

CAYMAN ISLANDS



**Public Service Pensions Law
(2017 Revision)**

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

(2019 Revision)

Supplement No. 2 published with Legislation Gazette No. 4 of 21st February, 2019.

PUBLISHING DETAILS

The Public Service Pensions (*Ex-Gratia* Pensions) Regulations 2004, consolidated with the —

Public Service Pensions (*Ex-Gratia* Pensions) (Amendment) Regulations, 2009

Public Service Pensions (*Ex-Gratia* Pensions) (Amendment) Regulations, 2011

Public Service Pensions (*Ex-Gratia* Pensions) (Amendment) Regulations, 2018.

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

Originally made —

Regulations, 2004-1st June, 2004

Regulations, 2009-12th May, 2009

Regulations, 2011-13th December, 2011

Regulations, 2018-12th June, 2018.

Consolidated and revised this 1st day of January, 2019.

Note (not forming part of the Law): This revision replaces the 2012 Revision which should now be discarded.



CAYMAN ISLANDS



**Public Service Pensions Law
(2017 Revision)**

**PUBLIC SERVICE PENSIONS (*EX-GRATIA*
PENSIONS) REGULATIONS
(2019 Revision)**

Arrangement of Regulations

Regulation	Page
1. Citation	5
2. Eligibility for <i>ex-gratia</i> pensions.....	5
3. Application for <i>ex-gratia</i> pension and grant	6
4. Savings and transitional provisions	8
SCHEDULE	9
ENDNOTES	15
Table of Legislation History:	15



CAYMAN ISLANDS



**Public Service Pensions Law
(2017 Revision)**

**PUBLIC SERVICE PENSIONS (*EX-GRATIA*
PENSIONS) REGULATIONS
(2019 Revision)**

Citation

1. These regulations may be cited as the *Public Service Pensions (Ex-Gratia Pensions) Regulations (2019 Revision)*.

Eligibility for *ex-gratia* pensions

2. (1) Any Caymanian (as defined in the *Immigration Law (2015 Revision)*) who —
 - (a) is sixty five years of age or older; or
 - (b) is not sixty five 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.

Application for *ex-gratia* pension and grant

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 —
- (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 five 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) Subject to paragraph (5), every *ex-gratia* pension granted under the principal Regulations shall continue to be paid by the Board with the same effect as if the *Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018 [SL# 24 of 2018]* had not come into forceshall apply (with any necessary modifications) to the payment of *ex-gratia* pensions under these regulations.

Savings and transitional provisions


4. (1) Nothing in these Regulations shall adversely affect the rights of any person where those rights were acquired under the principal Regulations or any earlier regulations.
- (2) Subject to paragraph (5), every *ex-gratia* pension granted under the principal Regulations shall continue to be paid by the Board with the same effect as if the *Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018 [SL# 24 of 2018]* had not come into force.
- (3) Every application for an *ex-gratia* pension made under the *Public Service Pensions (Ex Gratia Pensions) Regulation (2012 Revision)*, and which was not yet dealt with on the date of commencement of the *Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018 [SL# 24 of 2018]* 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 *Public Service Pensions (Ex Gratia Pensions) Regulation (2012 Revision)* (other than regulation 4 of the principal Regulations).
- (4) Every appeal relating to an *ex-gratia* pension made under the *Public Service Pensions (Ex Gratia Pensions) Regulation (2012 Revision)* and which was not dealt with on the date of commencement of the *Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018 [SL# 24 of 2018]* or was partly dealt with on that date, shall be dealt with or continued, as the case may be, in all respects under the *Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018 [SL# 24 of 2018]*.
- (5) Where, before the commencement of the *Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018 [SL# 24 of 2018]*, a retired participant who is receiving an *ex-gratia* pension and who was subsequently re-employed in the Public Service or Other Public Service or received a contract renewal at the same salary grade or higher, the Board shall, after notifying the retired participant, suspend the *ex-gratia* pension of the retired participant until the retired participant attains normal retirement age or is terminated, whichever is earlier.
- (6) Where after the date of commencement of the *Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018 [SL# 24 of 2018]* a retired participant returns to employment in the Public Service or Other Public Service that retired participant shall not be entitled to an *ex-gratia* pension until the retired participant attains the normal retirement age or is terminated whichever is earlier.



SCHEDULE

(regulation 3)

PART I

	<p><i>Ex-Gratia Pension</i></p> <p><u>Application Form</u></p>
---	--

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 Salutation	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



Date of Retirement		Day Month Year
Government Department/ Statutory Authority		
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	Mr./ Mrs./ Miss/ Other
	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.

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

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



Pension Administration		
------------------------	--	--

Approved: Director, Public Service Pensions Signature _____

Date _____

PART II

AFFIDAVIT

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 Cabinet this 12th
day of February, 2019.**

Kim Bullings
Clerk of Cabinet



ENDNOTES

Table of Legislation History:

SL #	Law #	Legislation	Commencement	Gazette
24/2018		Public Service Pensions (Ex Gratia Pensions) (Amendment) Regulations, 2018	18-Jun-18	G13/2018/s2
		Public Service Pension (Ex-Gratia Pensions) Regulations (2012 Revision)	22-Oct-12	G22/2012/s5
29/2011		Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2011	15-Dec-11	GE109/2011/s1
		Public Service Pension (Ex-Gratia Pensions) Regulations (2011 Revision)	21-Nov-11	G24/2011/s9
22/2009		Public Service Pensions (Ex-Gratia Pensions) (Amendment) Regulations, 2009	14-May-09	GE33/2009/s2
19/2004		Public Service Pensions (Ex-Gratia Pensions) Regulations 2004 made the 1st day of June, 2004	28-Jun-04	G13/2004/s5



(Price: \$3.20)

[1](#)

