



BERMUDA

PENSIONS (INCREASE) ACT 1972

1972 : 15

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*[preamble and words of enactment omitted]*

Interpretation

1 In this Act—

“the Minister” means the Minister of Finance;

“pension” means the amount paid to any person out of the funds of Bermuda by way of pension or pension allowance under the Public Service Superannuation Act 1981 (or any Act repealed by that Act), the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 and includes an ex gratia payment made under the Ex Gratia Payments Act 1983.

*[Section 1 definition of “pension” deleted and substituted by 2014 : 26 s. 2 effective 27 June 2014]*

Review and increase of pensions

2 (1) Subject to this section, the Minister shall, as soon as may be after the 30th June in the year 1972 and every second year thereafter, review the rates of pensions against any rise there may be in the cost of living during the review period, that is to say, the two years ending with that date.

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(2) If in any review period it is found that the cost of living has risen by half of one per cent or more then the Minister shall by order provide that the annual rate of a pension shall be increased in accordance with this section as from such date as may be specified in the order.

(3) Subject to subsection (4), the increase to be provided for by an order under this section shall be as follows—

- (a) for pensions beginning before the first day of the review period the increase shall be in proportion (to the nearest half of one per cent) in which the cost of living has risen during the review period; and
- (b) for pensions beginning on or after the first day of the review period or in any of the succeeding half years up to that ending with the day of the review period, the increases shall be in proportion (to the nearest half of one per cent) in which the cost of living is found to have risen during that half year, the index figure for which shall be calculated in pursuance of subsection (4), and the end of the review period.

(4) For the purposes of subsection (3)(b) the cost of living in any half year shall be taken as the mean of the monthly figures.

(5) On any review under this section the rise in the cost of living over any relevant period shall be assessed by such reasonable means as the Minister thinks appropriate having regard to any material published by the Government concerning the cost of living in Bermuda.

*[Section 2 suspended from 27 June 2014 by 2014 : 26 s.3 until such time as the Minister of Finance revokes the suspension by order]*

### Parliamentary scrutiny of orders

3 (1) The affirmative resolution procedure shall apply to an order made under section 2.

(2) An order made under section 2 may have retrospective effect as from the day following the end of the review period to which the review giving rise to the order relates.

### Consolidated Fund

4 Any expenditure incurred under this Act is hereby charged—

- (a) in the case of any amount payable to any person by way of pension or pension allowance under the Public Service Superannuation Act 1981 (or any Act repealed by that Act), on the Public Service Superannuation Fund established by the Public Treasury (Administration and Payments) Act 1969;
- (b) in the case of any amount payable to any person by way of pension or pension allowance under the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 (“the 1975 Act”) in respect of service on and after the 1st April, 1988, on the Ministers and Members of the Legislature Pensions Fund established by the 1975 Act;

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- (c) in the case of any amount payable to any person by way of pension or pension allowance under the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 in respect of service before the 1st April, 1988 or an *ex-gratia* payment made under the *Ex-Gratia* Payments Act 1983, on the Consolidated Fund.

*[Section 4 paragraph (a) deleted and substituted by 2014 : 26 s. 4 effective 27 June 2014]*

Act not to apply to gratuities

5 *[Repealed by 2014 : 26 s. 5]*

*[Section 5 repealed by 2014 : 26 s. 5 effective 27 June 2014]*

[Assent Date: 13 March 1972]

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*[Amended by:*

1974 : 76

1975 : 78

1977 : 35

1987 : 8

2014 : 26]