



BELIZE

**NATIONAL ASSEMBLY PENSIONS ACT
CHAPTER 8**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 8

NATIONAL ASSEMBLY PENSIONS

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CHAPTER 8

NATIONAL ASSEMBLY PENSIONS

CAP. 10A,
R. E. 1980-1990.
8 of 1989.
28 of 1989.
Commencement.
S. I. 89 of 1989.

[1st September, 1989]

- Short title. 1. This Act may be cited as the National Assembly Pensions Act.
- Interpretation. 2. In this Act, unless the context otherwise requires-
- (a) “award” means any amount payable out of the Consolidated Revenue Fund to any person pursuant to this Act;
 - (b) “contributions” means contributions payable pursuant to this Act;
 - (c) “contributor” means any legislator who by virtue of section 3

becomes a contributor under this Act;

- (d) “former legislative service” means service as a legislator between the 25th March, 1954 and the commencement of this Act;
- (e) “full parliamentary term” means the period commencing on the date of the first sitting of the National Assembly (or Legislative Assembly) after a general election and expiring at the date of the next ensuing dissolution of the National Assembly (or Legislative Assembly);
- (f) “legislator” means a person who-
 - (i) was an elected or nominated member of the Legislative Assembly under the British Honduras Constitution, 1954, including the Speaker thereof; or
 - (ii) was an elected or nominated member of the National Assembly under the British Honduras Constitution, 1963, including the President of the Senate and the Speaker of the House of Representatives; or
 - (iii) was or is an elected or nominated member of the National Assembly under the Belize Constitution, 1981, including the President and Vice-President of the Senate and the Speaker and Deputy Speaker of the House of Representatives;
- (g) “member” includes a Minister;
- (h) “the Minister” means the Minister responsible for Finance;

CAP. 4.

- (i) “pension” means a pension payable pursuant to section 5;
- (j) “salary” in respect of a legislator, means the highest rate of basic allowance or salary paid to him at any time as a member of the Legislative Assembly or the National Assembly, but does not include expense allowance, duty allowance, entertainment allowance or any other allowance or emoluments whatever or any amount provided as a contribution to office or any other expenses;
- (k) “widow” includes a “widower” and words and expressions importing the feminine gender include the masculine.

Contributors.
28 of 1989.

3. Every person who, on the 25th day of March, 1954, was a legislator, and every person who after that date became or becomes a legislator, shall by virtue of being a legislator become a contributor under this Act.

Contributions.

4.-(1) Contributions are payable under this Act by every person who becomes a contributor and such contributions shall be at the rate of five *per centum* of the salary paid or payable to the contributor.

(2) In respect of every person who is a legislator at the commencement of this Act, or who becomes a legislator after such commencement, the contributions shall accrue daily and be deducted monthly from the salary of such legislator and shall be paid to the Accountant General.

(3) In respect of a contributor not falling within subsection (2) above but who qualified for pension under section 5, a sum equal to eight years’ contributions at the rate specified in subsection (1) shall be deducted from any pension or gratuity payable to such contributor under this Act, and such deductions shall be either as a lump sum or by instalments as the Minister may on the recommendation of the House Committee direct.

(4) In respect of a person who is a legislator at the commence-

ment of this Act, but who ceases to be a legislator and qualifies for pension under section 5 before paying contributions at the aforesaid rate for a minimum period of eight years, a sum equal to contributions at the aforesaid rate for the period falling short of eight years shall be deducted from any pension or gratuity payable to him under this Act, and such deductions shall be either as a lump sum or by instalments as the Minister may on the recommendation of the House Committee direct.

(5) All contributions made pursuant to this section shall be paid into the Consolidated Revenue Fund.

5.-(1) Subject to the provisions of this Act, a pension shall be paid to any person who was a legislator on the twenty-first day of September, 1981 or became or becomes a legislator after that date; and-

Circumstances in which pension is payable.

- (a) has served as a legislator for periods amounting in the aggregate to ten years or for two full parliamentary terms amounting to a period of eight years or more, whichever is less;
- (b) has ceased to be a legislator; and
- (c) either-
 - (i) has attained the age of fifty-five years; or
 - (ii) not having attained the age of fifty-five years has produced medical evidence to the satisfaction of the Minister, that he is incapable by reason of infirmity of mind or body of discharging the duties of a legislator and that such infirmity is likely to be permanent.

(2) In determining for the purposes of this Act the length of service of any person as a legislator, account shall be taken of his former legislative service:

Provided that contributions at the rate and for the period and in the manner specified in section 4 shall be payable by him.

- (3) For the purpose of this section-
- (a) a person does not cease to be a legislator by reason only of the dissolution of the National Assembly;
- (b) a person who immediately before the dissolution of the National Assembly was a member of either House shall cease to be such member if he is not elected or nominated to either House at the general election next following the dissolution, and if he so ceases shall be deemed to have ceased to be a legislator from the date of the dissolution aforesaid.

(4) No computation of a pension under this Act shall be made after a general election until thirty days (or such longer period not exceeding three months as may be prescribed) has elapsed after the general election.

(5) Where a person ceases to be a legislator but is not eligible for a pension under this Act by virtue of the provisions of subparagraph (1) (c) (i) then, notwithstanding subsection (1), the pension for which he would have been eligible at the date when he ceased to be a legislator, together with any additional benefits that he would have received after that date, shall be paid to him with effect from the date on which he attains the age specified in subparagraph (1) (c) (i), if at that date-

- (a) he has not applied for or received a refund of contributions under section 13; and
- (b) he is not otherwise disqualified for the payment of a pension under this Act.
- (6) Where a legislator would have become eligible for the pay-

ment of a pension at a date earlier than that on which he did become so eligible, had he satisfied the requirement specified in section 5 (1) (b), on becoming eligible for the payment of that pension he is entitled to receive, in addition to the pension for which he is eligible, any benefits he would have received had he satisfied the requirement specified in section 5 (1) (b) on that earlier date.

(7) A person who is not a member of the National Assembly at the commencement of this Act, but who may be eligible for a pension under this Act, shall submit an application in writing to the Clerk of the National Assembly no later than one year after such commencement, giving full particulars of his eligibility.

6.-(1) Where a person dies while he is a legislator and would, but for his death, have been eligible for a gratuity and pension under this Act, there shall be paid to his legal personal representatives an amount not exceeding the annual salary of his office or his commuted gratuity, whichever is greater.

Death of legislator in office.

(2) Where a person dies while he is a legislator without having served for the required minimum period in order to be eligible for payment of a pension under this Act there shall be paid to his legal personal representatives a gratuity equal to the total contributions paid by that person together with an amount equal to the highest annual basic salary payable at any time to that person in his office as a legislator.

(3) If a legislator, where he is making payment of contributions, dies during his term as a legislator he shall be deemed, for the purposes of this Act, to have served for the entire duration of the term during which he dies.

7.-(1) Subject to the provisions of this Act, a person who is eligible for the grant of a pension under this Act shall be entitled to exercise one of the two options, that is to say-

Options.

- (a) full pension without gratuity at the rate specified in section 8;
- or

(b) reduced pension and gratuity at the rate specified in section 9.

(2) The option referred to in subsection (1) shall be exercised by every person who becomes eligible for the grant of a pension under this Act within three months of his so becoming eligible. Every such option shall be by notice in writing to the Clerk of the National Assembly.

(3) On receipt of the notice, the Clerk of the National Assembly shall forward to the Accountant General a statement showing-

(a) the option exercised by the legislator,

(b) the details of his qualifying service as such legislator;

(c) the age of the legislator; and

(d) a certificate under his hand verifying the eligibility of such legislator for the grant of a pension under this Act.

(4) Notwithstanding subsection (1), the Minister may, where a person referred to in that subsection fails to exercise his option in accordance with subsection (2), grant a reduced pension and gratuity as provided in section 9 as if the person had exercised his option, and in every such case the provisions of subsection (3) shall apply.

Rate of pension. 8.-(1) A pension payable to a person under this Act shall-

(a) in the case of a person who has served as a legislator for periods amounting in the aggregate to ten years or for two full parliamentary terms amounting to a period of eight years or more, be at an annual rate equal to one-half of one year's salary of that person;

- (b) in the case of a person who has served as a legislator for periods amounting in the aggregate to fifteen years or more, or for three full parliamentary terms amounting to twelve years or more, be at an annual rate equal to two-thirds of one year's salary of that person:

Provided that a legislator shall not receive less than an annual pension of two thousand four hundred dollars.

(2) For the purpose of subsection (1), the expression "one year's salary" means the highest annual rate of basic salary drawn during the period of office of a person as a legislator.

(3) The pension payable to any person under this section-

(a) shall be paid with effect from the date on which that person becomes entitled thereto pursuant to section 5 and, subject to the provisions of this Act, shall continue to be paid during the lifetime of that person; and

(b) shall be paid monthly in arrears in equal installments as far as possible.

9.-(1) Any person who is eligible for a pension under this Act may, at his option exercisable in accordance with section 7, be paid, instead of a pension at the rate provided for in section 8, a reduced pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Gratuity and reduced pension.

(2) Where a person ceases to be a legislator after satisfying the requirement of section 5 (1) (a) but has not attained the age specified in section 5 (1) (c) (i), then, if he exercises an option to receive a reduced pension and gratuity within three months of his ceasing to be legislator, he shall, notwith-

standing section 5, be paid commuted gratuity on his ceasing to be legislator but pension shall be paid with effect from the date on which he attains the age specified in section 5 (1) (c) (i) if at that date-

- (a) he has not applied for or received a refund of contributions under section 13; and
- (b) he is not otherwise disqualified for the payment of a pension under this Act.

Gratuity where pension not payable.

10. Where a person was a legislator on the 21st September, 1981 or became or becomes a legislator after that date, and ceases to be a legislator without qualifying for pension under section 5 but has served as a legislator for periods amounting in the aggregate to not less than five years or for one full parliamentary term of not less than four years, he shall be entitled to be paid a gratuity equal to one-fourth of the total salary earned during his period of service as a legislator:

Provided that a sum equal to five *per centum* of the salary paid to the legislator for each year of service shall be deducted as contributions from the gratuity payable under this section.

Gratuity to former legislators.

11.-(1) Where a person was not a legislator on 21st September, 1981 and did not become a legislator after that date but was a legislator at any time during the period commencing from the 25th March, 1954 to 20th September, 1981 he shall be entitled to receive gratuity as specified in subsection (2) of this section provided the following conditions are satisfied-

- (a) he is alive at the commencement of this Act; and
- (b) he submits an application in writing to the Clerk, National Assembly, no later than one year from the commencement of this Act, giving full particulars of his eligibility.

(2) The gratuity payable to a person under subsection (1) shall be a sum equal to one-fifth of his total salary earned during his period of service as legislator:

Provided that a sum equal to five *per centum* of the salary paid to the legislator for each year of service shall be deducted as contributions from the gratuity payable under this section:

Provided further that the gratuity payable to such a person shall not be less than two thousand four hundred dollars.

12.-(1) A pension payable under this Act shall, if the person in receipt thereof again becomes a legislator, cease to be payable during the period in respect of which that person is in receipt of salary as a legislator; but where the rate of such pension exceeds the rate of such salary, nothing in this subsection shall prevent the payment of pension to the extent of such excess.

Cessation of pension if person in receipt thereof again becomes legislator.

(2) At the expiration of the period referred to in subsection (1) during which a person has further service as a legislator, the rate of pension shall be recalculated in accordance with the provisions of section 8.

(3) Where a pension is recalculated pursuant to subsection (2) and the person entitled thereto opts to receive such pension by way of a gratuity and a reduced pension, then, in calculating the amount of such gratuity, there shall be deducted therefrom any amount already paid to such person by way of gratuity in respect of the pension the payment of which was suspended under subsection (1).

(4) A pension recalculated in accordance with subsection (2) shall be paid at the recalculated rate with effect from the date of cessation of the period of service as a legislator which gave rise to the recalculation.

13.-(1) Where any person who has made contributions pursuant to this Act ceases to be a legislator and is not eligible for a pension or gratuity, he may, if he

Refund of contributions.

so desires, apply to the Minister for a refund of his contributions and, on such application, he shall be refunded an amount equal to the total amount of the contributions paid by him pursuant to this Act with interest thereon at four per cent per annum.

(2) Where a person who would, on application pursuant to subsection (1), be entitled to a refund of contributions dies without making such application or, having made such an application, dies before the refund of contributions has been made, and in the case of a male, leaves no widow or children entitled to an award under this Act, there shall be paid to the legal personal representatives of such person a gratuity equal to the amount which, pursuant to subsection (1), could have been refunded to such person if he had not died.

(3) Where a refund has been made to any person or a gratuity paid under this section, no other award may be made under this Act to or in respect of that person in relation to the service of that person as a legislator before the date of the refund.

Widow's
allowance.

14.-(1) Subject to this Act, where a person who-

- (a) is in receipt of a pension; or
- (b) has served as a legislator for periods amounting in the aggregate to ten years or for two full parliamentary terms amounting to eight years or more, whichever is less,

dies leaving a widow after the commencement of this Act, there shall be paid to the widow during her lifetime a widow's allowance at an annual rate equivalent to one-half of the pension, which-

- (i) in the case of a person mentioned in paragraph (a) was being paid to him; or

(ii) in the case of a person mentioned in paragraph (b), would have been payable to him with effect from the date of his death if he had not died but had satisfied the requirements of section 5 for the award of a pension and had been awarded a pension computed in accordance with section 8.

(2) A widow's allowance under this section-

(a) shall be paid monthly in arrears in equal installments as far as possible;

(b) shall, subject to subsection (3), if the widow is in receipt of a pension by virtue of having been herself a contributor under the Act, cease to be payable;

(c) shall, subject to subsection (3), if the widow is in receipt of salary as legislator, cease to be payable during the period in respect of which the widow is in receipt of such salary.

(3) Where the rate of widow's allowance exceeds the rate of pension or the rate of salary, as the case may be, nothing in paragraph (b) of subsection (2) shall prevent the payment of the widow's allowance to the extent of such excess.

15.-(1) Subject to this Act, where a person who comes within paragraph (a) or (b) of subsection (1) of section 14 (hereinafter in this section referred to as "the deceased legislator") dies leaving one or more children, a children's allowance shall be payable in respect of such child or children while under the age of eighteen years.

Children's allowance.

(2) Only one children's allowance is payable in respect of the service of any one person as a legislator, but-

- (a) the rate thereof may vary according to the number of children entitled thereto;
 - (b) it shall be paid to such person or persons as the Minister may on the recommendation of the House Committee from time to time direct, and different parts thereof may be directed to be paid to different persons;
 - (c) the person to whom all or any part thereof is paid shall apply the sum paid to him without distinction, for the benefit of all the children for the time being entitled thereto or for the benefit of such of them as the Minister may on the recommendation of the House Committee from time to time direct;
 - (d) the allowance shall be paid monthly in arrears in equal installments as far as possible.
- (3) Where the deceased legislator leaves a widow, the annual rate of the children's allowance during her lifetime shall be-
- (a) one-third of the rate of the widow's allowance payable under section 14 where there are two or more children entitled to the children's allowance; and
 - (b) one-half of the rate payable under paragraph (a) where there is only one child entitled to the children's allowance.
- (4) Where the deceased legislator leaves no widow, or where he leaves a widow, then, after her death, or after any allowance payable to her ceases to be paid before her death, the annual rate of the children's allowance shall be-
- (a) the same as that which would have been payable to a widow

under section 14 where there are two or more children entitled to the children's allowance; and

(b) one-half of the rate payable under paragraph (a) where there is only one child entitled to the children's allowance.

(5) For the purposes of this section, the expression "child" includes-

(a) a posthumous child, and

(b) a step-child.

16. All awards payable under this Act shall be charged on and paid out of the Consolidated Revenue Fund.

Awards to be paid out of Consolidated Revenue Fund.

17. Any award payable under this Act shall not be assignable or transferable except for the purpose of satisfying-

Awards not to be assignable.

(a) a debt to the Government of Belize; or

(b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife, or child being a minor, of the person to whom the award is payable,

and shall not be liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatever except a debt due to the Government of Belize or any sum recoverable pursuant to any such order of a court as aforesaid.

18.-(1) The Minister may after consultation with the House Committee make regulations-

Power to make regulations.

- (a) prescribing in the case of an award payable under this Act the days on which the payment of such award shall be made;
 - (b) prescribing, where a recipient of an award under this Act is incapable of managing his affairs, that the award may be paid to another person on his behalf;
 - (c) prescribing anything which may be required by this Act to be prescribed, including any forms he considers necessary for the administration of this Act;
 - (d) prescribing the manner in which, and the person by whom, accounts of contributions and awards under this Act shall be kept and recorded; and
 - (e) for any other purposes, whether similar to the above or not, deemed necessary to give effect to this Act.
- (2) All regulations made under this section shall be subject to negative resolution.

Commencement. 19. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.