

LAW REFORM (PENSIONS) ACT

CHAPTER 23:59

Act
20 of 1997
Amended by
231/2000

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 23:59

LAW REFORM (PENSIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

“subsequently employed” means employed, after a break of service, in a Service or statutory board other than the one in which one was employed immediately before the break of service;

“superannuation benefit” means pension, gratuity or other allowance provided for under a pension law.

(2) The Minister may, by Order, amend the Schedule.

(3) Except where otherwise provided, the provisions of this Act shall be in addition to and not in substitution for or in diminution of the provisions of any other written law.

3. For the purposes of this Act, in determining a person’s period of service, any added years to which he is entitled as a consequence of sums paid to the Consolidated Fund on his behalf upon transfer shall be taken into account.

Calculation of period of service.

4. (1) This section applies to a person who holds, on or after 1st December, 1991, a pensionable office in a Service, other than the Defence Force, who completes five years of unbroken service in that Service and who has been confirmed, where applicable, in an office of a Service, other than the Defence Force.

Preservation of service.

(2) Where a person’s period of service is broken (including a termination of service) for any reason other than suspension, dismissal or removal in consequence of disciplinary proceedings and he does not receive, or is not eligible to receive, superannuation benefits, his period of service shall be preserved.

(3) Notwithstanding any written law, upon the coming into force of this Act, where a person’s period of service in a Service in which he is required to contribute towards his superannuation benefits is broken and that service is preserved under subsection (2), he shall not be eligible for a refund of his contributions towards his superannuation benefits.

(4) Notwithstanding subsection (2), where before the coming into force of this Act, a person’s period of service in a Service in which he is required to contribute towards his

superannuation benefits is broken and he receives a refund of his contributions towards his superannuation benefits, his period of service shall be preserved under subsection (2) on the condition that he repays the sum received by him by way of the refund of those contributions in such manner as may be determined by the Minister.

(5) Subject to sections 5 and 7, a person whose service is preserved under subsection (2) or (4) shall be paid, upon attaining the age of fifty-five years, deferred superannuation benefits calculated on the basis of his pensionable emoluments and preserved service and in accordance with the relevant pension law; provided that if he dies—

- (a) before attaining that age, the death benefit under the relevant pension law shall be paid to his legal personal representative; or
- (b) before repaying in full the amount owed under subsection (4), the amount of the unpaid portion shall be deducted from the death benefit payable under paragraph (a).

Linking of
service.

5. (1) Subject to subsection (2), where a person whose period of service is preserved under section 4 is re-employed, or subsequently employed, in a Service, his preserved service shall count for superannuation benefits together with his period of service in the Service in which he is re-employed or subsequently employed, as the case may be.

(2) Where a person whose period of service is preserved under section 4, is subsequently employed in a Service in which he is required to contribute towards his superannuation benefits, he shall exercise one of the following options:

- (a) to be paid, upon attaining the age of fifty-five years, deferred superannuation benefits calculated on the basis of his preserved service, provided that if he dies before attaining that age, the death benefit under the relevant pension law shall be paid to his legal personal representative; or

(b) to have his preserved service consolidated with his period of service in the Service in which he is subsequently employed on the condition that he pays, subject to subsection (3), arrears of contribution in respect of his preserved service, provided that if he dies before repaying in full those arrears, his preserved service shall count together with his subsequent service and the amount of the unpaid arrears shall be deducted from the death benefit payable to his legal personal representative under the relevant pension law.

(3) A person referred to in section 4(3) or (4) shall not be required to pay arrears of contribution in respect of his preserved service if he exercises the option in subsection (2)(b).

(4) A person referred to in section 4(1) who is in receipt of, or is eligible to receive, superannuation benefits under the relevant pension law and who is re-employed, or subsequently employed, in a Service may opt to have his period of service in that Service counted for superannuation benefits together with his period of service which would have been preserved under section 4(2) had he not received or been eligible to receive superannuation benefits, except that any amount already received by him by way of gratuity shall be deducted from the amount which is required to be paid to him on the basis of the final computation.

(5) Where the period of service of a person is broken for any reason other than suspension, dismissal or removal in consequence of disciplinary proceedings and—

- (a) he had, before the break, been confirmed in a pensionable office;
- (b) his period of service is not preserved under section 4(2);
- (c) he is not a person referred to in subsection (4); and
- (d) he is re-employed or subsequently employed in a pensionable office in a Service,

his period of service before the break shall count for superannuation benefits together with his period of service in the Service in which he is re-employed or subsequently employed, as the case may be, provided that —

- (i) if he is re-employed or subsequently employed in a Service in which he is required to contribute towards his superannuation benefits, he shall be required to pay arrears of contribution in respect of service before the break; and
- (ii) any amount already received by him by way of gratuity shall be deducted from the amount which is required to be paid to him on the basis of the final computation.

(6) Where a person completes at any time in the public service a period of not less than two years of unbroken service in a pensionable office under a pension law —

- (a) without being confirmed therein; or
- (b) in a temporary capacity in accordance with any written law,

such service shall, if it is not broken by reason of suspension, dismissal or removal in consequence of disciplinary proceedings, count for superannuation benefits together with his period of service in a pensionable office in which he has been confirmed.

(7) This section applies to a person who holds, on or after 2nd June, 1989, a pensionable office in a Service.

Cessation of pension.

6. Where a person is re-employed or subsequently employed in a Service, any pension being paid to him under a pension law at the time of his re-employment or subsequent employment shall cease to be payable.

Options for public officer subsequently employed in independent statutory board.

7. Where a person whose period of service is preserved under section 4 is, on or after 27th November, 1992 and within six months of the preservation of his service, subsequently employed in an independent statutory board, he shall exercise

one of the following options:

- (a) to be paid, upon attaining the age of fifty-five years, deferred superannuation benefits calculated on the basis of his preserved service, provided that if he dies before attaining that age, the death benefit under the relevant pension law shall be paid to his legal personal representative; or
- (b) if permitted by the trust deed and rules of the pension fund plan, to have a sum equivalent to the value of his accrued benefits, as determined by an actuary, transferred from the Consolidated Fund and paid on his behalf into the pension fund of the independent statutory board.

8. (1) This section applies to a person who holds, on or after 27th November, 1992, an office in an independent statutory board.

Transfer of superannuation values to Consolidated Fund.

(2) Where a person's period of service is broken for any reason other than suspension, dismissal or removal in consequence of disciplinary proceedings and he is within six months thereof employed in a Service, the trustees of the pension fund plan of the independent statutory board shall, if permitted by the trust deed and rules of the pension fund plan, transfer from the pension fund and pay on his behalf into the Consolidated Fund a sum equivalent to the value of his accrued benefits as determined by an actuary.

9. (1) This section applies to persons who, on or after 2nd June, 1989, serve in a pensionable office under a pension law —

Unconfirmed public officers and persons serving in a temporary capacity.

- (a) without being confirmed therein; or
- (b) in a temporary capacity in accordance with any pension law.

(2) Notwithstanding the provisions of any pension law, where a person to whom this section applies —

- (a) completes at least ten years of unbroken service at any time in a Service and retires upon or after attaining the age of fifty-five years, he is entitled to a pension, gratuity or other allowance computed in accordance with the relevant pension law as though he were an officer;

- (b) completes at least ten years of unbroken service at any time in a Service and retires before attaining the age of fifty-five years on the grounds of ill-health pursuant to a pension law, he is entitled to a pension, gratuity or other allowance computed in accordance with the relevant pension law as though he were an officer; or
- (c) completes at least two years of unbroken service in a Service and dies while in service, the death benefit applicable to an officer under the relevant pension law shall be paid to his legal personal representative.

(3) In calculating the pension, gratuity, other allowance or death benefit payable under subsection (2), no account shall be taken of periods of less than two years of continuous service.

(Section 2).
[231/2000].

SCHEDULE

PENSION LAWS

1. The Defence Act, Ch. 14:01
2. The Police Service Act, Ch. 15:01
3. The Pensions Act, Ch. 23:52
4. The Pensions Extension Act, Ch. 23:53
5. The Municipal Corporations (Pensions) Act, Ch. 25:05
6. The Fire Service Act, Ch. 35:50
7. The Teachers' Pensions Act, Ch. 39:02
8. The Assisted Secondary School Teachers' Pensions Act, Ch. 39:03.
9. The Prison Service Act, Ch. 13:02.

UNOFFICIAL VERSION

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