ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER E21

EASTERN CARIBBEAN SUPREME COURT (JUDICIAL OFFICERS PENSIONS) ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 12/2019, in force 7 May 2020

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER E21

EASTERN CARIBBEAN SUPREME COURT (JUDICIAL OFFICERS PENSIONS) ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 12/2019, in force 7 May 2020

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

EASTERN CARIBBEAN SUPREME COURT (JUDICIAL OFFICERS PENSIONS) ACT

TABLE OF CONTENTS

SECTION

PART 1

PRELIMINARY

1. Interpretation
2. Application
3. Act binds the Crown

PART 2

PENSIONS AND GRATUITIES

4. Pensions, etc., to be charged on Consolidated Fund
5. Circumstances in which pension may be granted
6. Retirement
7. Rate of pension
8. Reduced pension
9. Spouse's pension
10. Payment of pension
11. Increases in pension
12. Gratuities where length of service does not qualify for pension
13. Gratuity on death in office
14. Pensions, etc., not to be assignable

PART 3

MISCELLANEOUS

15. Regulations
16. Savings
17. Citation

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

EASTERN CARIBBEAN SUPREME COURT (JUDICIAL OFFICERS PENSIONS) ACT

PART 1

PRELIMINARY

Interpretation

1. In this Act—

"Chief Justice" means the Chief Justice of the Court;

"Commission" means the Judicial and Legal Services Commission;

"Court" means the Eastern Caribbean Supreme Court;

"early retirement age", in relation to a judicial officer, means the early retirement age of that judicial officer as provided for in the Supreme Court Order;

"full pension" means a pension computed under section 7(a)(i), (b)(i), (c)(i) or (d)(i);

"High Court Judge" means a High Court Judge of the Court;

"Judge" means the Chief Justice, a Justice of Appeal or a High Court Judge of the Court;

"judicial officer" means the Chief Justice, a Justice of Appeal, a High Court Judge or a Master of the Court;

"Justice of Appeal" means a Justice of Appeal of the Court;

"Master" means a Master of the Court;

"pensionable emoluments", in respect of service as a judicial officer, means the salary attached to the office of the judicial officer and includes such maximum amount for housing and utilities as may be prescribed;

"prescribed" means prescribed by regulations made under section 15;

"Puisne Judge" means a High Court Judge;

"reduced pension" means a pension payable under section 8;

"retirement age", in relation to a judicial officer, means the mandatory retirement age of that judicial officer as provided for in the Supreme Court Order;

"salary" means the salary attached to the office of a judicial officer as stated in the Supreme Court Order and the Supreme Court (Masters) Order;

"Secretary" means the Secretary to the Commission; and

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

"spouse" means husband or wife.

Application

2. (1) Subject to subsection (2), this Act applies to a judicial officer in respect of whom the Secretary has, pursuant to a direction given by the Chief Justice under section 13(1) of the Supreme Court Order, issued an instrument of assignment for pension purposes which assigns the judicial officer to Anguilla.

(2) A person who was, immediately before 7 May 2020, a judicial officer, may, in writing and within 6 months of that date, opt not to be subject to this Act, but to receive pension, gratuity or any other eligible allowances in accordance with the Eastern Caribbean Supreme Court (Rate of Pension of Judges) Act and the Pensions Act.

Act binds the Crown

3. This Act binds the Crown.

PART 2

PENSIONS AND GRATUITIES

Pensions etc., to be charged on Consolidated Fund

4. There shall be charged on and paid out of the Consolidated Fund of Anguilla all such sums of money as may from time to time be payable by way of pension or gratuity in pursuance of this Act and the Supreme Court Order.

Circumstances in which pension may be granted

5. A pension may be granted under this Act to a judicial officer on his or her retirement from judicial service on or after he or she has served at least 5 continuous years of service as a judicial officer and in one of the following cases—

(a) on attaining the retirement age or, if he retires in accordance with section 6(2), on or after attaining the early retirement age;

(b) on the abolition of his or her office; or

(c) if he or she, or a person appointed by the Court to act on his or her behalf,

(i) applies to the Commission, in writing, for him or her to retire on the grounds that he or she is incapable by reason of any infirmity of mind or body of discharging the duties of his or her office and that the infirmity is likely to be permanent, and

(ii) submits with the application, medical evidence to the satisfaction of the Commission.

Retirement

6. (1) A judicial officer shall retire from office on attaining the retirement age.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) Notwithstanding subsection (1) but subject to subsection (3), a judicial officer may retire from office on or after attaining the early retirement age, if he or she gives to the Commission at least 12 months' notice, in writing, of his or her intention to do so.

(3) The period of notice under subsection (2) shall not include any period of vacation leave—

(a) which the judicial officer earned before the date on which he or she gives notice under subsection (2); or

(b) to which the judicial officer becomes entitled on or after that date.

Rate of pension

7. The pension payable to a judicial officer upon his or her retirement in pensionable circumstances shall be as follows—

(a) in the case of the Chief Justice—

(i) if he or she has had continuous service as a judicial officer for a period of not less than 10 years, the pension shall be equal to the annual pensionable emoluments attached to the office of Chief Justice, or

(ii) if he or she has had continuous service as a judicial officer for a period of less than 10 years but not less than 5 years, the pension shall be computed on a pro-rated basis calculated by dividing the number of years of continuous service by 10 years and multiplying the result by the annual pensionable emoluments attached to the office of Chief Justice;

(b) in the case of a Justice of Appeal—

(i) if he or she has had continuous service as a judicial officer for a period of not less than 12 years, the pension shall be equal to the annual pensionable emoluments attached to the office of Justice of Appeal, or

(ii) if he or she has had continuous service as a judicial officer for a period of less than 12 years but not less than 5 years, the pension shall be computed on a pro-rated basis calculated by dividing the number of years of continuous service by 12 years and multiplying the result by the annual pensionable emoluments attached to the office of Justice of Appeal;

(c) in the case of a High Court Judge—

(i) if he or she has had continuous service as a judicial officer for a period of not less than 15 years, the pension shall be equal to the annual pensionable emoluments attached to the office of High Court Judge, or

(ii) if he or she has had continuous service as a judicial officer for a period of less than 15 years but not less than 5 years, the pension shall be computed on a pro-rated basis calculated by dividing the number of years of continuous service by 15 years and multiplying the result by the annual pensionable emoluments attached to the office of High Court Judge;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(d) in the case of a Master—

(i) if he or she has had continuous service as a Master for a period of not less than 15 years, the pension shall be equal to the annual pensionable emoluments attached to the office of Master, or

(ii) if he or she has had continuous service as a Master for a period of less than 15 years but not less than 5 years, the pension shall be computed on a prorated basis calculated by dividing the number of years of continuous service by 15 years and multiplying the result by the annual pensionable emoluments attached to the office of Master.

Reduced pension

8. A judicial officer may, upon retirement, opt to receive in lieu of a full pension, a reduced pension equal to $^{3}/_{4}$ of the full pension plus a gratuity equal to 15 x ¼ of the full pension.

Spouse's pension

9. Where a person who held office as a judicial officer dies while in receipt of a pension under this Act, there shall be paid to, and during the lifetime of, his or her spouse a pension equal to $^{2}/_{3}$ of the annual pension which would have been payable to that person.

Payment of pension

10. (1) Subject to subsections (2) and (5), a pension payable under section 7 or 8 shall be paid monthly in arrears with effect from the date of retirement in pensionable circumstances and shall, subject to this Act, continue to be paid during the lifetime of the person entitled thereto.

(2) A judicial officer, otherwise qualified for pension under section 7(a)(i), (b)(i), (c)(i) or (d)(i), who resigns from office before attaining the early retirement age or the retirement age, shall—

(a) be entitled to receive a pension under section 7 or a reduced pension and gratuity under section 8 upon attaining the early retirement age or the retirement age, as the case may be; and

(b) at the time of resignation specify whether he or she opts to receive a pension in accordance with section 7 or a reduced pension and gratuity under section 8.

(3) Subject to subsection (4), where a person referred to in subsection (2) dies before attaining the early retirement age or the retirement age, as the case may be, there shall be paid to his or her spouse—

(a) a spouse's pension in accordance with section 9; or

(b) where the person opted under subsection (2)(b) to receive a reduced pension and gratuity under section 8—

(i) a pension equal to $^{2}/_{3}$ of the reduced pension, and

(ii) a gratuity equal to $^{2}/_{3}$ of the gratuity;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

which that person would have been entitled to receive under subsection (2)(a) if he or she had attained the early retirement age or the retirement age, as the case may be.

(4) Where a person referred to in subsection (2) dies before attaining the early retirement age or the retirement age and without leaving a spouse, a gratuity must be paid to his or her estate and the gratuity must be computed in the same manner as if he or she had opted under subsection (2)(b) to receive a reduced pension and gratuity under section 8.

(5) A pension under section 7 or a reduced pension and gratuity under section 8 shall not be paid unless the Chief Justice certifies to the Commission, in writing, that the person entitled to receive it has completed all outstanding judgments and other judicial assignments to the satisfaction of the Chief Justice.

Increases in pension

11. Where the pensionable emoluments attached to the office of a judicial officer are increased, a person who is in receipt of a pension under this Act or any other enactment with respect to service as a judicial officer shall, with effect from the date of the increase, be entitled to a corresponding proportionate increase in the pension to which that officer was in receipt.

Gratuities where length of service does not qualify for pension

12. (1) A judicial officer, not qualified for pension under section 7, who has not had continuous service as a judicial officer for at least 5 years, may on his or her retirement or resignation from judicial office after he or she has served in such office for a period of 3 or more continuous years, be granted a gratuity not exceeding 25% of his or her annual salary, including allowances for housing and utilities.

(2) Any gratuity which may be payable to such a judicial officer shall be paid by the Member State or Territory to which the judicial officer has been assigned for the purposes of pension upon the judicial officer attaining the retirement age.

Gratuity on death in office

13. (1) Subject to subsection (3), where a person dies while holding office as a judicial officer and is not, at the date of death, eligible for a pension or gratuity, there shall, upon the recommendation of the Chief Justice to the Commission, be paid to his or her spouse a gratuity equal to one year's pensionable emoluments.

(2) Subject to subsection (3), where a person dies while holding office as a judicial officer and is, at the date of death, eligible for a pension, there shall, upon certification by the Chief Justice, be paid to his or her spouse a gratuity of an amount equal to 15 x ¼ of the pension and $^{2}/_{3}$ of the reduced pension in accordance with section 9 to which the judicial officer would have been entitled if he or she had retired at the date of death.

(3) Where a person referred to in subsection (1) or (2) dies without leaving a spouse, the gratuity payable under subsection (1) or (2), as the case may be, shall be paid to his or her estate.

(4) For the purposes of this section, a person is eligible for a pension at the date of his or her death if he or she would have qualified for a pension if he or she had retired on the date of death.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Pensions, etc., not to be assignable

14. A pension or gratuity under this Act shall not be assignable or transferable.

PART 3

MISCELLANEOUS

Regulations

15. (1) The Commission may make regulations prescribing anything which is necessary or expedient to carry this Act into effect, including regulations in relation to—

(a) pensionable emoluments;

(b) qualifying service; and

(c) pensionable service.

(2) All regulations must be laid before the House of Assembly as soon as they are made and, if, within 21 days beginning with the day on which such regulations are laid the House of Assembly resolves that the regulations be annulled, they shall cease to have effect but without prejudice to anything previously done thereunder or to the making of new regulations.

(3) In determining the period of 21 days specified in subsection (2), no account shall be taken of any time during which the House of Assembly is dissolved or prorogued.

Savings

16. (1) On 7 May 2020—

(a) the Chief Justice, Justice of Appeal or Puisne Judge of the High Court are not pensionable offices under the Eastern Caribbean Supreme Court (Rate of Pension of Judges) Act; and

(b) the Chief Justice, Justice of Appeal or Puisne Judge of the Eastern Caribbean Supreme Court are not pensionable officers under the Pensionable Officers Order.

(2) Notwithstanding subsection (1), the Eastern Caribbean Supreme Court (Rate of Pension of Judges) Act and the Pensionable Officers Order continues to apply to a person who was, immediately before 7 May 2020—

(a) receiving a pension under the Eastern Caribbean Supreme Court (Rates of Pension) (Judges) Act and the Pensions Act; and

(b) a judicial officer immediately before that date who opts not to be subject to this Act under section 2.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Citation

17. This Act may be cited as the Eastern Caribbean Supreme Court (Judicial Officers Pensions) Act, Revised Statutes of Anguilla, Chapter E21.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai