

BRITISH GUIANA

REGULATIONS

MADE UNDER

THE GUYANA INDEPENDENCE ORDER 1966.

- UNDER SECTION 13 OF THE GUYANA INDEPENDENCE ORDER 1966 AND BY VIRTUE AND IN EXERCISE OF ALL OTHER POWERS ENABLING HIM IN THAT BEHALF,
- THE FOLLOWING REGULATIONS HAVE BEEN MADE BY THE GOVERNOR WITH THE CONCURRENCE OF THE SECRETARY OF STATE —

1. These Regulations may be cited as the Public Officers (Compensation and Retirement Benefits) Regulations, 1966, and shall come into operation on the 26th May, 1966. Citation and commencement.

2. In these Regulations, "the Compensation Scheme" means the General Scheme of retirement benefits for certain pensionable officers which is set out in the Schedule to these Regulations and which was put into force administratively with effect from the 1st April, 1966. Interpretation.
Schedule.

3. The provisions of the Compensation Scheme shall have the force of law in relation to persons holding office in the public service of British Guiana or as a judge of the Supreme Court of British Guiana immediately before the 26th May, 1966, and all sums payable thereunder shall be deemed to be payable by virtue of these Regulations. Compensation Scheme to have force of law.

SCHEDULE**GENERAL SCHEME OF RETIREMENT FOR CERTAIN PENSIONABLE OFFICERS****1. DATE OF INTRODUCTION OF SCHEME**

(i) The scheme shall come into operation on the 26th May, 1966 (hereinafter referred to as "the operative date").

(ii) With effect from the operative date, entitled officers, as defined in paragraph 2, who immediately before the operative date hold office in the public service of British Guiana or as a judge of the Supreme Court of British Guiana, will be entitled to a lump sum compensation which shall be calculated and paid in accordance with the provisions of this Scheme.

2. OFFICERS ENTITLED TO COMPENSATION OR PERMITTED TO RETIRE UNDER THE SCHEME WITH COMPENSATION

(i) Pensionable officers who are designated officers under the Overseas Service (British Guiana) Agreement, 1961 and who were —

(a) selected for appointment; or

(b) admitted to the pensionable establishment; or

(c) transferred to the service of the British Guiana Government from another scheduled service before the operative date,

shall be entitled officers and are referred to as entitled officers for the purposes of this Scheme.

(ii) The following officers will not be entitled officers :—

(a) Officers aged 55 or over provided the Pensions (Consolidation) Ordinance, 1957 applies to them and they were not in the service of the British Guiana Government before December, 1944.

(b) Officers aged 60 or over if the Pensions (Consolidation) Ordinance, 1957 does not apply to them, or they were in the service of the Government of British Guiana before December, 1944.

(c) Judges aged 62 or over.

(d) Officers seconded or temporarily transferred to British Guiana from other public service.

(e) Officers on leave pending retirement on the operative date, other than those who before that date have been called upon to retire to facilitate constitutional change.

(iii) A pensionable officer who does not fall within the definition of entitled officer contained in paragraph 2(i) because he is not designated under the Overseas Service (British Guiana) Agreement, 1961, but was before the operative date a member of Her Majesty's Overseas Civil Service or was selected for appointment by the Secretary of State or whose appointment was approved by the Secretary of State, shall be permitted to retire with compensation in accordance with the provisions of the Scheme if he is able to show to the satisfaction of the appropriate Service Commission that as a consequence of constitutional change his career in the public service of the Government of British Guiana has been adversely affected, or that there are reasonable grounds for believing that it will be so affected.

(iv) Entitled officers who are borne on the establishment of British Guiana who, on the operative date, are seconded for service outside British Guiana or to another agency with British Guiana will be treated in the same way as other entitled officers and compensation will be paid to them in accordance with paragraph 5 of this Scheme. Where an entitled officer was serving on an incremental scale at the time of his secondment and is still so serving, compensation will be calculated on the basis of the point on that scale which he would have reached had he not been so seconded.

(v) An officer who is serving on probation or probationary agreement on the operative date, but who otherwise satisfies the requirements for entitlement set out in sub-paragraph (i) above, shall, subject to the provisions of paragraph 5(viii) and 12(v) below, become entitled to compensation with effect from the date on which he is confirmed in his appointment and his compensation will be

calculated with effect from that date. Service on probation or probationary agreement will be "service" for the purpose of this Scheme.

3. ELIGIBILITY FOR PENSION

(i) The effect of the Scheme on pensions (in view of the provisions of the Pensions Laws in British Guiana and in other territories) is as follows:

(ii) Any entitled officer who (a) elects to retire from the pensionable service under this Scheme (whether he accepts an offer of a contract appointment or not) or (b) retires from the service on medical grounds or (c) is required to retire from the service either in accordance with the provisions of paragraphs 11 and 21 below or to facilitate the reorganisation of the Public Service or on the grounds of public interest or because of the abolition of his office or on grounds of age or in the case of an officer who is permitted to retire in accordance with paragraph 2(iii) above will be eligible to receive such pension from the Government of British Guiana as he has earned by his pensionable service in British Guiana irrespective of whether his length of service in British Guiana is less than ten years and of whether he has attained the minimum retiring age at the date of his retirement;

(iii) Where an entitled officer has other scheduled service, his eligibility for pension in respect of that other service will depend on the pensions law relating to it. An entitled officer who elects to retire before he has completed ten years' total pensionable service (including qualifying service which is not in itself reckonable for the computation of pension) will be eligible only for a gratuity in respect of that part of his scheduled pensionable service which was not served in British Guiana;

(iv) The pension of any entitled officer who is called upon to retire under this Scheme (either for constitutional reasons or to facilitate the localisation of the Public Service or to facilitate the reorganisation of the Public Service or because of the abolition of his office or on grounds of age) before the age of fifty-five (or in the case of an officer whose normal age of retirement is not 55 years, before the normal age of retirement) will be calculated on the basis of the pensionable emoluments which he is drawing at the date on which his leave prior to retirement expires, and the "averaging" provisions of the Pensions (Consolidation) Ordinance, 1957 will not apply to such officers;

(v) The provisions of this paragraph shall apply to an officer who is permitted to retire under paragraph 2(iii).

4. CALCULATION OF COMPENSATION OF ENTITLED OFFICERS

(i) An entitled officer will be eligible for compensation to be calculated and paid as set out below.

(ii) Compensation shall be calculated as a lump sum in accordance with the Tables I(a) or (b), or in the case of a Judge Appendix Table II, which have been drawn up by the Government Actuary in the United Kingdom. These tables take account of length of pensionable service up to ten years. The maximum amount of compensation payable under this Scheme shall be £11,400.

(iii) Compensation shall be calculated by multiplying the officer's annual pensionable emoluments at the date taken for calculation by the factor appropriate to his age and length of service at that date.

(iv) The dates taken for calculation shall be —

- (a) in the case of the initial instalment, the operative date, or, for an officer serving on probation or probationary agreement, the date of confirmation;
- (b) in the case of subsequent instalments each anniversary of the operative date, or, for an officer serving on probation or probationary agreement, each anniversary of the date of his confirmation;
- (c) the date of retirement, when an officer's compensation will be finally fixed;

provided that at each date taken for calculation after the operative date, the point in time in relation to which the calculation is made shall be the point most favourable to the officer between the operative date and that date.

(v) Service (whether under the British Guiana Government or under a Scheduled Government) shall count for compensation to the same extent as it counts in the computation of the officer's retirement benefits in respect of service under a "scheduled Government" as defined in the Pension Laws.

(vi) The pensionable emoluments to be taken for calculation will be the pensionable emoluments which the officer is drawing on the date taken for calculation.

(vii) The compensation due to an entitled officer who remain on the pensionable establishment will not decrease below the figure as assessed on the operative date. The compensation of such an officer will be recalculated each year to take account of changes in age, salary and length of service or promotion, where this will result in an increased assessment, and the officer's entitlement will not thereafter fall below the increased amount. This process will continue after the sixth instalment has been paid and any further compensation will be paid on each anniversary of the date taken for calculation.

(viii) The table shall be interpreted on the basis of completed months of age and service, or on the basis of completed years of service and age at the officer's last birthday before the date for calculation, whichever is more favourable to the officer concerned.

(ix) Every entitled officer who is offered promotion with effect from a date after the operative date will be required, as a condition of the offer of promotion, to undertake to serve the Government of British Guiana for a period of not less than twenty-four months' resident service beginning from the effective date of promotion. The recalculation, on any date subsequent to the operative date of an officer's entitlement to compensation, will also be made on the basis of the pensionable emoluments which the officer is drawing on such subsequent date, except that if the officer breaks his undertaking by retiring without the agreement of the Government before serving for twenty-four months' resident service, his compensation will be calculated on the basis of the annual pensionable emoluments he was drawing immediately before the date of his promotion, or on the basis of the average of his annual pensionable emoluments during the three years before his retirement, whichever is the greater. An entitled officer who accepts promotion, after giving an undertaking to serve for not less than

twenty-four months' resident service, and who might, in order to complete his twenty-four months, have to return to British Guiana for a final tour of less than twelve months, may be required by the Government to serve for a final tour of not more than twelve months.

(x) Each entitled officer will be given a provisional statement of the amount of compensation to which he is entitled on the occasion of its initial calculation and (in the case of officers who continue to serve on pensionable terms) on the occasion of any subsequent recalculation. Where an officer retires from the pensionable service before the final instalment of compensation has been paid to him, he will be given a final statement of his entitlement as soon as possible after his retirement leave has expired and after all details of his age, salary and length of service at the date of his final retirement have been taken into account.

4A. CALCULATION OF COMPENSATION OF AN OFFICER WHO IS PERMITTED TO RETIRE UNDER PARAGRAPH 2(iii)

The compensation of such an officer shall be calculated in the manner set out in paragraph 4, save that the date taken for calculation shall be the date on which the officer is given permission to retire with compensation.

5. METHOD OF PAYMENT

(i) Subject to the provisions of sub-paragraph (v) to (viii) below and to the provisions of paragraphs 11 and 12 of this Scheme, the lump sum compensation calculated in accordance with paragraph 4 above shall be payable over a period of five years from the operative date in six instalments, of which the first shall be paid as soon as possible after the operative date, or in the case of an officer falling under paragraph 2(iii) the date of retirement) and in any case not later than three months after that date. Subsequent instalments shall be paid at intervals of one year from the operative date (or the date of retirement as the case may be).

(ii) These instalments shall be paid to all entitled officers whether they elect to retire from the Public Service or to remain on the pensionable establishment or to retire from the pensionable service and accept an offer to remain in the Public Service on contract terms (see paragraph 8 below).

(iii) Subject to the provisions of paragraph 6 below, the initial instalment of compensation shall be £1,000 or one-sixth of the total compensation payable, whichever is the greater, except that where the total compensation is £1,000 or less it shall be paid in full at once. Subject to the provisions of sub-paragraph (iv) below, one-fifth of the balance of compensation due will be paid as a second instalment, one-fourth as a third instalment and so on.

(iv) If on any anniversary of the operative date, the instalment due does not exceed £400 then, if the total amount of the balance of compensation payable is more than £400, an instalment of £400 shall be paid; if the balance of compensation payable is less than £400 then the balance shall be paid at once. If when any instalment is paid, the balance of compensation after payment of the instalment would be less than £100, it will be paid in full forthwith.

(v) An entitled officer who attains the age of fifty-five or in the case of a Judge 62 or, in the case of officers to whom the Pensions (Consolidation) Ordinance 1957 does not apply or who were in the service of the British Guiana Government before December, 1944, 60 years, shall be paid forthwith the balance of compensation due to him.

(vi) An entitled officer who is required to retire at any time on medical grounds or in the public interest on grounds of age before the age of fifty-five (or if the officers normal age of retirement is not 55, the normal age of retirement) shall be paid forthwith the balance of compensation due to him.

(vii) An entitled officer who is required to retire at any time either to facilitate the reorganisation of the Public Service or because his office is abolished in accordance with the provisions of the Pensions laws shall be paid forthwith the balance of compensation due to him and shall also be given the additional benefits set out in paragraph 12(iii) or (iv) as may be appropriate.

(viii) If any officer serving on probation or probationary agreement (who is otherwise an entitled officer within the meaning of paragraph 2(i) above) is required to retire either to facilitate the reorganisation of the Public Service or because his office is abolished or on medical grounds in accordance with the provisions of the Pensions laws he shall be deemed to have been confirmed in his appointment and the provisions of sub-paragraphs (vi) or (vii) as appropriate of this paragraph shall then apply to him.

6. OFFICERS WHO UNDERTAKE TO CONTINUE TO SERVE ON PENSIONABLE TERMS FOR A MINIMUM FURTHER PERIOD OF TWENTY-FOUR MONTHS OF RESIDENT SERVICE

(i) An entitled officer who gives a written undertaking to continue to serve on pensionable terms for a further minimum period of twenty-four months of resident service shall receive an initial compensation payment of £2,000 if the compensation due to him exceeds £2,000 or the total due to him if his entitlement is less than £2,000. In subsequent years, payments will be one-fifth, one-quarter, etc., of the reassessed balance of compensation, subject to the provisions of paragraph 5(iv).

(ii) An entitled officer who enters into this arrangement and who might, in order to complete this twenty-four months of resident service, only have to return to British Guiana for a final tour of less than twelve months, may be required by the Government to serve for a final tour of not more than twelve months.

(iii) An entitled officer who, having received an initial payment of £2,000, breaks his undertaking to serve on pensionable terms for a further minimum period of twenty-four months of resident service by retiring without the agreement of the Government, shall be liable to lose one-half per cent of the total compensation due to him (as recalculated, if appropriate, in accordance with the provisions of paragraph 4(vii) above) in respect of each month or part of a month by which he has failed to serve, or £200, whichever is the less.

(iv) An entitled officer who enters into this arrangement may proceed in one of the following ways

- (a) If the undertaking is given not later than three months after the operative date, any period of service in British Guiana between the operative date and three months thereafter will count towards his twenty-four months' resident service; and he will be entitled to an initial payment of £2,000 (If before the undertaking is given the officer has already received an initial instalment calculated in accordance with paragraph 5(iii) above the additional sum required to bring his first instalment up to the appropriate figure calculated in accordance with sub-paragraph (i) of this paragraph will be paid to him as soon as possible after he has given the undertaking, and in any case not later than three months thereafter); or
- (b) If the undertaking is given after the expiration of three months from the operative date but before the expiration of twelve months from the operative date, the period of twenty-four months of further resident service, which he undertakes to serve, will start from the day on which the undertaking is given. He will already have received an initial payment of compensation, as though he had given no undertaking (see paragraph 5), but as soon as possible or in any case not later than three months after he has given the undertaking, a further payment will be made to him to bring his initial payment up to the enhanced level set out in sub-paragraph (i) of this paragraph.

7. PAYMENT OF INTEREST

(i) Interest at 5 per cent per annum, based on the previously assessed balance of compensation due, will be paid at the time of the payment of the next instalment. Where in respect of an entitled officer a recalculation of the entitlement to compensation is made on an anniversary of the operative date interest will become payable on the reassessed balance from the date when the recalculation is made.

(ii) Where a recalculation (as defined in paragraph 4(iv)) is made on the occasion of an officer's retirement interest will be paid, at the time the next instalment of compensation is due, calculated as follows:

5 per cent per annum on the balance of compensation due at the previous anniversary of the operative date for the period between the anniversary of the operative date and the date of retirement, plus 5 per cent per annum on the balance of compensation due on recalculation on the date of retirement from the date of retirement to the next anniversary of the operative date.

(iii) For the purpose of calculating interest the first instalment of compensation will be deemed to have been paid on the operative date (or in the case of an officer falling under paragraph 2(iii) on the date of retirement).

8. CONTRACT APPOINTMENTS

(i) An entitled officer who retires under this Scheme may, with the approval of the Service Commission, be re-engaged on contract terms.

(ii) The contract will commence with effect from the first day of the month following the officer's acceptance of the offer of contract employment. The day immediately preceding the effective date for the commencement of the contract will be regarded as the last day of the officer's pensionable service for the purpose of computation of his pension and of final calculation of his compensation entitlement. The compensation entitlement will not be affected by subsequent service on contract.

(iii) Any leave due to the officer on the day on which his contract service starts will not be regarded as pensionable service. It will be carried forward to the end of his contract and will form part of that contract.

(iv) During the period of the contract, the officer will draw, in addition to his salary (without abatement), the pension which he has earned in respect of his pensionable service up to the date of his retirement, and will receive the instalments of compensation to which he is entitled.

9. THE GIVING OF NOTICE BY ENTITLED OFFICERS WHO ELECT TO RETIRE FROM THE SERVICE

Giving of Notice while in British Guiana

(i) An entitled officer may, at any time after the 1st April, 1966, give notice of his intention to retire from the Public Service. An officer will normally be required to give six months' resident service notice of retirement, provided that —

- (a) a shorter period of notice than six months may be accepted by mutual agreement between the officer and the Government; and before 1st May, 1966 notice given will, at the officer's request, be accepted by the Government as expiring on the 25th May, 1966.
- (b) the Government will not insist on the full period of six months' notice, if this would entail the officer's serving a tour of more than thirty-six months or if approval has already been given for the officer to proceed on leave within six months of the date on which he gives notice of his intention to retire;
- (c) if the officer gives notice of his intention to retire within three months of the commencement of his current tour, his period of notice will start on the day following the completion of the first three months of his tour.

(ii) An entitled officer who gives notice of his intention to retire under this Scheme and who proceeds on leave prior to retirement before the expiration of a tour of twenty-four months will be entitled to the full retirement passage and baggage concessions, prescribed by General Orders, which he would have been entitled to if he had completed a tour of twenty-four months.

Giving of Notice while on Vacation Leave

(iii) An entitled officer who is absent from British Guiana on vacation leave may at any time after the 1st April, 1966 give notice of his intention to retire from the service.

(iv) The Government may require the officer concerned to return to British Guiana after the expiration of the leave granted to him for a period of six months' resident service to work out his notice; in which event the Government will pay the full cost of passages for the officer and his family to and from British Guiana and will give the officer full retirement passage and baggage concession on his final journey from British Guiana as if he was returning for and completing a full normal tour of service. The Government will only avail itself of its right to require an officer to return to British Guiana in these circumstances if this is essential in the public interest.

(v) If it is agreed that the officer need not return to British Guiana to work out a period of notice, he will forthwith be granted any balance of leave (including any deferred leave) earned up to the day on which he proceeded on leave; he will be allowed the retirement baggage concessions prescribed in General Orders, to enable him to transport his effects from British Guiana; and his service will be deemed to finish on the expiration of the leave due to him.

(vi) If the officer himself expresses a wish to return to British Guiana to settle up his affairs, he will be permitted to do so, but the cost of his and his family's passages and baggage allowances will only be paid by the Government if he completes on his return a final tour of not less than twelve months.

Giving of Notice by Officers on Secondment to other Administrations outside British Guiana or to other agencies within British Guiana

(vii) Where an entitled officer, who is on secondment to some other Administration or agency, gives notice of his intention to retire from the Public Service, it will be for the Government of British Guiana, in consultation with the other agency concerned, to decide —

- (a) whether the receiving agency is prepared to release him and, if so, after what period of notice; or
 - (b) whether he will be required to complete his period of secondment; or
 - (c) whether he will be required to return to Government service in British Guiana to work out a period of notice after the termination of his secondment
- (viii) (a) No officer will be required to continue to serve (either on secondment or on return to Government service to work out a period of notice of both) for a period of more than twelve months from the date on which he gives notice.
- (b) The Government of British Guiana will not require an officer to return to Government service in British Guiana as indicated

in sub-paragraph (vii) (c) unless this is considered to be essential in the public interest.

- (ix) (a) An officer whose final retirement takes place from the Administration to which he is seconded outside British Guiana will receive full retirement passage and baggage allowances from the territory of that Administration.
- (b) An officer whose final retirement takes place from British Guiana will receive full retirement passage and baggage allowances from British Guiana.

(x) **Withdrawal of Notice**

An entitled officer may request permission to withdraw his notice of retirement, but it will be for the Government to decide whether or not he should be permitted to do so.

10. ARRANGEMENTS ON TRANSFER

(i) If an entitled officer is offered, after the operative date, a transfer to pensionable public service scheduled under the Pensions laws without a break in his service, and if he accepts such a transfer or is transferred to pensionable service under the United Kingdom Governors Pension Acts, he will be liable to return any instalments of compensation paid to him; and it will be for the Government of British Guiana to satisfy itself as to the arrangements made with the officer for this repayment. The amount of the refund will be shared equally between the British Guiana Government and the United Kingdom Government.

(ii) if an entitled officer accepts a transfer (as defined in sub-paragraph (i) above) to a post carrying lower pensionable emoluments than his post in British Guiana, he will be granted compensation either —

- (a) calculated by multiplying the amount by which his annual pensionable emoluments immediately prior to transfer exceed the initial annual pensionable emoluments of his new post by the factor appropriate to his age as set out in the table prepared by the Government Actuary, at Appendix, Table III or
- (b) equal to the compensation which would have been payable to him if he had retired at the date of his transfer;

whichever is the less, and the compensation shall be paid as set out in paragraph 5 above.

11. OFFICERS WHO ARE REQUIRED TO RETIRE TO FACILITATE THE INTRODUCTION OF CONSTITUTIONAL CHANGES

(i) An entitled officer who is required to retire in the circumstances described above will be entitled to the following benefits :

- (a) the compensation due to him will be paid in one lump sum as soon as possible after he has been given notice of his retirement;
- (b) he will receive (before or as soon as possible after his departure on leave prior to retirement) a disturbance grant equal to one-quarter of his annual pensionable emoluments and this grant will

not be liable to income tax either in the United Kingdom or in British Guiana;

- (c) if he has less than six months' earned leave (including any deferred leave) standing to his credit when he leaves British Guiana or at the date on which he has been given notice of his retirement, he will be granted additional leave to bring his period of leave up to a total of six months;
- (d) he will receive full retirement passages and baggage concessions as if he had completed a normal tour;
- (e) his pension will be calculated on the basis of the pensionable emoluments which he is drawing at the date of his retirement; and the "averaging" provisions of the Pensions laws will not apply to him.

(ii) The decision as to whether or not a particular retirement falls within the terms of this paragraph will rest with Her Majesty's Governor, acting in his discretion, (with the Public Service Commission after independence).

12. OFFICERS WHO ARE REQUIRED TO RETIRE TO FACILITATE THE LOCALISATION OF THE PUBLIC SERVICE

(i) The Government may inform the Public Service Commission that, as a general policy, expatriate officers should be required to retire in sufficient numbers whenever suitably qualified local candidates are available for appointment or promotion and sufficient vacancies are not available to accommodate them; or, alternatively, it may inform the Service Commission of the application of this policy to particular cadres from time to time. It will be for the Service Commission concerned to determine whether suitably qualified local candidates are available who cannot be accommodated in existing vacancies and, if so, to select the individual expatriate officers who should be required to retire.

(ii) It will be for the Service Commission to determine, in the light of the public interest, what period of notice should be given to an entitled officer who is required to retire in these circumstances, provided —

- (a) that, unless the officer is on vacation leave, the period of notice shall not be less than six months' resident service, or such shorter period as may be mutually agreed between the officer and the Service Commission;
- (b) that, if an entitled officer is required to retire while absent from British Guiana on vacation leave, the special provisions set out in sub-paragraph (iv) of this paragraph will apply.

(iii) Every entitled officer who (while in British Guiana) is required to retire in these circumstances shall be entitled to the following benefits:

- (a) the balance of any compensation due to him (reassessed as provided in paragraph 4(vii)) will be paid to him in one lump sum not more than one month before his expected date of departure from British Guiana;
- (b) if he has less than six months' earned leave (including any deferred leave) standing to his credit when he leaves British Guiana he will be granted additional leave to bring his period of leave up to a total of six months;

- (c) his pension will be calculated on the basis of the pensionable emoluments which he is drawing at the date of his retirement, and the "averaging" provisions of the Pensions laws will not apply to him;
 - (d) he will be given full retirement passage and baggage facilities as if he had completed a normal tour.
- (iv) If an entitled officer is given notice to retire in these circumstances while on vacation leave, he shall be granted the following benefits:
- (a) the balance of any compensation due to him (reassessed as provided in paragraph 4(vii) above) will be paid to him in one lump sum forthwith;
 - (b) if he has less than six months' leave (including deferred leave) outstanding at the date on which notice is given, additional leave to bring the period of leave due to him on that date up to a total of six months;
 - (c) his pension will be calculated on the basis of the pensionable emoluments which he is drawing at the date of his retirement, and the "averaging" provisions of the Pensions laws will not apply to him;
 - (d) passages at Government expense to and from British Guiana for himself (but not for his family) to enable him to settle up his affairs and subsistence allowance at the rates then current during his stay in British Guiana, for a period up to twenty-one days;
 - (e) full baggage facilities to which he would have been entitled had he retired in normal circumstances to enable him to transport his effects from British Guiana.
- (v) If an officer serving on probation or probationary agreement who is otherwise an entitled officer within the meaning of paragraph 2(i) above is required to retire in these circumstances, he shall be confirmed in his appointment forthwith and shall then be entitled to compensation and other appropriate benefits set out in this paragraph.

13. DEATH OF AN ENTITLED OFFICER

(i) The dependents or the legal personal representatives of an entitled officer who after the operative date dies while still serving or while on leave prior to retirement and before all payments of compensation due to him have been made, shall receive the outstanding balances of compensation due under this Scheme and the death gratuity for which provision is made in the Pensions Laws, provided that the death gratuity shall, where applicable, be calculated by reference to the special table of factors provided for in paragraph 14(i) below and to the additional commutation of pension provided for under paragraph 14 (ii) below.

(ii) Where an entitled officer dies after he has retired, his dependents or legal personal representatives shall receive the outstanding balance of any compensation and any other benefits due to them under the Pensions laws.

14. COMMUTATION OF PENSIONS

(i) Entitled officers retiring under this Scheme and officers retiring under paragraph 2(iii) of the Scheme shall be entitled to commute up to one-quarter of their earned British Guiana pension in accordance with the special table of Commutation Factors which is set out in Appendix, Table IV. In addition, where entitled officers are also entitled to elect to commute part of their pensions earned by service under another Government or Administration which schedules British Guiana in its pension law the British Guiana Government will pay an amount equal to the difference, if any, between the gratuities which would have been payable if the Commutation Factors in Appendix, Table IV had applied and the gratuities actually payable by reference to the commutation factor provided for in the pensions law of the other Government or Administration.

(ii) An entitled officer who remains in the Service on pensionable terms after the operative date shall be entitled, on retirement to commute a further one-sixteenth of his pension earned in respect of his service in British Guiana for each completed year of service after the operative date, in accordance with the special table of Commutation Factors set out in Appendix, Table IV, provided that deferred leave (i.e., vacation leave due to an officer in excess of vacation leave earned in respect of his final tour of service) shall not count as service in respect of which the officer may commute an extra one-sixteenth of his pension.

(iii) Officers who are pensionable under the Overseas Superannuation Scheme are not entitled under the regulations of that scheme to commute any part of their pensions, but may instead receive a smaller pension and a lump sum which is equivalent to up to one quarter of a normal pension multiplied by a factor of ten (10). If the officer so elects the British Guiana Government will add to this lump sum to bring it up to the amount which would have been payable if the officer had not been eligible for a pension and a lump sum, but had been eligible for a pension calculated on a pension constant of one six-hundredth for each month of service and had been able to commute up to one quarter of that pension in accordance with the table referred to in sub-paragraph (ii) above. In order to bring them within the scope of sub-paragraph (ii) above, arrangements will be made to enable such officers to assign to the British Guiana Government the appropriate proportion of their pension in return for the payment by the British Guiana Government of the appropriate lump sum.

15. INCIDENCE OF INCOME TAX

(i) Compensation payments (whether paid in a lump sum or by instalments), disturbance grants and capital sums paid in respect of commutation of pensions, whether paid to the officer, or (in the event of his death) to his dependants or his legal personal representatives, are not liable to income tax either in the United Kingdom or in British Guiana.

(ii) Interest paid on the balance of compensation due to an entitled officer (after the initial payment has been made) may be liable to income tax either in the officer's country of residence or in British Guiana or in both, according to the circumstances of the officer and subject to the provisions of any Double Taxation Agreement where applicable.

16. DISCIPLINARY PROCEEDINGS WHICH MAY AFFECT THE PENSION OR COMPENSATION OF AN ENTITLED OFFICER SERVING AFTER THE OPERATIVE DATE

(i) If any decision of the Service Commission has the effect of withholding, suspending, reducing or otherwise altering to his detriment any pension, compensation or other retiring benefit due to or in respect of an entitled officer, he or his legal personal representatives as the case may be shall have the right to appeal against the decision to an Appeals Board whose decision shall be final. The Appeals Board will be composed of one member selected by the Prime Minister, one member selected by an association representing public officers or a professional body nominated by the entitled officer concerned, and one selected by the two other members jointly to be Chairman of the Board, or, in the event of their disagreement, by the Chief Justice.

(ii) If an entitled officer, who has retired from the pensionable service with compensation and has been engaged on contract terms, terminates his contract or has his contract terminated for any reason, this will not affect the payment of his pension or the payment of any balance of compensation due to him.

17. ARRANGEMENTS REGARDING THE REFUND OF COMPENSATION ON ESTABLISHED APPOINTMENT TO THE UNITED KINGDOM CIVIL SERVICE (INCLUDING THE FOREIGN SERVICE)

(i) An entitled officer who enters the pensionable establishment of the United Kingdom Civil Service through a competition conducted by the Civil Service Commissioners will not be required to refund his compensation if there is a break between the last day of his pensionable service under the British Guiana Government and the first day of his established service in the United Kingdom Civil Service. An officer who takes up an established appointment in the United Kingdom Civil Service without a break in service may be regarded for the purpose of the British Guiana Pensions (Consolidation) Ordinance, 1957 as having been transferred to the United Kingdom Civil Service. Subject to the provisions of paragraph 10 above, he will be required to refund any instalments of compensation he has received and will not be eligible to receive a pension from the British Guiana Government (or any other scheduled Government which he has served) until his final retirement from public service.

(ii) An entitled officer who, having been formerly a pensionable member of the United Kingdom Civil Service, returns to a pensionable appointment in that Service, otherwise than as the result of a competition conducted by the Civil Service Commissioners, within twelve months of the expiration of his retirement leave from British Guiana, shall receive either compensation calculated in accordance with paragraph 10 above, or half the compensation to which he is entitled, whichever is the less, and will be required to refund any instalments of compensation in excess of this amount which he may already have received. The amount of the refund will be shared equally between the British Guiana Government and the United Kingdom Government. The compensation shall be paid as set out in paragraph 5 above.

18. ABOLITION OF OFFICE

(i) An entitled officer shall not be eligible to receive any addition to earned pension or gratuity provided for in the Pensions laws in respect of abolition of office if he receives compensation for loss of career.

(ii) An entitled officer who before he has received his first instalment of compensation gives notice of retirement or is required to retire under this Scheme may at his option on his retirement receive the abolition addition to pension provided for in the pensions law instead of the compensation provided for under this Scheme.

19. EMPLOYMENT DURING RETIREMENT LEAVE

(i) An entitled officer who wishes to take up any paid employment while on leave pending retirement may accept such employment without obtaining the prior sanction of the British Guiana Government or the Secretary of State with the exception that the prior approval of the Government must be obtained if the employment is in British Guiana or is as a director of any company the principal part of whose business is in any way directly concerned with British Guiana.

(ii) An entitled officer who takes up employment in "other Public Service" (not being pensionable public service "scheduled" under the Pensions laws) either during his retirement leave or without a break in service will not be treated as transferring to that service but will be permitted to retire as he had originally intended. Attention is, however, drawn to the provisions of Regulation 20(2) of the Pensions (Consolidation) Ordinance, 1957 which limit the amount of pension which an officer may draw at any time to an amount which when added to the amount of any pension drawn in respect of other public service, is equal to two-thirds of the highest pensionable emoluments enjoyed during public service.

20. GENERAL

Any compensation, gratuity or interest payable under this Scheme to an officer or to his personal representatives or dependants shall be paid when due, in accordance with any requests made from time to time by such officers, his personal representatives or his dependants, as the case may be, in any of the following countries:

- (a) in the United Kingdom;
- (b) in British Guiana;
- (c) in the country from which the officer was recruited or where he intends to reside;
- (d) in the case of payment to the personal representative of an officer or his dependants, in the country in which the personal representatives or the dependants, as the case may be, reside; or
- (e) in such other country as the officer or his personal representative or dependants may, with the concurrence of the British Guiana Government, select. Payment shall be made in the currency of the country in which payment is to be made; and where payment

is to be made in a country other than British Guiana, the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of payment, the amount in sterling of the compensation, gratuity or interest as calculated at the official rate of exchange prevailing on the operative date of the Scheme.

21. Total compensation shall be calculated to the nearest shilling and all payments shall be made to the nearest shilling.

APPENDIX

BRITISH GUIANA

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM
TABLES 1(a) and 1(b) (OFFICERS)

- I. Read off from the table the factors for officer's age at his last birthday and his —
 - (a) completed years of service,
 - (b) completed years of service plus one year.
- II. Subtract I(a) from I(b), divide the difference by twelve and multiply the result by the number of completed months of service, if any, in excess of the completed years of service.
- III. Add I(a) and II.
- IV. Repeat steps to III for the officer's age at his next birthday.
- V. Divide the difference between III and IV by twelve and multiply by the number of completed months of age, if any, since the officer's last birthday.
- VI. If IV is greater than III, add V to III.
If IV is less than III subtract V from III.
VI is the factor required.

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM
TABLES II, III OR IV.

- I. Read off from the Table the factors for the officer's age —
 - (a) at his last birthday;
 - (b) at his next birthday.
- II. Divide the difference between I(a) and I(b) by twelve and multiply by the number of completed months of age since the last birthday.
- III. If I(b) is greater than I(a), add II to I(a).
If I(b) is less than I(a), subtract II from I(a).
III is the factor required.

In calculating factors by interpolation in respect of Tables I to IV the calculations should be rounded off to two decimal points and where this results in a difference of point nought one in either direction such difference should be ignored.

TABLE 1(a)

**British Guiana Compensation Factors—Officers whose
retirement age is 55**

Age of Officer	Factor where length of service is:							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
21	.17							
22	.19	.25						
23	.21	.28	.35					
24	.24	.32	.40	.47				
25	.27	.36	.45	.54	.63			
26	.31	.41	.51	.61	.71	.82		
27	.34	.46	.58	.69	.80	.92	1.04	
28	.39	.52	.65	.78	.91	1.04	1.17	1.30
29	.45	.60	.74	.89	1.04	1.19	1.34	1.49
30	.52	.70	.88	1.05	1.22	1.40	1.58	1.75
31	.62	.82	1.03	1.24	1.44	1.65	1.85	2.06
32	.72	.96	1.20	1.45	1.69	1.93	2.17	2.41
33	.83	1.11	1.38	1.66	1.94	2.22	2.49	2.77
34	.94	1.26	1.57	1.88	2.20	2.51	2.83	3.14
35	1.05	1.40	1.74	2.09	2.44	2.79	3.14	3.49
36	1.14	1.52	1.90	2.28	2.66	3.04	3.42	3.80
37	1.22	1.62	2.02	2.43	2.84	3.24	3.64	4.05
38	1.27	1.70	2.12	2.54	2.97	3.39	3.82	4.24
39	1.31	1.74	2.18	2.62	3.05	3.49	3.92	4.36
40	1.32	1.76	2.20	2.64	3.08	3.52	3.96	4.40
41	1.31	1.75	2.18	2.62	3.06	3.50	3.93	4.37
42	1.28	1.71	2.14	2.56	2.99	3.42	3.84	4.27
43	1.23	1.64	2.06	2.47	2.88	3.29	3.70	4.11
44	1.17	1.56	1.95	2.34	2.73	3.12	3.51	3.90
45	1.10	1.46	1.82	2.19	2.56	2.92	3.28	3.65
46	1.01	1.35	1.68	2.02	2.36	2.70	3.03	3.37
47	.92	1.23	1.54	1.84	2.15	2.46	2.76	3.07
48	.83	1.10	1.38	1.66	1.93	2.21	2.48	2.76
49	.74	.98	1.22	1.47	1.72	1.96	2.20	2.45
50	.64	.85	1.06	1.28	1.49	1.70	1.92	2.13
51	.54	.72	.90	1.07	1.25	1.43	1.61	1.79
52	.43	.57	.71	.85	.99	1.14	1.28	1.42
53	.30	.40	.50	.60	.70	.80	.90	1.00
54	.15	.20	.25	.30	.35	.40	.45	.50
55 or more	nil	nil	nil	nil	nil	nil	nil	nil

Note: The factor corresponding to the officer's age and service in years and completed months should be obtained by interpolation.

TABLE I(b)

**British Guiana Compensation Factors—Officers whose normal
retirement age is 60**

Age of Officer	Factor where length of service is:							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
21	.17							
22	.19	.25						
23	.21	.28	.35					
24	.24	.32	.40	.47				
25	.27	.36	.45	.54	.63			
26	.31	.41	.51	.61	.71	.82		
27	.34	.46	.58	.69	.80	.92	1.04	
28	.39	.52	.65	.78	.91	1.04	1.17	1.30
29	.44	.59	.74	.89	1.04	1.18	1.33	1.48
30	.51	.68	.86	1.03	1.20	1.37	1.54	1.71
31	.60	.80	1.00	1.20	1.40	1.60	1.80	2.00
32	.70	.93	1.16	1.40	1.63	1.86	2.10	2.33
33	.80	1.07	1.34	1.61	1.88	2.14	2.41	2.68
34	.91	1.21	1.52	1.82	2.12	2.42	2.73	3.03
35	1.01	1.35	1.68	2.02	2.36	2.70	3.03	3.37
36	1.11	1.48	1.84	2.21	2.58	2.95	3.32	3.69
37	1.19	1.58	1.98	2.38	2.77	3.17	3.56	3.96
38	1.25	1.66	2.08	2.50	2.91	3.33	3.74	4.16
39	1.29	1.72	2.15	2.58	3.01	3.44	3.87	4.30
40	1.31	1.75	2.19	2.63	3.07	3.50	3.94	4.38
41	1.32	1.76	2.20	2.64	3.08	3.52	3.96	4.40
42	1.30	1.74	2.18	2.61	3.04	3.48	3.92	4.35
43	1.27	1.70	2.12	2.54	2.97	3.39	3.82	4.24
44	1.22	1.63	2.04	2.44	2.85	3.26	3.66	4.07
45	1.16	1.54	1.93	2.32	2.70	3.09	3.47	3.86
46	1.09	1.45	1.81	2.17	2.53	2.90	3.26	3.62
47	1.00	1.34	1.68	2.01	2.34	2.68	3.02	3.35
48	.92	1.22	1.53	1.84	2.14	2.45	2.75	3.06
49	.83	1.10	1.38	1.66	1.93	2.21	2.48	2.76
50	.74	.98	1.23	1.48	1.72	1.97	2.21	2.46
51	.65	.87	1.09	1.31	1.53	1.74	1.96	2.18
52	.58	.77	.96	1.15	1.34	1.54	1.73	1.92
53	.50	.67	.84	1.01	1.18	1.34	1.51	1.68
54	.44	.58	.72	.87	1.02	1.16	1.30	1.45
55	.37	.49	.62	.74	.86	.98	1.11	1.23
56	.31	.41	.51	.61	.71	.82	.92	1.02
57	.24	.32	.40	.49	.57	.65	.73	.81
58	.18	.24	.30	.36	.42	.48	.54	.60
59	.12	.16	.20	.24	.28	.32	.36	.40
60 or more	—	—	—	—	—	—	—	—

Note: The factor corresponding to the officer's age and service in years and completed months should be obtained by interpolation.

TABLE II**British Guiana Compensation Factors****Judges—normal retirement age 62**

Age	Factor	Age	Factor
40	4.35	50	2.87
41	4.39	51	2.61
42	4.40	52	2.36
43	4.34	53	2.12
44	4.21	54	1.89
45	4.04	55	1.67
46	3.85	56	1.45
47	3.64	57	1.23
48	3.40	58	1.02
49	3.14	59	.81
		60	.60
		61	.40

Note: These factors apply where the judge has at least ten years' service. The factor corresponding to the judge's age in completed months should be obtained by interpolation.

TABLE III**British Guiana Compensation for transferred officers****Factor to be applied to reduction on salary on transfer**

Age	Factor	Age	Factor
30 and below	5.00	40	9.00
31	5.08	41	8.92
32	5.22	42	8.78
33	5.51	43	8.49
34	6.08	44	7.92
35	7.00	45	7.00
36	7.92	46	6.08
37	8.49	47	5.51
38	8.78	48	5.22
39	8.92	49	5.08
		50 and over	5.00

Note: The factor corresponding to the officer's age in years and completed months should be obtained by interpolation.

TABLE IV**British Guiana****Commutation of pension under compensation arrangements**

Table showing the lump sum to be paid for the commutation of each £1 p.a. of pension

Age of Officer	Factor	Age of Officer	Factor
25	17.08	40	15.07
26	16.97	41	14.90
27	16.86	42	14.73
28	16.74	43	14.55
29	16.62	44	14.36
30	16.50	45	14.17
31	16.38	46	13.97
32	16.25	47	13.76
33	16.12	48	13.54
34	15.98	49	13.32
35	15.84	50	13.08
36	15.70	51	12.84
37	15.55	52	12.59
38	15.40	53	12.50
39	15.24	54 and over	12.50

Note: The factor corresponding to the officer's age in years and completed months should be obtained by interpolation.

Made this 25th day of May, 1966.

RICHARD E. LUYT,
Governor.