



ST. CHRISTOPHER AND NEVIS

CHAPTER 22.04

GOVERNOR AND GOVERNOR-GENERAL (EMOLUMENTS AND PENSIONS) ACT

Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

GOVERNOR AND GOVERNOR-GENERAL (EMOLUMENTS AND PENSIONS) ACT

Act 11 of 1968 ... in force 20th April 1968

Amended by: Act 24 of 1975

Act 2 of 1978

Act 11 of 1982

Act 7 of 1994

Act 4 of 2005

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CHAPTER 22.04
GOVERNOR AND GOVERNOR-GENERAL
(EMOLUMENTS AND PENSIONS) ACT

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CHAPTER 22.04
GOVERNOR AND GOVERNOR-GENERAL
(EMOLUMENTS AND PENSIONS) ACT

AN ACT TO MAKE PROVISION FOR THE SALARY AND ALLOWANCES IN RESPECT OF THE OFFICE OF GOVERNOR-GENERAL; TO MAKE PROVISION FOR THE PAYMENT OF PENSIONS TO PERSONS WHO HAVE CEASED TO HOLD THE OFFICE OF GOVERNOR, AND TO PERSONS WHO CEASE TO HOLD THE OFFICE OF GOVERNOR-GENERAL AND FOR THEIR WIDOWS, WIDOWERS AND CHILDREN; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Governor and Governor-General (Emoluments and Pensions) Act.

Interpretation.

2. In this Act, "Acting Governor-General" means any person who performs the functions of Governor-General under section 22 of the Constitution of Saint Christopher and Nevis.

(Substituted by Act 7 of 1994)

PART II

EMOLUMENTS

Emoluments of the Governor-General.

3. (1) The emoluments appertaining to the office of Governor-General shall be as specified in the Schedule to this Act.

(2) Subject to the provisions of subsections (3) and (4) of section 74 of the Constitution, the National Assembly may, from time to time, vary, alter, or amend the Schedule or substitute another Schedule therefor.

(Substituted by Act 7 of 1994)

No emoluments before assumption of functions of office.

4. The Governor-General shall not be entitled to any of the emoluments appertaining to his or her office in respect of any period prior to the day on which he or she assumes the functions of his or her office.

(Amended by Act 7 of 1994)

Emoluments during absence, leave and incapacity.

5. Subject to the provisions of section 22 of the Constitution and of section 4 of this Act, the Governor-General shall—

- (a) in respect of any period during which he or she is absent from Saint Christopher and Nevis for the purpose of performing any of the functions of his or her office, receive the salary and duty allowance appertaining to his or her office;
- (b) in respect of any period during which he or she is absent on leave or is unable to perform the functions of his or her office, receive the salary appertaining to his or her office.

(Substituted by Act 7 of 1994)

Emoluments of Acting Governor-General.

6. (1) Subject to the provisions of subsection (2) of this section, an Acting Governor-General shall, in respect of the period during which he or she discharges the functions of the office of Governor-General, receive emoluments at the rates specified in respect of the office of Governor-General.

(2) Where an Acting Governor-General, in reference to any period during which he or she discharges the functions of the office of Governor-General, receives salary defrayed from the Consolidated Fund in respect of any other office, his or her emoluments under subsection (1) of this section in respect of such period shall be abated to the extent of the salary so received.

(Amended by Act 7 of 1994)

PART III

PENSIONS

Interpretation.

7. In this Part—

“entitled child” means a person who, being a male, has not attained the age of eighteen years or being a female, has neither married nor attained the age of twenty-one years;

“Governor’s pension” means the pension payable under this Act to a person who has ceased to be Governor;

“Governor-General’s pension” means the pension payable under this Act to a person who has ceased to be Governor-General.

(Inserted by Act 7 of 1994)

Governor and Governor-General’s right to pension.

8. Every person who having held the office of Governor or Governor-General on or after the commencement of this Act ceases at any time after the commencement of this Act to be Governor or Governor-General shall be paid a pension under this Act with effect from the date on which he or she ceases to be Governor or Governor-General.

(Amended by Act 7 of 1994)

Rate of Governor's pension.

9. The pension payable to a person who has held the office of Governor shall be at an annual rate of nineteen thousand two hundred dollars.

(Amended by Acts 11 of 1982 and 7 of 1994)

Rate of Governor-General's pension.

10. The pension payable under this Act to a person who has served in the office of Governor-General shall be at a rate equivalent to three quarters of his or her full annual pensionable emoluments but where a person has served in the office of Governor-General for a period of not less than ten years, the pension payable to him or her shall be at a rate equivalent to his or her full annual pensionable emoluments, at the date of his or her ceasing to hold the office of Governor-General.

(Inserted by Act 7 of 1994.)

Gratuity.

11. (1) Where a person ceases to hold the office of Governor-General, he or she shall be paid a gratuity equal to twenty per centum of the total emoluments received during his or her holding of the office of Governor-General.

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

(Inserted by Act 7 of 1994)

Widow's pension.

12. (1) Where a person dies while he is Governor-General or while he is entitled to receive a Governor-General's or Governor's pension—

(a) if he leaves—

(i) a widow but no entitled child; or

(ii) a widow and entitled children by such widow only,

the widow shall, subject to subsection (2), be paid a pension at a rate of one-half of the pension payable;

(b) if he leaves a widow and any entitled child by a previous marriage the widow shall only, subject to subsection (2), be paid a pension at one-half the annual rate specified in paragraph (a) until there is no such entitled child, and thereafter a pension at the full rate so specified.

(2) A widow referred to in subsection (1) shall not be entitled to receive, and shall not be paid, pension under this section in respect of any period after her re-marriage.

(3) For the purposes of this section, a widow shall be entitled to receive pension specified in this section even if her deceased husband did not, during their marriage, hold the office of Governor or Governor-General.

(Amended by Act 4 of 2005)

Children's pension.

13. Where a person dies while he is Governor or Governor-General or while he is entitled to receive a Governor or Governor-General's pension, leaving entitled children, each of such children (except those referred to in sub-paragraph (ii) of

paragraph (a) of subsection (1) of section 12, if a pension is being paid under that section to their mother) shall be paid, until he dies or ceases to be an entitled child, (whichever shall be the earlier) such pension at such rate as the Minister of Finance shall determine; so, however, that the aggregate rate of pension payable to such children shall not exceed—

- (a) subject to paragraph (b) of this section, the annual rate specified in paragraph (a) of subsection (1) of section 12 in respect of a widow;
- (b) if, and so long as, the Governor or Governor-General's widow is entitled to a pension under that section, one-half of the rate so specified.

Source and method of payment of pension.

14. Any pension payable under this Act—

- (a) shall be charged on and paid out of the Consolidated Fund;
- (b) shall be paid monthly in arrears in equal instalments.

Protection of pension.

15. Any pension 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 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) of this section.

Pension, etc., under the Pensions Act.

16. The pensions granted under the provisions of this Act shall be in lieu of and not in addition to any pension or other benefit payable under the provisions of the Pensions Act, Cap. 22.06 from the Consolidated Fund of the State:

Provided however that where any person is entitled to a pension under this Act and would, but for the provisions of this section, have been entitled to a pension or other benefit payable from the Consolidated Fund of the State under the provisions of the Pensions Act, such person may opt to receive such pension or other benefit under the provisions of the Pensions Act, Cap. 22.06 instead of a pension under this Act:

Provided further that the receipt of a pension under this Act shall not be affected by the receipt of a pension or other benefit not payable from the Consolidated Fund of this State.

SCHEDULE

(Section 3)

SALARY AND ALLOWANCES OF THE GOVERNOR-GENERALS

1. Salary \$89,760.00 per annum
2. Duty Allowance \$ 6,720.00 per annum
3. Allowance in lieu of exemption from customs duty \$ 2,400.00 per annum.
(Schedule substituted by Act 7 of 1994)