



MONTSERRAT

CHAPTER 6.16

EASTERN CARIBBEAN SUPREME COURT (RATE OF PENSION OF JUDGES) ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

**EASTERN CARIBBEAN SUPREME COURT
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Act 11 of 1993 .. in force 1 July 1989

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**EASTERN CARIBBEAN SUPREME COURT
(RATE OF PENSION OF JUDGES) ACT**

ARRANGEMENT OF SECTIONS

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CHAPTER 6.16

**EASTERN CARIBBEAN SUPREME COURT
(RATE OF PENSION OF JUDGES) ACT**

(Act 11 of 1993)

AN ACT TO DETERMINE THE RATES OF PENSION OF JUDGES.

Commencement

[1 July 1989]

Short title

1. This Act may be cited as the Eastern Caribbean Supreme Court (Rate of Pension of Judges) Act.

Interpretation

2. In this Act—

“Judge” means the Chief Justice, a Justice of Appeal or a Puisne Judge of the High Court, as the case may be.

Rate of Pension

3. As from the date of the commencement hereof, the pension payable to a Judge upon his retirement in pensionable circumstances shall be computed as follows—

- (a) in the case of the Chief Justice, if he has had continuous service as a Judge for a period of not less than 10 years, at a rate equivalent to his full annual pensionable emoluments at the date of his retirement. In any other case, he shall receive a pension at a rate equivalent to $\frac{3}{4}$ of his full annual pensionable emoluments.
- (b) in the case of a Justice of Appeal, if he has had continuous service as a Judge for a period of not less than 12 years, at a rate equivalent to his full annual pensionable emoluments at the date of his retirement. In any other case, he shall receive a pension at a rate equivalent to $\frac{3}{4}$ of his full annual pensionable emoluments.
- (c) in the case of a Puisne Judge of the High Court, if he has had continuous service as a Judge for a period of not less than 15 years, at a rate equivalent to his full annual pensionable emoluments at the date of his retirement. In any other case, he shall receive a pension at a rate equivalent to $\frac{3}{4}$ of his full annual pensionable emoluments.
- (d) nothing contained in this Act shall operate to prevent a Judge from opting to have his pension computed under the provisions of the Pensions Act in lieu of the provisions of this Act.

Reduced Pension

4. A Judge upon retirement may opt to receive in lieu of the full pension computed under this Act a reduced pension at a rate equivalent to $\frac{3}{4}$ of the full pension plus a gratuity equal to 15 times $\frac{1}{4}$ of the full pension.

Gratuity on death in office

5. Where a person dies while holding office as a Judge, there shall be paid to his widow a gratuity of an amount equivalent to the gratuity to which the person aforesaid had the right to opt to receive on the assumption that he retired at the date of his death, or one year's salary whichever is the greater. If he dies without leaving a widow, the sum ascertained as above, shall be paid to his legal personal representatives.

Widow's Pension

6. (a) Where a person dies while holding office as a Judge, or while entitled to or in receipt of a pension under this or any other Act, there shall be paid to his widow, a pension at a rate

equivalent to 1/2 of the annual pension to which such person aforesaid was entitled, or was in receipt of, provided that such pension shall cease in the event of the remarriage of the widow.

- (b) The provisions of this section shall apply to the widows of all Judges who are surviving at the date of the commencement of this Act. In addition, each such surviving widow shall be paid forthwith a gratuity equivalent to one year's salary of which the Judge was in receipt at the time of his death.
 - (c) A person who retires in circumstances other than under the provisions of this Act, shall be entitled to have his pension computed under the provisions of the Pensions Act.
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