

**Parliamentary Pensions Act
(CHAPTER 219)**

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PARLIAMENTARY PENSIONS ACT

(CHAPTER 219)

(Original Enactment: Act 24 of 1978)

REVISED EDITION 1996

(30th April 1996)

An Act to provide for the grant of pensions and gratuities in respect of service as Members of Parliament and as holders of ministerial and other offices and for purposes connected therewith.

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Parliamentary Pensions Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“elected Member”, “non-constituency Member” and “nominated Member” shall have the same meanings as in Article 39(1)(a), (b) and (c) of the Constitution, respectively;

[13/95]

“future Member” means a person —

- (a) who becomes, by election or appointment, a Member at any time after 1st January 1995 without previously having been, before or after that date, a Member or an office-holding Member;
- (b) who, having been a Member before 1st January 1995 but not being a Member on that date, becomes, by election or appointment, a Member at any time after that date; or
- (c) who, being an elected Member on 1st January 1995, becomes —
 - (i) a non-constituency Member or nominated Member at any time after 1st January 1995 with or without a break in his service as a Member; or
 - (ii) an elected Member at any time after 1st January 1995 with a break in his service as a Member after that date,

and for the purposes of paragraph (c), a Member’s service shall be deemed not broken but continuous if, following the dissolution of Parliament or his seat therein becoming vacant under the provisions of the Constitution, he is elected as a Member at the ensuing general election or the ensuing by-election to fill that vacancy;

“Member” means a Member of Parliament;

“office” means the office of Prime Minister, Deputy Prime Minister, Speaker, Senior Minister, Minister, Senior Minister of State, Minister of State, Senior

Parliamentary Secretary, Parliamentary Secretary or Political Secretary;

“office-holding Member” means a Member who holds or has held any office and includes a Speaker who is not an elected Member of Parliament;

“prescribed commutation factor” and “prescribed discount rate” mean, respectively, such factor and rate as the President shall prescribe for the purposes of this Act;

“reckonable service”, in relation to service as a Member, means service on and after 3rd June 1959 in Parliament as a Member of Parliament; and in relation to service in any office, means service on and after 3rd June 1959 in that office.

(2) The reference to service in Parliament in the definition of “reckonable service” in subsection (1) shall be read as including a reference to service in the Legislative Assembly on and after 3rd June 1959 and before 9th August 1965.

(3) Where a Speaker is not, or has not been, an elected Member of Parliament for any period, “salary” shall, for that period, mean the salary payable to him in respect of his service as Speaker.

(4) Notwithstanding any other provision of this Act, where for any period a person who is eligible for any pension or other benefit under this Act voluntarily refrains from receiving the whole or any part of any salary due to him in respect of the office held by him, then, in calculating his pension or benefit he shall, for such period, be deemed to have received the full salary to which he was entitled as holder of that office.

[13/95]

PART II

PENSIONS AND GRATUITIES FOR MEMBERS, MINISTERS AND OTHER OFFICE-HOLDERS

Future and Nominated Members’ eligibility for pension

2A.—(1) Unless otherwise expressly provided, a future Member shall not be eligible for any pension or gratuity under the provisions of this Act in respect of his reckonable service as a future Member, including any period which may be counted as such service by virtue of section 6.

(2) For the avoidance of doubt —

- (a) a future Member who holds any office shall remain eligible for a pension under the provisions of this Act in respect of his reckonable service in that office; and

- (b) a person who, on the date immediately before he becomes a future Member, has the minimum period of reckonable service as a Member to be eligible for a pension under section 3 (including any period of reckonable service which may be counted by virtue of section 6), shall remain eligible for a pension under the provisions of this Act in respect of his reckonable service as a Member as of that date.

(3) Any person who on 1st January 1995 is a nominated Member shall not be eligible for a pension under the provisions of this Act in respect of his service as a Member on or after that date.

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Pensions in respect of service as Members

3.—(1) Subject to the provisions of this Act, a person who, after 1st September 1978, ceases at any time to be a Member may be granted a pension under this section if he has not less than 9 years' reckonable service as a Member (whether continuously or not) and has attained the age of 50 years.

(2) The annual amount of pension payable to a Member shall be —

- (a) in respect of every completed year of reckonable service, at the rate of one-thirtieth ($\frac{1}{30}$) of his annual salary; and
- (b) in respect of any remaining uncompleted year of reckonable service, at the rate of one-three-hundred and sixtieth ($\frac{1}{360}$) part of his annual salary for each completed month of reckonable service.

(2A) The annual pension payable to any Member under subsection (2) shall not exceed two-thirds of his annual salary.

(3) Subject to sections 13 and 15, a pension under this section shall continue for the life of the person to whom it is payable but shall not be payable in respect of any period during which he is again a Member or is a candidate for election to Parliament; at the end of that period the pension shall again be payable and shall be re-computed under subsection (2) with the addition of any further period of reckonable service to the period of his former reckonable service as a Member.

(4) For the purposes of subsections (2) and (2A), “annual salary” means the annual equivalent of the highest monthly rate of salary (excluding any non-pensionable allowances) received by a Member during any period of his service as a Member.

(5) For the purposes of subsection (3), a person who ceases to be a Member in consequence of the dissolution of Parliament shall be treated as a candidate for election