



ST. CHRISTOPHER AND NEVIS

CHAPTER 22.05

LEGISLATORS' PENSION ACT

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LEGISLATORS' PENSION ACT

Act 21 of 1971 ... in force 1st May 1972

Amended by: Act 25 of 1975

Act 7 of 1994

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CHAPTER 22.05

LEGISLATORS' PENSION ACT

AN ACT TO PROVIDE PENSIONS, ON A CONTRIBUTORY BASIS, TO PERSONS WHO HAVE SERVED AS MEMBERS OF THE NATIONAL ASSEMBLY, OR IN CERTAIN PARLIAMENTARY OFFICES; TO PROVIDE ALLOWANCES FOR THE WIDOWS AND MINOR CHILDREN OF SUCH PERSONS; AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE FOREGOING PURPOSES.

Short title.

1. This Act may be cited as the Legislators' Pension Act.

Interpretation.

2. In this Act—

“appropriate Minister” means the Minister of Finance but in respect of any matter relating to a payment for the person for the time being holding the office of Minister of Finance, the appropriate Minister shall be the Prime Minister;

“basic allowance” means the emoluments provided in the Estimates of Revenue and Expenditure of Saint Christopher and Nevis and paid to a legislator by virtue of his or her being a member of the legislature or by virtue of his or her being a Minister but exclusive of duty allowance, entertainment allowance or any other allowance whatever;

“contributions” means contributions payable pursuant to section 4;

“contributor” means any legislator, who by virtue of section 3, becomes a contributor under this Act;

“elected member” means an elected member of the National Assembly;

“Executive Council” and “Legislative Council” refer to the bodies which under either of those names were constituted pursuant to provisions in the Leeward Islands Letters Patent, 1956 to 1958; or in the Saint Christopher and Nevis Letters Patent, 1959 or pursuant to provisions in the National Assembly Election Act, Cap. 2.01;

“former legislative service” means service prior to the date of the commencement of this Act but subsequent to the 19th day of January, 1956 as—

(a) a member of the National Assembly; or

(b) a Minister or a member (other than an official member) of the Executive Council or the National Assembly;

“full Parliamentary term” means the period commencing on the date of the first sitting of the National Assembly after a General Election and expiring at the date of the next ensuing dissolution of the National Assembly;

“legislator” means a member of the legislature however called but does not include an official member;

“Minister” when not preceded by the word “appropriate” means a legislator appointed a Minister pursuant to section 13 of the Saint Christopher and Nevis Letters Patent 1959, or pursuant to the Constitution annexed to the Saint Christopher and Nevis Constitution Order, 1967;

“pension” means a pension payable pursuant to section 6;

“section” means a section of this Act.

Contributors.

3. (1) Subject to subsection (2) every person who, at the commencement of this Act is a legislator, and every person who, after the commencement of this Act becomes a legislator, shall, by virtue of being a legislator, become a contributor under this Act.

(2) This section shall not apply to any legislator while he or she holds the office of Prime Minister.

Contributions.

4. Every person who becomes a contributor under this Act shall pay contributions which shall—

- (a) be at the rate of two and one-half per centum of the basic allowance payable to the Contributor;
- (b) be payable in respect of the basic allowance of the Contributor from the commencement of this Act or from any later date on which the person concerned becomes a contributor until he or she ceases to be a legislator;
- (c) accrue daily and be deducted from the allowance of each contributor on the occasion of each payment of such allowance and be paid to the Accountant General.

Circumstances in which pensions shall be paid.

5. (1) Subject to the provisions of this Act, a pension shall be paid to any person who—

- (a) has served as a legislator for periods amounting in the aggregate to not less than eight years;
- (b) has ceased to be a legislator; and
- (c) either—
 - (i) has attained fifty years; or
 - (ii) not having attained fifty years, has produced medical evidence to the satisfaction of the appropriate Minister, that he or she is incapable by reason of infirmity of mind or body of discharging the duties of a legislator and that such infirmity is likely to be permanent.

(2) For the purpose of this section—

- (a) a person does not cease to be a legislator by reason only of the dissolution of the Legislature;
- (b) a person who immediately before the dissolution of the Legislature was a member of the National Assembly shall cease to be a member of that Assembly if he or she is not elected as a member of the Assembly at the general election next following the dissolution, or is not nominated to that Assembly and if he or she so ceases shall be deemed

to have ceased to be a legislator from the date of the dissolution aforesaid.

(3) In determining, for the purposes of this Act, the length of service of any person as a legislator, account shall be taken of former legislative service notwithstanding that contributions in respect of that service are not payable under this Act.

(4) No pension shall be paid under this Act to any person who is in receipt of a pension under the Governor and Governor-General (Emoluments and Pensions) Act, Cap. 22.04 or under the Premier's and Prime Minister's Pension Act, Cap. 22.07 or the Speaker's Pension Act, Cap. 22.11.

(5) Where a person ceases to be a legislator but is not eligible for a pension under this Act because he or she has not attained fifty years, then notwithstanding subsection (1) of this section, the pension for which he or she would have been eligible at the date when he or she ceased to be a legislator had he or she then attained fifty years shall be paid to him or her with effect from the date on which he or she attains fifty years, if at that date he or she is not otherwise disqualified for the payment of a pension under this Act.

(6) No computation of a pension under this Act shall be made after a general election until thirty days (or such longer period not exceeding three months as may be prescribed) has elapsed after the general election.

Rate of pension.

6. (1) Subject to the provisions of section 11 of this Act the pension payable to any person shall—

- (a) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than eight years, be at the annual rate equal to one-third of one year's allowance of that person;
- (b) in the case of a person who has served as a legislator for two consecutive full parliamentary terms extending over a period of not less than nine years or for periods amounting in the aggregate to not less than ten years, be at an annual rate equal to one-half of one year's allowance of that person;
- (c) in the case of a person who has served as a legislator for three full parliamentary terms extending over a period of not less than thirteen and one half years or for periods amounting in the aggregate to not less than fifteen years be at an annual rate equal to three quarters of one year's allowance of that person:

(Amended by Acts 7 of 1994 and 14 of 1997)

Provided that in no case shall the amount of the pension payable to any person under this section be less than two thousand four hundred dollars per annum.

(Proviso Inserted by Act 25 of 1975)

(2) For the purpose of subsection (1), "one year's allowance", in relation to a person, means the highest annual rate of basic allowance payable at any time to such person as a legislator.

(3) The pension payable to any person under this section—

- (a) shall be paid with effect from the date on which that person becomes entitled to the pension pursuant to section 5 and subject to the

provisions of this Act, shall continue to be paid during the lifetime of that person; and

(b) shall be paid monthly in arrears in equal instalments.

(4) Where a person qualifies for pension as a legislator under the Act and has served as a member of the National Assembly and the Nevis Island Assembly, then that person may, at his or her option, receive his or her pension from the Government of Saint Christopher and Nevis or from the Nevis Island Administration, but not from both.

(Inserted by Act 14 of 1997)

Cessation of pension if person in receipt of pension again becomes a legislator.

7. (1) A pension payable under this Act shall, if the person in receipt of that pension again becomes a legislator, cease to be payable during the period in respect of which that person is in receipt of an allowance as a legislator; but where the rate of such pension exceeds the rate of such allowance, that person shall receive pension to the extent of such excess.

(2) At the expiration of the period referred to in subsection (1) during which a person has further service as a legislator, the rate of pension shall be re-calculated in accordance with the provisions of section 6.

(3) A pension re-calculated in accordance with subsection (2) shall be paid at the re-calculated rate with effect from the date of cessation of the period of service as a legislator which gave rise to the re-calculation.

Gratuity.

8. (1) Where a person ceases to be a legislator, he or she shall be paid a gratuity equal to twenty per centum of the total basic allowance received during his or her period of service as a legislator.

(Amended by Acts 25 of 1975 and 7 of 1994)

(2) Where a person dies while he or she is a legislator, any gratuity for which he or she may be eligible under subsection (1) shall be paid to his or her legal personal representative.

Pension to former legislators.

9. (1) In this section—

“former legislator” means a person who not being a legislator at the commencement of this Act has former legislative service in respect of which, were he or she a legislator under this Act, he or she would be eligible for a pension.

(2) A former legislator shall be eligible for a pension although he or she has paid no contribution and the former legislative service of the former legislator shall be deemed to be service as a legislator for the purposes of determining the pension in respect of such former legislative service.

(3) The provisions of subsections (1) and (4) of section 5 and the provisions of section 6 and section 7, apply in respect to a former legislator who is eligible for a retiring allowance under this section.

Pensions to be paid out of Consolidated Fund.

10. Any pension, widow's allowance, gratuity or child's allowance payable under this Act shall be charged on and paid out of the Consolidated Fund.

Special provision for Ministers with not less than ten years service as Minister.

11. Notwithstanding anything contained in the foregoing provisions of this Act the pension payable to a person who has served as a Minister for a period or periods amounting in the aggregate to not less than ten years shall be at the rate of not less than twenty-four thousand dollars per annum.

(Amended by Acts 25 of 1975 and 7 of 1994)

Income Tax deductions.

12. Notwithstanding anything contained in the Income Tax Act, Cap. 20.22 contributions made by a legislator pursuant to section 4 of this Act shall be regarded as allowable deductions under section 15 of the Income Tax Act.

Awards to widows and children and cessation of pensions to widows and children.

13. (1) Subject to the provisions of this Act, where a person who—

- (a) is in receipt of a pension;
- (b) has served as a legislator for periods amounting in the aggregate to not less than eight years; or
- (c) being a legislator and having served as a legislator for periods equal in the aggregate to not less than eight years; dies leaving a widow, but no children, there shall be paid to the widow during her lifetime and until her re-marriage, a widow's allowance at an annual rate of one-half of the pension of the deceased legislator:

Provided that the widow's allowance in the case of the widow of a legislator who was never appointed a Minister shall be at half the rate hereinabove in this subsection specified.

(Amended by Acts 25 of 1975 and 7 of 1994)

(2) A widow's allowance under this section—

- (a) shall be paid monthly in arrears in equal instalments;
- (b) shall, if the widow is in receipt of a pension by virtue of having been herself a contributor under this Act, cease to be payable;
- (c) shall, if the widow is in receipt of salary as a legislator, cease to be payable during the period in respect of which the widow is in receipt of such salary.

(3) Where a legislator dies leaving a widow and children then—

- (a) if the children are those of the widow, the whole of the pension payable under subsection (1) shall be paid to the widow until her death or re-marriage, and in either event the pension shall cease to be payable and thereupon one-half of the amount of such pension shall be payable to the children in equal shares;
- (b) if the children are not those of the widow, one-half of the amount of the pension payable as aforesaid shall be paid to the widow for her life unless she sooner re-marries and the other half shall be payable to the children in equal shares.

(4) The allowances to children shall cease, in the case of males, at eighteen years, and in the case of females, at twenty-one years, or on marriage.

(5) Where a legislator dies within twelve months of his marriage and there is no issue of such marriage, his widow shall not become entitled to a pension under this Act.

Attorney-General's gratuity and pension.

14. (1) Notwithstanding anything contained in the foregoing provisions of this Act, where any public officer serves in the office of Attorney General, upon leaving that office he or she may opt if eligible to receive a gratuity and pension under the Pensions Act, Cap. 22.06 or to receive the gratuity and pension applicable to a legislator in respect of equivalent service as a legislator without any further qualifying conditions.

(Inserted by Act 7 of 1994)

(2) When the Attorney-General opts for pension as a legislator under this Act he or she shall be eligible to receive that pension on attaining the age of fifty years.

(Inserted by Act 14 of 1997)

Pension not assignable.

15. Any pension, widow's allowance, gratuity or child's allowance payable under this Act shall not—

- (a) be assignable or transferable except for the purpose of satisfying a debt due to the Government or an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife, or child being a minor child of the person to whom the pension is payable; or
- (b) be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government or any sum recoverable pursuant to such order of any court as is mentioned in paragraph (a).

Power to make regulations.

16. (1) The Minister of Finance may make regulations—

- (a) prescribing, in the case of payments under this Act, the days on which such payments of allowance shall be made;
- (b) prescribing where a recipient of a payment under this Act is incapable of managing his or her affairs that the payment may be paid to another person on his or her behalf;
- (c) prescribing anything which may be required by this Act to be prescribed including any forms he or she considers necessary for the administration of this Act;
- (d) prescribing the manner in which, and the person by whom, accounts of contributions and awards under this Act shall be kept and recorded; and
- (e) for any other purposes, whether similar to the above or not, deemed necessary to give effect to this Act.

(2) All regulations made under this section shall be laid before the National Assembly at its next meeting.