

CAYMAN ISLANDS



Supplement No. 1 published with Extraordinary Gazette
No. 109 dated 15th December, 2011.

**THE PUBLIC SERVICE PENSIONS LAW
(2011 REVISION)**

**THE PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)
(AMENDMENT) REGULATIONS, 2011**

**THE PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)
(AMENDMENT) REGULATIONS, 2011**

ARRANGEMENT OF REGULATIONS

1. Citation
2. Repeal and substitution of regulation 2 of the Public Service Pensions (Ex-Gratia Pensions) Regulations (2011 Revision) - eligibility for ex-gratia pensions
3. Amendment of regulation 3 - application for ex-gratia pension and grant
4. Repeal and substitution of regulation 4 - savings

CAYMAN ISLANDS

**THE PUBLIC SERVICE PENSIONS LAW
(2011 REVISION)**

**THE PUBLIC SERVICE PENSIONS (EX-GRATIA PENSIONS)
(AMENDMENT) REGULATIONS, 2011**

The Governor in Cabinet, in exercise of the powers conferred by section 15 of the Public Service Pensions Law (2011 Revision), makes the following Regulations -

1. These Regulations may be cited as the Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2011. Citation

2. The Public Service Pensions (Ex-Gratia Pensions) Regulations (2011 Revision), in these Regulations referred to as the “principal Regulations”, are amended by repealing regulation 2 and substituting the following regulation - Repeal and substitution of regulation 2 of the Public Service Pensions (Ex-Gratia Pensions) Regulations (2011 Revision) - eligibility for ex-gratia pensions

“Eligibility for ex-gratia pensions” 2. A Caymanian (as defined in the Immigration Law (2011 Revision) who -

- (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.”.

Amendment of regulation
3 - application for ex-
gratia pension and grant

3. The principal Regulations are amended in regulation 3 as follows -

- (a) in subregulation (1), by deleting the words “the Director” and substituting the words “the Managing Director”;
- (b) in subregulation (1)(b), by deleting the words “the Chief Medical Officer of Health” and substituting the words “the Chief Medical Officer”;
- (c) in subregulation (1)(d)(i), by deleting the words “the Permanent Secretary of the Personnel Department of the Government” and substituting the words “the Chief Officer of the Portfolio of the Civil Service”;
- (d) by repealing subregulation (5) and substituting the following subregulation -

“ (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.”; and

- (e) by repealing subregulation (7) and substituting the following subregulation -

“ (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,

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

4. The principal Regulations are amended by repealing regulation 4 and substituting the following regulation -

Repeal and substitution of regulation 4 - savings

“Savings

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.

(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.”.

Made in Cabinet the 13th day of December, 2011.

Kim Bullings

Clerk of the Cabinet.