

No. 15 of 2021

VIRGIN ISLANDS

**RETIRING ALLOWANCES (LEGISLATIVE SERVICE)
(AMENDMENT) ACT, 2021**

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Section 2 amended.
3. Section 3 amended.
4. Section 4 amended.
5. General amendment.
6. Schedule amended.

**I Assent
(Sgd.) John Rankin, CMG
Governor.
14th June, 2021**

VIRGIN ISLANDS

No. 15 of 2021

An Act to amend the Retiring Allowances (Legislative Service) Act (Cap. 139) to modernise the Act and to make changes to the Retiring Allowances of Legislators.

[Gazetted 22nd June, 2021]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. This Act may be cited as the Retiring Allowances (Legislative Service) (Amendment) Act, 2021.

Section 2
amended.
Cap.139

2. The Retiring Allowances (Legislative Service) Act (referred to in this Act as “the principal Act”) is amended in section 2 by

- (a) repealing the definition of Governor;
- (b) deleting the definition of “legislator” and substituting with the following definition:

““legislator” means

- (a) a person who is or was an elected member; or
- (b) a person who is or was the holder of a specified legislative office”;
- (c) repealing the definition of “nominated member” and deleting the term wherever it appears throughout the principal Act;
- (d) deleting the definition of “former legislative service” and substituting with the following definition:

“former legislative service” means any previous services as a legislator;

- (e) repealing the definition of “salary” and replacing with the following definition:

“salary” means

- (a) in respect of former legislative service, the maximum salary paid to a person during any period of his service as a legislator;
- (b) in respect of legislator, the maximum salary paid to him and in relation to a legislator holding any specified legislative office means the maximum salary paid to him in respect of the office so held; and

for the purpose of this definition “maximum salary” means the maximum salary provided in the Annual Estimates of the Virgin Islands, inclusive of all allowances or emoluments whatever or any amount provided as a contribution to the office or any other expenses.

- (f) deleting the word “Governor” in the definition of “specified legislative office” and substituting with the word “Cabinet”.

3. Section 3 of the principal Act is amended by inserting the following new subsections after subsection (2): Section 3 amended.

“(2a) In addition to a retiring allowance as specified in subsection (1), persons serving for the following parliamentary terms shall be paid salaries as follows:

- (a) a person who has served for only 1 full parliamentary term shall be paid 2 years' salary;
- (b) a person who has served for 2 full consecutive parliamentary terms shall be paid 2 years' salary;
- (c) a person who has served for 3 or 4 full consecutive parliamentary terms shall be paid 3 years' salary; or

- (d) a person who has served for 5 or more full consecutive parliamentary terms shall be paid 4 years' salary;

(2b) The salaries calculated under subsection (2a) shall be paid on a monthly basis and shall apply to legislators once the parliamentary term is served, regardless of the age of such persons.

(2c) Notwithstanding subsection (2b) where a legislator attains the retirement age of 65 years, he shall have the right to exercise the option of collecting the salaries calculated under subsection (2b) as a lump sum.

(2d) The provisions of subsection (2a) shall only be applicable to legislators serving in the Fourth House of Assembly from the 12th March, 2019 and subsequent Houses of Assembly;

Provided that

- (a) the salaries calculated under subsection (2a) shall be fully paid to a legislator before the retiring allowance is paid; and
- (b) subject to section 5, a legislator who received a gratuity under the provisions of the Act prior to the Fourth House of Assembly shall not be entitled to any additional gratuity payment.

(2e) A legislator who leaves legislative service and thereafter returns to serve for a further period of legislative service shall only be paid salaries as follows:

- (a) a person who serves for 3 or 4 full consecutive parliamentary terms shall be paid 1 year salary; or
- (b) a person who serves for 5 or more full consecutive parliamentary terms shall be paid 2 years' salary.

(2f) For the avoidance of doubt in applying subsection (2a), account shall be taken of the former legislative service of legislators serving in the Fourth House of Assembly.

- 4.** Section 7 of the principal Act is amended by Section 7 amended.
- (a) deleting the word “may” after the words “parliamentary term” and substituting with the word “shall”; and
 - (b) deleting the word “basic”.
- 5.** The principal Act is amended by replacing the term “Legislative Council” with the term “House of Assembly” throughout the Act wherever it appears. General amendment.
- 6.** The Schedule to the principal Act is amended by inserting the following new item after words Leader of Opposition: Schedule amended.
- “Junior Minister”

Passed by the House of Assembly this 6th day of May, 2021.

(Sgd.) Julian Willock,
Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.