

LAWS OF THE WEST INDIES

CHAPTER 3

FEDERAL SUPREME COURT (SALARIES AND PENSIONS)

FEDERAL SUPREME COURT (EVIDENCE) RULES

When
banker
not com-
pellable to
produce
book, etc.

62. The manager or accountant of a bank, and in the case of the Government Savings Bank, the banker, and any person employed in connection therewith, shall not, in any legal proceeding to which the bank is not a party, be compellable to produce any banker's book, the contents of which can be proved under these Rules, or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of a Judge made for special cause.

Court or
Judge may
order
inspection,
etc.

63. On the application of any party to a legal proceeding, the Court or Judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings. An order under this rule may be made either with or without summoning the bank or any other party and shall be served on the bank three clear days, exclusive of Sundays and public holidays, before the same is to be obeyed, unless the Court or Judge otherwise directs.

Incorporation of Companies

Proof of
incorpora-
tion of
company.

64. (1) The Court shall admit as evidence of the incorporation of a company incorporated or registered in any Territory a certificate of the incorporation or registration thereof which purports to be signed by the Registrar or an Assistant or Deputy-Registrar of companies in that Territory, and the date of incorporation or registration mentioned in such certificate shall be evidence of the date on which the company was incorporated or registered.

(2) Any copy of or extract from any document kept and registered at the office for the registration of companies in any Territory, if certified under the hand of the Registrar or an Assistant or Deputy-Registrar, shall be admissible in evidence to the same extent and for the same purposes as the original document would be admissible.

CHAPTER 3

FEDERAL SUPREME COURT (SALARIES AND PENSIONS) ACT, 1958

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Salaries of judges of Federal Supreme Court.
3. Pensions of judges of Federal Supreme Court.
4. Maximum pensions.
5. Salaries and pensions accrue from day to day.

[Commencement s. 6 omitted.]

SCHEDULE — Special provisions governing the grant of pensions to federal judges.

AN ACT to provide for the payment of salaries and pensions to the judges of the Federal Supreme Court. Act 1/1958.

Date of assent 8th May, 1958

Commencement 3rd January, 1958

1. This Act may be cited as the Federal Supreme Court (Salaries and Pensions) Act, 1958. Short title.

2. There shall be paid to the Chief Justice of The West Indies a salary of nineteen thousand two hundred dollars a year and to every other judge of the Federal Supreme Court a salary of sixteen thousand eight hundred dollars a year. Salaries of judges of Federal Supreme Court.

3. (1) Any person who has been appointed to the office of Chief Justice of The West Indies or Federal Justice, and the legal personal representative and dependants of any such person may, in respect of the service of such person in that office, be granted a pension or gratuity, or pension and gratuity, as the case may be, of the same amount as may be granted under any law of the Federal Legislature which makes provision for the payment of pensions and gratuities to officers in the public service of the Federation (in this Act referred to as the “federal pensions law”) if that office had been a pensionable office for the purposes of that law. Pensions of judges of Federal Supreme Court.

(2) The grant of any pension or gratuity under this Act shall be made in accordance with the provisions set out in

the Schedule to this Act but otherwise shall, subject to the provisions of the Constitution, be made subject to the same terms and conditions as would apply to a pension or gratuity granted under the federal pensions law.

(3) All such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in pursuance of this Act, are hereby appropriated out of the public funds of the Federation and shall be paid therefrom on the warrant of the Governor-General.

Maximum
pensions.

4. (1) Nothing in this Act shall affect the grant of any pension in respect of public service in any other office, provided that a person who shall have been granted a pension in respect of public service in a civil capacity (whether in respect of the government of the Federation or otherwise) in any other office shall not at any time draw from the public funds of the Federation an amount of pension under the provisions of this Act which, when added to the amount of any pension or pensions drawn in respect of such public service in any other office, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service:

Provided that where a person receives in respect of some period of public service both a pension and a gratuity, the amount of such pension shall be deemed for the purpose of this section to be four-thirds of its actual amount.

(2) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where a person is granted such an additional pension under this Act, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

Salaries
and
pensions
accrue
from day
to day.

5. The salaries and pensions payable under or by virtue of this Act shall accrue from day to day.

[Commencement s. 6 omitted.]

SCHEDULE

Section 3.

Special provisions governing the grant of pensions
to federal judges.

1. The pension that may be granted on retirement from the public service to any person who has been appointed to the office of Chief Justice of The West Indies or the office of Federal Justice, and —

- (a) who has attained on the date of such retirement the age of sixty years, or
- (b) in whose case the Governor-General is satisfied on medical evidence that he has so retired because he is incapable by reason of infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent, or
- (c) who has retired on the abolition of his office, shall, subject to the provisions of this Act and of the federal pensions law as modified by this Act, be calculated in respect of his service in either of those offices—
 - (a) up to a maximum of ten years actual service, at the annual rate of one two hundred and fortieth of his pensionable emoluments for each complete month of service, and
 - (b) thereafter at the annual rate of one four hundred and eightieth of his pensionable emoluments for each complete month of service,

and shall be in lieu of any pension in respect of such service calculated in accordance with the federal pensions law.

2. For the purpose of calculating the minimum period of public service necessary to qualify for a pension in respect of such public service in the case of a person who has been appointed to the office of Chief Justice of The West Indies or the office of Federal Justice and —

- (a) who has attained the age of sixty years on the date of his retirement, or
- (b) in whose case the Governor-General is satisfied on medical evidence that he has retired because he is incapable by reason of

infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent, or

(c) who has retired on the abolition of his office, any period of service in either of such offices shall be counted twice.

3. Any person who has been appointed to the office of Chief Justice of The West Indies or the office of Federal Justice and whose period of public service (as calculated in accordance with paragraph 2 of this Schedule) does not equal the minimum qualifying period, and

(i) (a) who has retired from the public service because he is incapable by reason of infirmity of mind or body of discharging the duties of his office, and

(b) in whose case the Governor-General is satisfied on medical evidence that such infirmity is likely to be permanent, or

(ii) who has retired on the abolition of his office, may be granted a pension of an amount which when added to the pension (if any) that he may have been granted in respect of any other public service does not exceed one-fourth of his annual pensionable emoluments.