ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P174

PUBLIC SERVICE SALARIES (TEMPORARY) REDUCTION 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 consolidates—

Act 2/2013, in force 28 February 2013
Act 5/2018, in force 1 January 2018
U.K. S.I. 2019 No. 852, in force 14 May 2019

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Attorney General's Chambers
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PUBLIC SERVICE SALARIES (TEMPORARY) REDUCTION ACT

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PUBLIC SERVICE SALARIES (TEMPORARY) REDUCTION ACT

Interpretation

1. In this Act—

"allowances" means the emoluments provided in the Estimates of Revenue and Expenditure of Anguilla and paid to the Premier, Ministers of Government, Speaker, Parliamentary Secretary, Nominated Members and all Elected Members of the House of Assembly and includes, but is not limited to, allowances payable by virtue of being a member of the Legislature, exclusive of telephone, travel, entertainment and constituency allowances;

(U.K. S.I. 2019 No. 852, s. 13(a))

"Minister" means the Minister with responsibility for finance;

"Premier" means the person appointed in accordance with section 24(1) of the Constitution of Anguilla;

(U.K. S.I. 2019 No. 852, s. 13(a))

"salaries" means basic salaries paid out of the Consolidated Fund and includes wages and acting allowances.

Application

2. (1) This Act applies to the persons referred to in Schedule 1.

(2) To avoid doubt, nothing in this Act applies to any person employed in any public body, government agency, assisted private school, statutory body or corporation.

Validation of the decisions of the Governor in Council

3. The decisions of the Governor in Council to reduce the salaries and allowances within the period commencing on 1 July 2009 and ending on 28 February 2013 are declared to be as valid as they would have been if this Act had been in force when the decisions were taken.

Suspension of salaries and allowances

4. The salaries and allowances payable as at June 2009 to all persons in section 2(1) shall be suspended, shall be of no effect and shall not be payable from 1 March 2013 to 31 December 2017, but the salaries calculated in accordance with section 5 and the allowances calculated in accordance with section 6 shall be payable instead.

Reduction of salaries

5. Notwithstanding anything in any Act, contract or agreement in effect on 28 February 2013, from 1 March 2013 to a date to be appointed by the Governor in Council, the salary payable to a person who is a holder of an office set out in Schedule 1 shall be reduced in the manner set out in Schedule 2.

(Act 5/2018, s. 2)

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Reduction of allowances

6. Notwithstanding anything in any Act, contract or agreement in effect on 28 February 2013, from 1 March 2013 to a date to be appointed by the Governor in Council, the allowances payable to a person who is a holder of an office referred to in the definition of "allowances" in section 1 shall be reduced in the manner set out in Schedule 3.

(Act 5/2018, s. 3)

Repayment of deferred salaries and allowances and reinstatement of salary scale

7. (1) At such time as the Governor in Council sees fit, considering the prevailing economic conditions, the portion of salaries and allowances payable as at June 2009 to persons referred to in Schedule 1 which was deferred and accrued between 1 July 2009 and 28 February 2013 shall be repaid in full to those persons by a date to be appointed by the Governor in Council or as soon as practicable thereafter.

(Act 5/2018, s. 4)

(2) The Minister shall, in consultation with the Governor in Council, develop a comprehensive policy respecting—

(a) the repayment referred to in subsection (1); and

(b) reinstatement of the salaries and allowances payable as at June 2009.

(3) Without limitation of the generality of subsection (2), the policy referred to in subsection (2) may include the following—

(a) the manner in which the repayment referred to in subsection (1) shall be made, including whether repayment shall be made by lump sum or instalments;

(b) the manner in which the repayment referred to in subsection (1) shall be made—

(i) in the case of any person leaving the office referred to in Schedule 1, and

(ii) upon the death of any person holding an office referred to in Schedule 1;

(c) any circumstances, other than those referred to in paragraph (b) in which the portion of salaries and allowances referred to in subsection (1) may be immediately payable.

(4) The Minister shall, within the 2018 fiscal year, consult with the relevant stakeholders in order to develop a draft policy document for the purpose of discussion with the Governor in developing a comprehensive policy in accordance with section 7(2).

(Act 5/2018, s. 5)

Pensions not to be affected

8. Notwithstanding sections 4, 5 and 6 or the provisions of any other Act, pensions, gratuities and any other entitlements payable under the Pensions Act, the Legislators Pensions Act and the Police Pensions Act to any person who held an office referred to in Schedule 1 shall be calculated based on the salaries and allowances that would have been payable if this Act had not been enacted.

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Regulations to be laid before the House of Assembly

9. (1) The Minister may, subject to negative resolution of the House of Assembly, make regulations to give effect to the provisions of this Act.

(2) 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.

Citation

10. This Act may be cited as the Public Service Salaries (Temporary) Reduction Act, Revised Statutes of Anguilla, Chapter P174.

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SCHEDULE 1

(Section 2)

PERSONS TO WHOM THIS ACT APPLIES

1. The Premier and Ministers of Government
2. The Speaker, Parliamentary Secretary, elected and nominated members of the House of Assembly
3. The Deputy Governor and Attorney General
4. Public officers
5. The Royal Anguilla Police Force
6. All contract officers in the service of the Crown
7. All hourly, daily, weekly or monthly paid employees of the Crown
8. All Special Advisers, Special Assistants and Special Workers for Government

(U.K. S.I. 2019 No. 852, s. 13(a))

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SCHEDULE 2

(Section 5)

RATE OF SALARY REDUCTION

1. (1) The salary payable as at June 2009 to a person holding an office set out in Column 1 shall be reduced by the percentage set out opposite in Column 2.

(2) The salary payable after application of the reduction referred to in subsection (1) to a person holding an office set out in Column 1 shall be further reduced by the percentage set out in Column 3.

COLUMN 1	COLUMN 2	COLUMN 3
(a) Subject to section 2, public officers in the salary scale from grades A-F	10%	5%
(b) Deputy Governor and Attorney General	10%	5%
(c) Public officers in the salary scale from grades G-M	5%	2.5%
(d) Special Assistants, Special Advisers and any other Special Worker	10%	5%
(e) Wage workers	5%	2.5%

2. (1) The salary payable as at June 2009 to a person holding an office set out in Column 1 shall be reduced by the percentage arrived at by application of the formula set out opposite in Column 2.

(2) The salary payable after application of the reduction referred to in subsection (1) to a person holding an office set out in Column 1 shall be further reduced by the percentage arrived at by application of the formula set out in Column 3.

COLUMN 1	COLUMN 2	COLUMN 3
(a) Attorneys-at-law	10 ÷ 25 × % increase in salary effective July 2008 = % of reduction	5 ÷ 25 × % increase in salary effective July 2008 = % further reduction
(b) Engineers		
(c) Chief Veterinary Officer		

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SCHEDULE 3

(Section 6)

RATE OF ALLOWANCE REDUCTION

1. The allowances payable as at June 2009 to a person holding an office set out in Column 1 shall be reduced by the percentage set out opposite in Column 2.

2. The allowances payable after application of the reduction referred to in section 1 to a person holding an office set out in Column 1 shall be further reduced by the percentage set out in Column 3.

COLUMN 1	COLUMN 2	COLUMN 3
(a) Premier, other Ministers of Government and Elected Members of the House of Assembly	15%	7.5%
(b) Speaker, Parliamentary Secretary and Nominated Members of the House of Assembly	5%	2.5%

(U.K. S.I. 2019 No. 852, s. 13(a))

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