



ST. CHRISTOPHER AND NEVIS

CHAPTER 25.12

EASTERN CARIBBEAN SUPREME COURT (RATE OF PENSION OF JUDGES) ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

EASTERN CARIBBEAN SUPREME COURT (RATE OF PENSION OF JUDGES) ACT

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(RATE OF PENSION OF JUDGES) ACT**

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CHAPTER 25.12

**EASTERN CARIBBEAN SUPREME COURT
(RATE OF PENSION OF JUDGES) ACT**

AN ACT TO MAKE PROVISION FOR RETIREMENT BENEFITS TO JUDGES OF THE EASTERN CARIBBEAN SUPREME COURT ON RETIREMENT, AND TO THE SURVIVING SPOUSES OF JUDGES DYING WHILE HOLDING OFFICE OR WHILE ENTITLED TO OR IN RECEIPT OF A PENSION.

Short title.

1. This Act may be cited as the Eastern Caribbean Supreme Court (Rate of Pension of Judges) Act.

Interpretation.

2. In this Act—

“Judge” means the Chief Justice, a Justice of Appeal or a Puisne Judge of the High Court, as the case may be.

Rate of pension.

3. (1) As from the date of the commencement of this Act, the pension payable to a Judge upon his or her retirement in pensionable circumstances shall be computed as follows—

- (a) in the case of the Chief Justice, if he or she has had continuous service as a Judge for a period of not less than ten years, at a rate equivalent to his or her full annual pensionable emoluments at the date of his or her retirement, and in any other case, he or she shall receive a pension at a rate equivalent to $\frac{3}{4}$ of his or her full annual pensionable emoluments;
- (b) in the case of a Justice of Appeal, if he or she has had continuous service as a Judge for a period of not less than twelve years, at a rate equivalent to his or her full annual pensionable emoluments at the date of his or her retirement, and in any other case, he or she shall receive a

pension at a rate equivalent to $\frac{3}{4}$ of his or her full annual pensionable emoluments.

- (c) in the case of a Puisne Judge of the High Court, if he or she has had continuous service as a Judge for a period of not less than fifteen years, at a rate equivalent to his or her full annual pensionable emoluments at the date of his or her retirement, and in any other case, he or she shall receive a pension at a rate equivalent to $\frac{3}{4}$ of his or her full annual pensionable emoluments.

(2) Nothing contained in this Act shall operate to prevent a Judge from opting to have his or her pension computed under the provisions of the Pensions Act, Cap. 22.06 *in lieu* of the Provisions of this Act.

Reduced pension.

4. A Judge, upon retirement, may opt to receive *in lieu* of the full pension computed under this Act a reduced pension at a rate equivalent to $\frac{3}{4}$ of the full pension plus a gratuity equal to 15 times $\frac{1}{4}$ of the full pension.

Gratuity on death in office.

5. Where a person dies while holding office as a Judge, there shall be paid to his or her widow or widower a gratuity of an amount equivalent to the gratuity to which the person aforesaid had the right to opt to receive on the assumption that he or she retired at the date of his or her death, or one year's salary whichever is the greater, and if he or she dies without leaving a widow or widower, the sum ascertained as above, shall be paid to his or her legal personal representatives.

Widow's or widower's pension.

6. (1) Where a person dies while holding office as a Judge, or while entitled to or in receipt of a pension under this or any other Act, there shall be paid to his widow or her widower, a pension at a rate equivalent to ($\frac{1}{2}$) the annual pension to which such person was entitled, or was in receipt of, provided that such pension shall cease in the event of the re-marriage of the widow or widower.

(2) The provisions of this section shall apply to all Judges widows or widowers who are surviving at the date of the commencement of this Act, and in addition, each such surviving widow or widower shall be paid forthwith a gratuity equivalent to one year's salary of which the Judge was in receipt at the time of his or her death.

(3) A person who retires in circumstances other than under the provisions of this Act, shall be entitled to have his or her pension computed under the provisions of the Pensions Act.
