applicability of pensions law under Part III.

(1) Section 21 shall not apply to a pensioner under this Part.

(2) The law applicable to the grant and payment to any officer or personal representative of any pension, gratuity or other like allowance in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

47. Exercise of powers of Governor-General under Part III.

Section 22 shall apply *mutatis mutandis* to a pensioner under this Part.

48. Grant and withholding of pensions under Part III.

Section 23 shall apply *mutatis mutandis* to a pensioner under this Part.

49. Proof that pensioner is alive.

(1) The Accountant General shall require such proof, as he or she may think desirable, that any person claiming to be entitled to a pension, or on behalf of whom such claim is made, is alive and entitled to a pension, and the payment of the pension shall be refused until such proof is furnished to the Accountant General.

(2) The notification that is required to be made by virtue of the provisions of subsection (1) shall be proved by the production of a proof of life certificate or by affidavit or otherwise to the satisfaction of the Accountant General.

Pensions Fund

50. Pensions Fund.

(1) There is established a Fund to be known as the Pensions Fund, into which shall be paid

- (a) all contributions;
- (b) all interest, investments or other income derived from the assets of the Pensions Fund;

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- (c) all sums properly accruing to the Pensions Fund under this Act;
 - (d) such other sums as may be provided from the Consolidated Fund for the purposes of the Act.
- (2) There shall be paid out of the Pensions Fund
- (a) refunds of contributions; and
 - (b) all expenses properly incurred in the implementation of the provisions of this Part.
- (3) Subject to the provisions of this Part, the administration of the Pensions Fund shall be the responsibility of the Accountant General.
- (4) The Accountant General shall keep proper records showing the amount of contributions to the Fund by or on behalf of each contributor and all other payments into or out of the Pensions Fund.
- (5) The funds paid into the Pensions Fund shall be invested in accordance with the guidelines set out in the Second Schedule to this Act, and the income derived from such investments shall be paid into the Pensions Fund.
- (6) If, at any time, the Pensions Fund is insufficient to meet the payments chargeable against it the deficiency shall be made up out of the Consolidated Fund.
- (7) The financial year of the Pensions Fund shall be from the 1st day of January to the 31st day of December.
- (8) The accounts of the Pensions Fund shall be submitted to the Director of Audit for audit not later than 30th June next following the end of the financial year.
- (9) The accounts of the Pensions Fund shall be audited by the Director of Audit, and he or she shall make an annual report in respect of the preceding financial year to the Minister who shall lay the report before the National Assembly.
- (10) The Minister shall, within one year from the date the Pensions Fund becomes operational, cause an actuary to be appointed to review the operation of the Pensions Fund, and thereafter, an actuary shall be appointed to conduct a review every third year.
- (11) An actuary appointed to make a review pursuant to the provisions of subsection (10) shall make a report on the adequacy of the Pensions Fund to the Minister who shall then lay the report before the National Assembly.
- (12) Except where otherwise specifically provided by this Act, interest payable under this Act shall be at a rate to be determined by the Accountant General compounded annually on the 31st day of December.

51. Management of the Fund.

- (1) Subject to the provisions of subsection (2), the day-to-day management of the Pensions Fund is vested in the Accountant General.

(2) The Accountant General shall be responsible for effecting payments required to be made out of the Pensions Fund pursuant to the provisions of sections 26 and 50(2) of this Act.

(3) The Accountant General shall be responsible for investing the funds of the Pensions Fund in accordance with the provisions of section 50(5).

52. Report to be laid before the National Assembly.

(1) The Accountant General shall make a report annually to the Minister containing such information as the Minister may require.

(2) The annual report of the Accountant General shall be laid by the Minister before the National Assembly.

Contributions

53. Contributions to be deducted from salary.

(1) Deductions shall be made from the salary or wage of every contributor to the Pensions Fund of 3% of his or her pensionable emoluments and the amount so deducted shall be deposited in the Pensions Fund to the credit of the contributor.

(2) Deductions shall be made in relation to the full salary or wage payable at the time the deduction is made.

54. Cessation of contributions.

Subject to the provisions of this Part, every contributor shall cease to contribute to the Pensions Fund on the day on which he or she ceases to be employed in the public service.

55. Contributions during leave of absence.

(1) No deductions shall be made from the salary or wages of an officer on leave without pay.

(2) Where a contributor is granted leave of absence with salary for educational purposes from the Government, the leave shall be deemed, for the purposes of this Act, to be educational leave of absence with pay, and he or she shall contribute to the Pensions Fund an amount equal to 3% of his or her adjusted salary.

(3) If the contributor does not resume his or her service at the end of the leave, the period during which he or she was absent on leave shall not be counted as pensionable service.

(4) If the contributor resumes his or her service at the end of the leave of absence, that leave would be counted as a part of the fully pensionable period once the contributor continues to work for an equal period as the leave of absence.

Pensionable Service and Computation of pensions**56. Rate of pension.**

Subject to sections 57 and 58, any contributor who has been in the service of the Government for a period of fifteen years or upwards and who retires in accordance with this Part shall be paid a pension at a rate to be prescribed on such terms as are set out in the Third Schedule.

57. Service qualifying for pension.

Subject to the provisions of section 28, service qualifying for pension under this Part shall be the period during which a contributor was employed in the public service.

58. Period which shall be taken into account as pensionable service.

For the purpose of computing the amount of a contributor's pension the following periods during which the contributor has paid his or her full contributions shall be taken into account as pensionable service, that is to say,

- (a) any period during which the contributor has been on duty;
- (b) any period during which the contributor has been absent from duty on leave with full or half salary; and
- (c) subject to the provisions of sections 56 any period during which the contributor has been absent from duty on leave without salary.

59. Retirement by reason of abolition of office.

Where a contributor is compelled to retire from the public service in consequence of the abolition of the contributor's office, the contributor shall be paid a pension at the rate specified in the Third Schedule, but in the case of a contributor who does not qualify for a pension under that section he or she shall be entitled to be refunded the amount of his or her own contributions and interest on the contributions.

PART IV**APPLICATION OF ACT TO GOVERNMENT AGENCIES****60. Interpretation Part IV.**

In this Part, "government agency" means a Statutory Body pursuant to the provisions of the Finance Administration Act, Cap. 20.13.

61. Public officer seconded to Government Agency.

(1) Subject to the provisions of subsection (2), the Public Service Commission may second specified public officers employed by the government to the service of any government agency at a remuneration and on terms and conditions of service that are not less favourable than the remuneration and terms and conditions of service that were enjoyed by the public officer immediately before the secondment.

(2) The rights of a public officer referred to in subsection (1) to a pension, allowance or gratuity for which the officer would have been eligible had he or she remained in the public service are preserved, and his or her service with the government agency shall be pensionable under the Pensions Act as if the public officer had not been so seconded.”.

6. Amendment of Part V.

The Act is amended by repealing and replacing Part V as follows

“Part V Miscellaneous

62. Regulations.

The Minister may generally make regulations to give effect to the provisions of this Act.

63. Transitional provisions.

(1) Where, at the coming into force of the provisions of Parts III and IV, any rights, benefits or privileges have accrued or been earned, or any payments made under Part II, such rights, benefits, privileges or payments, as the case may be, shall continue as if this Act had not come into force.

(2) Nothing in this Act shall be construed so as to affect adversely anything done, or the calculation of any amount payable to,

- (a) any person in receipt of or eligible for a pension, in accordance with the provisions of Part II; or
- (b) any person in respect of the period of pensionable service in which he or she was engaged prior to the coming into force of the provisions of Parts III and IV of this Act.

(3) Subject to the provisions of this Act, where, after the coming into force of the provisions of Parts III and IV of this Act, a contributor retires or otherwise ceases to be employed

- (a) having pensionable service prior to that day as well as service entitling him or her to a pension under this Act; or
- (b) having pensionable service prior to that day and has contributed to the Fund for less than ten years after the coming into force of the provisions of Parts III and IV of this Act;

the whole of his or her service before and after the coming into force of the provisions of Parts III and IV of this Act shall be taken into consideration in the computation of his or her pensionable service.

(4) The provisions of Parts III and IV shall not apply to an officer who

- (a) has reached the age of retirement under the provisions of Part II; and
- (b) does not have a letter of continuance from the Governor-General, by the date of commencement of Parts III and IV.

7. Repeal and Replace Second Schedule.

The Second Schedule is repealed and replaced as follows

“SECOND SCHEDULE

(Section 50(5))

INVESTMENT OF MONEYS OF THE FUND

1. The money in the Fund which is not immediately required for any purpose may be invested by the Accountant General in certificates of deposit or related obligations in domestic financial entities, on terms not less favourable than those provided to institutional investors in Saint Christopher and Nevis, according to sound principles of diversification.

2. The money in the Fund shall not be invested by the Accountant General in property, securities or offshore ventures until the Fund is adequately capitalized, based on actuarial advice.”.

8. Repeal and Replace Third Schedule and insert the Fourth Schedule.

The Act is amended by repealing and replacing the Third Schedule and inserting the Fourth Schedule as follows

“THIRD SCHEDULE

(Section 56)

Rates of Pension

1. Interpretation.

In this Schedule

“pensionable service” means service which may be taken into account in computing pension under this Schedule.

PART I GENERAL

2. General rules as to qualifying service and pensionable service.

(1) Subject to the provisions of this Schedule, 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 or her leaving the public service, without deduction of any period during which he or she has been absent on leave with pay.

(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.

3. Continuity of service.

Except as otherwise provided in this Schedule, only continuous service shall be taken into account as qualifying service or as pensionable service and any break in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation resulting in absence

- (a) for a period of less than one year shall be counted as continuous service, if he or she resumes employment for at least a period of one year;
- (b) for a period of more than one year shall be disregarded for the purposes of this paragraph.

4. Leave, without salary.

No period during which an officer shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave is approved study leave without pay.

5. Emoluments to be taken for computation of pensions, etc.

(1) For the purpose of computing the amount of the pension of an officer who is eligible for a pension pursuant to the provisions of this Act, the following conditions shall apply

- (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 or her retirement, the full annual pensionable emoluments enjoyed by him or her 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 or her at the date of his or her retirement in respect of the office then held by him or her shall be taken;
- (c) in other cases, one third of the aggregate pensionable emoluments enjoyed by the officer in respect of his or her service during the three years of his or her service immediately preceding the date of his or her retirement shall be taken:

Provided that

- (i) if such one third is less than the highest annual pensionable emoluments enjoyed by him or her 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 or her at the date of his or her retirement,

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if he or she had continued to hold any office from which he or she 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 or her, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under sub-regulation (1) the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he or she shall be deemed

- (a) to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his or her retirement; and
- (b) to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him or her as if such increase had been payable throughout such period of three years.

(3) For the purpose of computing the amount of pension or gratuity of an officer who has had a period of less than three years' pensionable service before his or her retirement

- (a) the average annual pensionable emoluments enjoyed by him or her during such period shall be taken;
- (b) he or she shall be deemed to have been on duty on full pensionable emoluments throughout such period; and
- (c) he or she shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him or her as if such increase had been payable throughout such period.

6. Service under age of 18 or on probation or agreement.

Save as otherwise provided in this Schedule, there shall not be taken into account as pensionable service any period of service while the officer was under eighteen years.

7. General rate of pension and gratuity.

(1) Subject to the provisions of the Act and of this Schedule, every officer holding a pensionable office under the Government of Saint Christopher and Nevis, who has been in service under the Government in a civil capacity for fifteen years or more, may be granted on retirement a pension at the annual rate of one twelve-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service.

(2) Subject to the provisions of the Act and of this Schedule, every officer holding a pensionable office under the Government of Saint Christopher and Nevis and who has been in service under the Government in a civil capacity for ten years or more, may be granted, on resignation from the service, a gratuity to be computed at fifteen times one-fourth of the annual rate of one sixth-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service.

(3) Subject to the provisions of the Act and of this Schedule, every officer holding a pensionable office under the Government of Saint Christopher and Nevis and who has been

in service under the Government in a civil capacity for fifteen years or more may be granted, on resignation from the service, in addition to the gratuity provided under paragraph 9 (2), a pension at the annual rate of one twelve-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service.

- (4) The rate of the pension shall be calculated on the basis of the following formula:

$$\frac{\text{number of months of pensionable service}}{1200} \times \text{pensionable emoluments}$$

Key: $\frac{\text{number of months of service}}{1200}$ equals 1% of pension earned for each year of service

“Pensionable emoluments” refers to

- (a) the annual salary of the post if the officer has been in the post for at least 3 years;
 - (b) if the officer was not in the post for at least 3 years then the weighted average of the annual salary/wages for the officer for the last 3 years;
- (5) The rate of the gratuity shall be calculated on the basis of the following formula

$$15 \times \left(\frac{1}{4} \times \text{number of months of qualifying service} \right) \times \text{pensionable emoluments}$$

Key: “Pensionable emoluments” refers to

- (c) the annual salary of the post if the officer has been in the post for at least 3 years;
- (d) if the officer was not in the post for at least 3 years then the weighted average annual salary/wages for the officer for the last 3 years;

“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.

PART II

OFFICERS WITHOUT OTHER PUBLIC SERVICE

8. Application of Part III of the Act.

This Part of this Schedule shall not apply in the case of any transferred officer.

9. Pension to whom and at what rates to be granted.

(1) Subject to the provisions of the Act and of this Schedule, every officer holding a pensionable office under the Government of Saint Christopher and Nevis, who has been in service under the Government in a civil capacity for fifteen years or more, may be granted on retirement a pension at the annual rate of one twelve-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service.

(2) Subject to the provisions of the Act and of this Schedule, every officer holding a pensionable office under the Government of Saint Christopher and Nevis and who has been in service under the Government in a civil capacity for ten years or more, may be granted, on resignation from the service, a gratuity to be computed at fifteen times one-fourth of the annual rate of one sixth-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service.

(3) Subject to the provisions of the Act and of this Schedule, every officer holding a pensionable office under the Government of Saint Christopher and Nevis and who has been in service under the Government in a civil capacity for fifteen years or more may be granted, on resignation from the service, in addition to the gratuity provided under paragraph 9 (2), a pension at the annual rate of one twelve-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service.

PART III SUPPLEMENTARY

10. Officers injured or contracting diseases in the discharge of their duties.

(1) This Schedule shall apply to an officer who, while in the service of the Government, either

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

(2) In this Schedule, 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 or her contracting such a disease as is mentioned in sub-paragraph (1) and to the date on which such disease is contracted.

(3) Where an officer to whom this Schedule applies is holding a pensionable office in which he or she has been confirmed—

- (a) he or she may, if his or her retirement is necessitated or materially accelerated by his or her injury and he or she has been in the public service for less than ten years, be granted, in lieu of any gratuity under paragraph 9 a pension as if the words “for ten years or more” were omitted from the said paragraph 9;
- (b) he or she may be granted on retirement an additional pension, at the annual rate of the proportion of his or her actual pensionable emoluments at the date of his or her injury appropriate to his or her case as shown in Table 1, when his or her capacity to contribute to his or her own support is as shown in the Table:

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) Where an officer to whom this Schedule applies is not holding a pensionable office, or is holding a pensionable office in which he or she has not been confirmed, he or she may be granted on retirement a pension of the same amount as the additional pension which might be granted to him or her under sub-paragraph (3), if his or her office were a pensionable office and he or she had been confirmed therein.

(5) If, for the purpose of assessing the amount of any additional pension or pension to be granted under paragraph (b) of sub-paragraph (3) or under sub-paragraph (4) to any officer to whom this regulation applies, the degree of permanent impairment of his or her capacity to contribute to his or her support is in doubt, he or she may be granted a provisional award to have effect until such time as the degree of permanent impairment can be determined.

(6) If an officer proceeding by a route approved by the Governor-General to or from the State or from one island in the State to another, at the commencement or termination of his or her service in the State, or of a period of leave therefrom is permanently injured as the result of damage to the vessel, aircraft or vehicle in which he or she is travelling, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of any war in which the State may be engaged, such officer shall be deemed, for the purpose of this regulation, to have been injured in the circumstances described in sub-paragraph (1).

(7) An officer who is permanently 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 or her own serious and culpable negligence or misconduct, shall be deemed, for the purposes of this regulation, to have been injured in the circumstances described in sub-paragraph (1): Provided that in such a case the rates of pension prescribed shall be as shown in Table 1.

(8) Neither paragraph (b) of sub-paragraph (3) nor sub-paragraph (4) shall apply in the case of an officer selected for appointment to the service of the State on or after the coming into force of the Act who, in consequence of his or her injury, is entitled to compensation under the Social Security Act, Cap. 22.10.

(9) Neither sub-paragraph (3) nor sub-paragraph (4) shall apply in the case of an officer who in consequence of his or her injury is entitled under the State Superannuation Scheme to benefits corresponding to the benefits granted under those sub-paragraphs.

(10) 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 (b) of sub-paragraph (3) or under sub-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 or she may think fit and may withhold or reduce the additional pension or pension accordingly.

(11) For the purpose of sub-paragraph (10), 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 or her claim and whether or not proceedings are instituted to enforce that claim.

Table 1: Calculations of pension for injured officers

Degree of injury	Rate of pension under 5 (3) (a)	Rate of pension under 7
slightly impaired	five-sixtieths	seven and a half-sixtieths
impaired	ten-sixtieths	fifteen-sixtieths
materially impaired	fifteen-sixtieths	twenty-two and a half-sixtieths
totally destroyed	twenty-sixtieths	thirty-sixtieths

“FOURTH SCHEDULE

(Section 45(3))

Form to elect to continue in civil service**TO BE COMPLETED ON OR BEFORE 30th JUNE, 2025**

I hereby elect to

- (a) be included in the contributory pension plan under Part III,
- (b) contribute 3% of my salary/wages towards the Pensions Fund;
- (c) be eligible to work within the public service until the age of 62; and
- (d) receive my pension at the compulsory retirement age of 62 years old.

.....
 Name of Employee (in block capitals)

.....
 Name of Government Ministry and/or Department

.....
 Signature of Employee and date

.....
 Signature of Witness and date

.....
 Signature of Commissioner of Oaths/Notary/JP
 (In the presence of whom the document was signed
 By all parties) and date

(For Official Use Only)

Signature of receiving officer: Date:

Pensions (Amendment) Act, 2025 – 5.

LANEIN K. BLANCHETTE
Speaker

Passed by the National Assembly this 30th day of April, 2025.

MAURIEL KNIGHT
Deputy Clerk of the National Assembly