

**CAYMAN ISLANDS**



Supplement No. 5 published with Gazette No. 22 of 22nd October, 2012.

**PUBLIC SERVICE PENSIONS LAW**

**(2011 REVISION)**

**PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)  
REGULATIONS**

**(2012 REVISION)**

Revised under the authority of the Law Revision Law (1999 Revision)

*Public Service Pensions (Ex-Gratia Pensions) Regulations (2012 Revision)*

The Public Service Pensions (Ex-Gratia Pensions) Regulations 2004 made the 1st day of June, 2004 consolidated with the Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2009 and the Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2011.

Consolidated and revised this 31st day of July, 2012.

*Note (not forming part of the Law): This revision replaces the 2011 Revision which should now be discarded.*

**PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)  
REGULATIONS**

**(2012 Revision)**

**ARRANGEMENT OF REGULATIONS**

1. Citation
2. Eligibility for ex-gratia pensions
3. Application for ex-gratia pension and grant
4. Savings  
Schedule



**PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)  
REGULATIONS**

**(2012 Revision)**

1. These regulations may be cited as the Public Service Pensions (Ex-Gratia Pensions) Regulations (2012 Revision). Citation
2. (1) Any Caymanian (as defined in the Immigration Law (2012 Revision)) who- Eligibility for ex-gratia pensions  
2012 Revision
- (a) is sixty years of age or older; or
  - (b) is not sixty years of age but who has been certified by the Chief Medical Officer as being permanently disabled,
- and who -
- (i) held an office in the Public Service or the Other Public Service for any period of at least four or more years in the aggregate; and
  - (ii) during at least four years (in the aggregate) of his said service, was not entitled to a pension or did not receive a contracted officer's supplement or similar compensation,
- may, in accordance with these regulations, apply for an ex-gratia pension in respect of the period of his said service that is prior to the date when he attained the age of sixty years and in respect of which he was not entitled to a pension and did not receive a contracted officer's supplement or similar compensation.
3. (1) An application for an ex-gratia pension shall be made in the form set out in Part I of the Schedule and shall be submitted to the Managing Director, Public Service Pensions and such application shall be accompanied by- Application for ex-gratia pension and grant
- (a) a letter setting out the applicant's grounds for applying for the grant of an ex-gratia pension;
  - (b) where applicable, a medical certificate signed by the Chief Medical Officer stating that the applicant is permanently disabled;
  - (c) the applicant's original birth certificate or passport and, where applicable, the applicant's status certificate; and
  - (d) either-
    - (i) a letter signed by or on behalf of the Chief Officer of the Portfolio of the Civil Service or the manager of the relevant statutory authority confirming that the applicant, or the person in respect of whose service the application is made,

- has held an office in the service of the Islands for any period of four or more years in the aggregate; or
- (ii) two affidavits in the form prescribed in Part II of the Schedule made by two reputable persons having knowledge of the service of the applicant, or the person in respect of whose service the application is made, confirming that the applicant (or that person) has held an office in the service of the Islands for any period of four or more years in the aggregate.

(2) If the Board is satisfied that the application is one which ought to be granted it shall grant the application.

(3) The Board shall not grant an application for an ex-gratia pension where-

- (a) it is of the opinion that the applicant does not meet the conditions set out in regulation 2; or
- (b) where the applicant has failed to provide the information required under subregulation (1),

and the decision of the Board shall be final.

(4) Where the Board rejects an application it shall give the applicant reasons for that rejection.

(5) Where an application for an ex-gratia pension is granted under subregulation (2), there shall be paid out of the Fund to the applicant an ex-gratia pension of an amount ascertained in accordance with subregulation (6) which shall become payable with effect from the date the applicant -

- (a) becomes sixty years of age;
- (b) is certified by the Chief Medical Officer as being permanently disabled; or
- (c) submits his application to the Managing Director,

whichever is later; and if the amount of an ex-gratia pension is varied pursuant to an amendment of subregulation (6), the varied amount of the ex-gratia pension shall become payable with effect from the date of commencement of the relevant amendment.

(6) Where-

- (a) the office in the service of the Islands in respect of which an ex-gratia pension has been granted was held for a period in the aggregate of four or more years but less than ten years, the ex-

gratia pension shall be the sum of three hundred dollars each month; and

- (b) the office in the service of the Islands in respect of which an ex-gratia pension has been granted was held for a period in the aggregate of ten or more years, the ex-gratia pension shall be calculated as if the applicant had been eligible to participate in the defined benefits part of the Plan for the period of service but shall not be a sum of less than four hundred and fifty dollars each month.

(7) The provisions of the Law relating to the payment of pensions or other benefits under the Law, including the circumstances in which benefits cease to become payable but excluding -

- (a) the provisions of the Law relating to the payment of benefits to spouses and children; and
- (b) the provisions of the Public Service Pensions Regulations (2011 Revision) relating to the payment of a reduced pension plus an immediate lump sum cash payment to a defined benefit participant,

2011 Revision

shall apply (with any necessary modifications) to the payment of ex-gratia pensions under these regulations.

4. (1) Every ex-gratia pension granted under the former Regulations shall continue to be paid by the Board but shall be calculated in accordance with regulation 3(6) of these regulations as amended from time to time.

Savings

(2) Every application for an ex-gratia pension made under the former Regulations and which was not yet dealt with on the date of commencement of the Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2011 or was partly dealt with by the Board on that date, shall be dealt with or continued, as the case may be, in all respects under the former Regulations (other than regulation 4 of the former Regulations).

(3) Every appeal relating to an ex-gratia pension made under the former Regulations and which was not dealt with on the date of commencement of the Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2011 or was partly dealt with on that date, shall be dealt with or continued, as the case may be, in all respects under these regulations


(4) In this regulation -

“former Regulations” means the principal Regulations in force immediately before the date of commencement of the Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2011.

SCHEDULE

regulation 3

PART I

	<p><b>Ex-Gratia Pension</b></p> <p><u>Application Form</u></p>
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In order to complete the application process for ex-gratia pension, we need you to complete this form. When you have checked the form and signed it, **please return it to the Director, Public Service Pensions, along with your Birth Certificate or Passport.** Please **provide us with the original certificate,** which will be returned to you.

Please print clearly on lines below

Name	First Middle Last	Mr./ Mrs./ Miss / Other
Employee number	(if known)	
Sex	Male or Female	
Nationality		
Date of Birth		Day    Month    Year
Date of Hire		Day    Month    Year



*Public Service Pensions (Ex-Gratia Pensions) Regulations (2012 Revision)*

Date of Retirement		Day	Month	Year
Government Authority		Department/ Statutory		
Street Address	House: District: Island: Zip:			
P.O. Box and District:				
Telephone	Work Home			
Marital Status	Single Married Divorced Widowed Separated			
Date of Marriage (if applicable)		Day	Month	Year

Spouse's name	First	
	Middle	
	Last	
	Salutation	

Indicate whether you have ever at any time been the recipient of a pension, contracted officer's supplement or such similar compensation from the Government of the Cayman Islands or from a statutory authority for public service. **Yes or No (Circle One)**. If yes, please provide dates for which payments were received.

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The foregoing information is believed to be a true and correct account.

Signature

Date

**Address of the Director, Public Service Pensions:**

Public Service Pensions Board  
P.O. Box 912  
George Town  
Grand Cayman

<b>For official use only:</b>			
<i>Item</i>	Y	N	Follow-up
Applicant's Birth Certificate/Passport			
Status Certificate			
Cover letter			

Pension Administration		
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Approved: Director, Public Service Pensions Signature  
 \_\_\_\_\_ Date \_\_\_\_\_

**PART II**

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**AFFIDAVIT**  
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I, OF [ADDRESS] do make oath and declare  
 as follows-

1. From [date] until [date], the applicant (insert name) was employed as \_\_\_\_\_ in the \_\_\_\_\_ [name of department /ministry/portfolio] of the Cayman Islands Government or by [name of statutory authority].
2. (Name of applicant) did not receive, during his service with the [Public Service/ Other Public Service], a pension, contracted officer's supplement or such similar compensation from [date] to [date].

\_\_\_\_\_  
 Signature

Sworn before me at this \_\_\_\_\_ day of \_\_\_\_\_ [ YEAR ].

NOTARY PUBLIC/ JUSTICE OF THE PEACE

Publication in consolidated and revised form authorised by the Governor in Cabinet this 18th day of September, 2012.

Kim Bullings  
Clerk of Cabinet

(Price \$ 2.40)