

## CHAPTER 37

### WIDOWS AND CHILDREN PENSIONS

1964-5

This Act came into operation on 1st February, 1964.

#### **Amended by:**

*1965-40*

*1978-6*

*1985-13*

*1967-63*

*1967/168*

*1989-9*

*1975-31*

*1979-32*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1978

1987

1979

1991

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## CHAPTER 37

### WIDOWS AND CHILDREN PENSIONS 1964-5

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**BARBADOS****WIDOWS AND CHILDREN PENSIONS  
1964-5**

*An Act to provide for the grant of pensions to widows and children of deceased public officers, and for related matters.*

[Commencement: 1st February, 1964]

**PART I  
PRELIMINARY****Short title**

1. This Act may be cited as the *Widows and Children Pensions Act*.

**Interpretation**

- 2.(1) For the purposes of this Act

“Act of 1928” means the *Widows and Orphans Pensions Act, 1928*;<sup>\*</sup>

*\*[This statute, 1928-3, was repealed with savings with respect to certain persons by section 28 of Act 1964-5, and is not printed in these Laws.]*

“appropriate Service Commission” has the same meaning as in section 2 of the *Pensions Act, Cap. 25*;

[1979-32]

“child” includes a step-child;

“contributor” means a public officer or other person to whom this Act applies by virtue of subsection (1) of section 3;

“pensionable office” has the same meaning as in section 2 of the *Pensions Act*;

“Pensions Regulations” means the *Pensions Regulations, 1947*;

“pensionable service” has the same meaning as in regulation 2 of the *Pensions Regulations*;

“public officer” means a male person serving in the public service in a pensionable office, whether on probation or not;

“public service” has the same meaning as in section 2 of the *Pensions Act*;

“other public service” has the same meaning as in section 2 of the *Pensions Act*;

“qualifying service” has the same meaning as in regulation 2 of the *Pensions Regulations*;

“retirement on medical grounds”, in relation to a public officer, means

(a) in the case of retirement from the public service of the Crown, retirement in circumstances in which paragraph (v) or (vi) of section 8 of the *Pensions Act* would apply; or

(b) in the case of retirement from other public service, retirement in circumstances in which the corresponding provision of the pensions law of the public service in which he is last employed would apply;

“salary” has the same meaning as in section 2 of the *Pensions Act*;

“service in the Group” has the same meaning as in regulation 8 of the *Pensions Regulations*;

“widow”, in relation to any contributor, means the person who, immediately before his death, was his wife.

(2) When the marriage of any contributor has been annulled or dissolved by the decree of any competent court, this Act shall, in relation to that contributor,

have effect as if the wife of that marriage had died; and the contributor shall be deemed to have become a widower at the date of the decree of nullity or dissolution.

(3) Subject to the provisions of subsections (4) and (5), a person is, for the purposes of this Act, in his period of childhood and full-time education if

- (a) he is under the age of 18 years;
- (b) he is receiving full-time instruction at any university, college, school or other educational establishment recognised by the Minister of Education;
- (c) he is undergoing training by any person (in this section referred to as “ the employer ”) for any trade, profession or vocation in such circumstances that—
  - (i) he is required to devote the whole of his time to the training for a period of not less than two years; and
  - (ii) while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him, do not exceed seven hundred and twenty dollars a year, excluding any emoluments receivable or payable by way of return of any premium paid in respect of the training.

(4) For the purposes of this section, a person does not satisfy the condition specified in paragraph (b) or the condition specified in paragraph (c) of subsection (3) unless there has, up to then, been no time since he became eighteen years of age when he did not satisfy one or other of those conditions.

(5) As respects any period during which neither of the conditions specified in paragraphs (b) and (c) of subsection (3) is satisfied in relation to a person, the Governor-General, if he thinks fit and is satisfied that that person’s full-time education ought not to be regarded as completed, may direct either—

- (a) that the period is to be ignored for the purposes of subsection (4); or

- (b) that the period is to be ignored and is also to be treated as part of that person's period of childhood and full-time education for all the other purposes of this Act, except such purposes, if any, as may be specified in the direction.
- (6) References in this Act to an adopted child of a person are references to a child adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was resident at the time of the adoption; and references to a person by whom another person has been adopted shall be construed accordingly.
- (7) Any reference in this Act to a person ceasing to be a public officer includes a reference to the death of a person who dies while he is a public officer.
- (8) (a) For the purposes of this Act an office in the employment of any authority or body specified from time to time in the Schedule, being an office which is declared to be a pensionable office pursuant to the Act by which that authority or body was established or constituted, shall be deemed to be a pensionable office in the public service of the Crown.
- (b) The Minister may from time to time by order published in the *Official Gazette* amend the Schedule by adding thereto or deleting therefrom any authority or body.
- (9) Where any person to whom this Act applies, had under paragraph (b) of subsection (1) of section 18 of the Pensions Act, 1947,\* elected to remain subject to the Pension Act, 1925,\* then, in the case of any such person, references in this Act to the Pensions Act, or to the Pensions Regulations, shall be construed as references to the Pension Act, 1925 and references to a particular provision of the Pensions Act or the Pensions Regulations shall be construed as references to the corresponding provision of the Pension Act, 1925.

\*[This section of 1947-20 has not been reprinted in the Pensions Act, Cap. 25.]

\*[This statute, 1925-2, which has been repealed without effecting vested rights is not printed in these Laws.]

(10) Where any person to whom this Act applies by virtue of section 3(1) (b) had under section 9(3) of the Local Government (Miscellaneous Provisions) Act, 1966\* elected not to come under the *Pensions Act*, Cap. 25, then, in the case of any such person, references in this Act to the Pensions Act or to the Pensions Regulations shall be construed as references to the enactments in relation to any pension, gratuity or allowance which may be granted to or in respect of such person applicable to such person immediately before the 1st April, 1966, and references to a particular provision of the Pensions Act or the Pensions Regulations shall be construed as references to the corresponding provision of such enactments.

*\*[This section has not been reprinted in the Local Government Act, Cap. 107.]*  
*[1967-63; 1966-5]*

## PART II GENERAL

### **Application of Act**

3.(1) Subject to this section and section 3A, this Act applies to—

- (a) every person who, at the 1st February, 1964—
  - (i) was a public officer in the service of the Crown and was or had been a contributor under the Act of 1928; or
  - (ii) was the substantive holder of an office to which subsection (8) of section 2 relates,

unless any such person, not later than three months after that date, elects that this Act shall not apply to him;

- (b) every person who is appointed to be a public officer in the service of the Crown on or after the 1st February 1964;
- (c) every person, other than a person mentioned in paragraph (a) who, at the 1st February, 1964, was a contributor under the Act of 1928 and

not later than six months after that date, elected that this Act apply to him.

(2) The Governor-General may extend the time within which an election is required to be made under subsection (1) if in the circumstances of any particular case he considers it equitable to do so.

(3) Any person—

(a) who, on or after the 1st February, 1964, is appointed on transfer from other public service to be a public officer in the service of the Crown; and

(b) who is a contributor to an approved scheme in that or some other public service,

may on application to the Governor-General accompanied by satisfactory evidence that he is a contributor to any such approved scheme, be exempted by the Governor-General from this Act.

(4) The Governor-General may from time to time require any person exempted under subsection (3) to produce satisfactory evidence that he is still a contributor to an approved scheme.

(5) In this section “approved scheme” means any statutory widows’ and children’s pensions scheme approved by the Governor-General for the purposes of this section.

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[1978-6]

### **Restriction on application of Act**

**3A.** Notwithstanding section 3, this Act does not apply to a person appointed to be a public officer in the service of the Crown on or after the 1st April, 1978.

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[1978-6]

**Effect of election under s. 3**

4.(1) Where this Act applies to any person by the operation of paragraph (a) of subsection (1) of section 3 or by an election made under paragraph (c) of the same subsection, then, subject to this section, that person shall, from the 1st February, 1964—

- (a) cease to be a contributor under the Act of 1928 and be deemed to have been a contributor under this Act for the entire period of his pensionable service before that date;
- (b) cease to enjoy the privileges and benefits of a contributor under the Act of 1928;
- (c) if at that date he is in other public service, become a contributor under this Act in respect of the salary payable to him from time to time in that service;
- (d) if, before that date, he had retired from public service or other public service, become a contributor under this Act in respect of the pension or salary in respect of which he was a contributor under the Act of 1928.

(2) Where pursuant to subsection (1) any person ceases to be a contributor and to enjoy the privileges and benefits of a contributor under the Act of 1928 the aggregate rate of any widow's pension and any children's pension payable under this Act shall not at any time be at a lower rate than the rate of pension which would have been payable under the Act of 1928 to his beneficiaries at the date of the commencement of this Act.

(3) Notwithstanding paragraph (a) of subsection (1), any person who was a contributor under section 33 of the Act of 1928 shall, with respect to the period during which he was such a contributor, be deemed to have been a contributor under this Act for the number of years which bears the same proportion to the number of years for which he was a contributor under section 33 of the Act of 1928 as his contributions during that period bear to the amount of contributions which would otherwise have been payable under section 8 of the Act of 1928.

(4) For the purposes of this section, the expression—

“a contributor under section 33 of the Act of 1928” means a person who pursuant to section 33 of the Act of 1928 was a contributor under the Act only in respect of the excess of the salary receivable by him as a public officer in the service of the Crown over the amount on which he was contributing or was a contributor to a Widows’ and Children’s Fund or Scheme in another territory at the date of his appointment as a public officer in the service of the Crown.

[1967/168]

### **Power to grant pensions**

**5.(1)** Subject to section 104 of the Constitution and to this Act, the Governor-General may on the death of a contributor grant, in respect of his service—

- (a) where he leaves a widow, a pension to that widow (in this Act referred to as a “widow’s pension”); and
  - (b) where he had a wife at any time (whether or not the marriage continued until his death and whether or not a widow’s pension is or can be granted), a pension for the benefit of the children of the marriage and, in certain circumstances, of other children of his or hers (in this Act referred to as “children’s pension”).
- (2) Any marriage of the deceased contributor which takes place—
- (a) after he ceased to be a public officer; or
  - (b) in the case of a person who becomes a contributor in accordance with paragraph (d) of subsection (1) of section 4, after he ceases to make contributions,

shall be left out of account for the purposes of this Act, and any reference in this Act to marriage, a wife, the widow or the children of the deceased contributor shall be construed accordingly.

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[1967/168]

**Pensions under this Act to depend on deceased's eligibility for pension**

**6.(1)** Subject to subsection (2), a pension shall not be granted under this Act unless—

- (a) the deceased contributor has become eligible for the grant of a pension under the Pensions Act, whether such a pension had been granted or not; or
- (b) the deceased contributor would have become eligible for the grant of a pension under the Pensions Act if no qualifying period had been specified in regulation 4 of the Pensions Regulations; or
- (c) the deceased contributor was still serving as a public officer when he died and would have become eligible for the grant of a pension if—
  - (i) he had retired on medical grounds; and
  - (ii) he had been confirmed in a pensionable office; and
  - (iii) no qualifying period had been specified in regulation 4 of the Pensions Regulations or in the corresponding provision of the law or regulations of the public service in which he was employed when he died; and
  - (iv) he had completed at least one month of pensionable service.

(2) Subsection (1) shall not apply to any person who becomes a contributor under this Act in accordance with paragraph (d) of subsection (1) of section 4.

**Meaning of “ basic pension ”**

7.(1) Subject to this section—

- (a) references in this Act to the basic pension of a contributor mean the pension—
  - (i) for which, under the Pensions Act, he was eligible or would have been eligible at the date of his retirement or death, as the case may be, whether or not such a pension at that or any other rate is granted;
  - (ii) calculated, in either case, with reference to his salary and pensionable service only and without any account being taken of any pensionable emoluments other than salary or of any abatement addition or other pension or allowance which may or might be made under the Pensions Act; and
- (b) subject to section 8, the expression “the rate of the pension of the deceased contributor” means, in this Act, the annual rate of the basic pension of the deceased contributor.

(2) Where any person—

- (a) before the 1st February, 1964, was appointed on transfer from other public service to be a public officer in the service of the Crown; and
- (b) becomes a contributor under this Act,

then, notwithstanding subsection (1), his basic pension is that portion of his scheduled pension which is payable by the Crown.

(3) Where any person—

- (a) on or after the 1st February, 1964, is appointed on transfer from other public service to be a public officer in the service of the Crown; and
- (b) becomes a contributor under this Act,

then, notwithstanding subsection (1), his basic pension is that portion of his scheduled pension which is payable by the Crown.

(4) For the purposes of this section, the expression—

“scheduled pension” means the total pension for which, under the Pensions Act, a contributor is eligible in respect of his public service under the Crown and in respect of other public service.

[1965-40]

(5) Where the number of completed months of pensionable service of any contributor in the public service of the Crown exceeds the number of completed months for which he was, or was deemed to be, a contributor under this Act, then, notwithstanding subsection (1), the basic pension of that contributor shall bear the same proportion to the pension for which he was or would have been eligible under the Pensions Act, if that pension were calculated in accordance with subparagraph (ii) of paragraph (a) of subsection (1) as the number of completed months for which he was, or was deemed to be, a contributor under this Act bears to his number of completed months of pensionable service in the public service of the Crown.

### PART III

### BENEFITS

#### **Minimum benefits**

8.(1) Where the deceased contributor was a public officer in the service of the Crown when he died, or had retired from that service in the circumstances mentioned in paragraphs (c), (d), (e) or (f) of section 8 of the *Pensions Act*, Cap. 25 and at the date of his death or retirement, his pensionable service under the Crown was less than twenty years, then, notwithstanding section 7, his basic pension shall be computed in accordance with this section.

(2) Where during his total pensionable service the deceased contributor had no opportunity of contributing to a statutory widows' and children's pension

scheme otherwise than under this Act, his basic pension shall be computed as if his total pensionable service had been pensionable service under the Crown for a period of twenty years or for such shorter period as his service would have amounted to if he had died or retired at the age of sixty years.

(3) Where during his pensionable service otherwise than under the Crown the deceased contributor had had an opportunity of contributing to a statutory widows' and children's pension scheme, his basic pension shall be increased by an amount equal to the difference between the basic pension for which he would have been eligible if his total pensionable service had been wholly under the Crown and subsection (2) had applied to him, and the basic pension for which he would have been eligible if his total pensionable service, excluding any period or periods during which he had no opportunity of contributing to a statutory widows' and children's pension scheme, had been wholly under the Crown and subsection (2) were left out of account.

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[1975-31]

### **Widow's pension**

9.(1) If, after the death of the deceased contributor but before she is granted a pension, the widow remarries, a widow's pension may be granted in respect of the period between the date of the death of the deceased contributor and the date of the widow's remarriage.

(2) If, after the grant of a widow's pension, the widow remarries, then, subject to subsection (3), the pension shall cease from the date of the remarriage.

(3) Where

- (a) a pension ceases under this section; and
- (b) the Governor-General is satisfied at a later date that the marriage has come to an end or that there are compassionate grounds for the payment of pension notwithstanding the marriage,

the Governor-General may, if he thinks fit, grant or regrant the pension from that date.

(4) Subject to subsections (1), (2) and (3), a widow's pension may be paid in respect of the whole period from the death of the deceased contributor to the death of the widow.

(5) The annual rate of a widow's pension shall be one-half of the rate of the basic pension of the deceased contributor.

*[1978-6]*

(6) Where the annual rate of a widow's pension is less than \$120 a year, the Governor-General may, on the application of the widow made within 3 months next following the grant of the pension or within such extended period as the Governor-General may allow, commute the pension by paying to her a sum which, in the opinion of the Governor-General, is actuarially equivalent, at the date of payment, to the value of the pension.

**10.** *[Repealed by 1989-9.]*

#### **Payment of pension in cases of desertion**

**11.** Where the deceased leaves a widow who does not assist or who deserts or abandons a child whom she is by law required to maintain and who was wholly or mainly dependent on the deceased when he died, the Governor-General may direct that such parts of the widow's pension as he thinks fit shall be paid to such person as he may direct and be applied by that person for the benefit of the child.

#### **Beneficiaries of children's pensions**

**12.(1)** A children's pension may be granted if, and may be paid so long as and whenever, there are persons for whose benefit it can enure.

(2) Subject to this section, the persons for whom a children's pension can enure are the children of the deceased contributor or of any wife of his who are for the time being in their period of childhood and full-time education.

(3) Notwithstanding subsection (3) of section 2, a children's pension can enure for the benefit of a person after he becomes 18 years of age and if for so long as he is mentally deficient or physically incapacitated and the deficiency or incapacitation is proved by medical evidence to the satisfaction of the Governor-General.

(4) Notwithstanding subsection (3) of section 2, a person ceases to be entitled to a children's pension

(a) after he becomes 25 years of age; or

(b) if the full-time instruction which he is receiving in a university or other educational establishment leads up to a second or a higher degree.

(5) A children's pension cannot enure for the benefit of any person

(a) conceived after the deceased contributor ceased to be a public officer or, as the case may be, ceased to be a contributor under this Act;

(b) who is the child of a wife of the deceased contributor, if he was born or became her child after the end of the marriage or after the deceased contributor had ceased to be a public officer or a contributor under this Act;

(c) who is the step-child of the deceased contributor and a child of his wife, unless that person was wholly or mainly dependent on that deceased contributor when he died.

[1979-32]

(6) A children's pension cannot enure for the benefit of

(a) a female person who at the time of the death of the deceased contributor is married; or

(b) a child of the deceased contributor or any wife of his who is adopted by any other person during the life time of the deceased contributor.

(7) Subject to subsection (8), a female person who, after the death of the deceased contributor, marries, thereupon ceases to be a person for whose benefit a children's pension can enure.

- (8) Where
- (a) a pension is withheld from or does not enure for the benefit of a female person because of subsection (7); and
  - (b) the Governor-General is satisfied at a later date that the marriage has come to an end or that there are compassionate grounds for permitting the pension to enure for her benefit notwithstanding the marriage,
- the Governor-General may, if he thinks fit, grant the pension, or, as the case may be, permit the pension to enure for her benefit, as from that date.

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[1979-32]

### **Rate and payment of children's pensions**

**13.(1)** Only one children's pension may be granted in respect of the service of any one person, but

- (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure;
- (b) it shall be paid to such person or persons as the Governor-General may 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 persons for whose benefit the pension can for the time being enure or for the benefit of such of them as the Governor-General may from time to time direct.

(2) Where the deceased contributor leaves no widow and, if he leaves a widow, after her death, the annual rate of a children's pension

- (a) may amount to two-thirds of the rate of his basic pension while there are 2 or more persons for whose benefit it can enure;

[1978-6]

(b) may amount to one-third of the rate of his basic pension while there is only 1 person for whose benefit it can enure.

*[1978-6]*

(3) Subject to subsections (4) and (5), where the deceased contributor leaves a widow, the annual rate of a children's pension during her life

(a) may amount to one-half of the rate of his basic pension while there are 2 or more persons for whose benefit it can enure;

*[1978-6]*

(b) may amount to one-quarter of the rate of his basic pension while there is only 1 person for whose benefit it can enure.

*[1978-6]*

(4) Where all the persons for whose benefit a children's pension can enure were at the time of the death of the deceased contributor in the care of some person other than the widow, the Governor-General may, if he thinks fit, direct that subsection (2) shall apply notwithstanding that the widow is still alive.

(5) Notwithstanding anything in subsections (1) to (4), where the deceased contributor leaves a widow and no widow's pension is granted to her or, if one is granted to her, it ceases to be paid before her death, any children's pension which is granted shall be payable in accordance with subsection (3).

(6) Subject to subsection (7), where the annual rate of a children's pension is less than \$120 per annum, the Governor-General may, on the application of any person made within 3 months immediately following the grant of the pension or within such extended time as the Governor-General may allow, commute the pension by paying to such person or persons as he thinks fit, a sum which in his opinion, is actuarially equivalent, at the date of payment, to the value of the pension.

(7) Subsection (6) does not apply where a widow's pension has been granted and the aggregate of the annual rates of the widow's pension and the children's pension exceeds \$120.

**Limitation of benefits**

**13A.(1)** The widow and children of a person who ceased to be a contributor by virtue of his having resigned from the public service, but who re-entered the service on or after 1st April, 1978, are entitled to benefits under this Act as computed in accordance with subsection (2).

(2) The benefits to which a widow and children referred to in subsection (1), are entitled shall, notwithstanding section 7, be based on the pension under the *Pensions Act*, Cap. 25, that would have been payable to the contributor on the date when his contributions ceased.

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[1985-13]

PART IV  
CONTRIBUTIONS

**Contributions payable in respect of pensionable service only**

**14.(1)** Contributions are payable under this Act by every person to whom this Act applies but in no case are contributions payable in respect of any period of service which is not taken into account as pensionable service under the *Pensions Act*.

(2) If any period during which a contributor was absent from duty on leave without salary is taken into account as pensionable service under the *Pensions Act*, the Accountant-General shall, in respect of that period, deduct from any pension, gratuity or other allowance payable under the *Pensions Act* to or in respect of the service of that contributor, contributions equal to 2% of the salary which would otherwise have been payable to that contributor during that period had he not been absent from duty on leave without salary.

**Contributions by public officers, transferred and retired public officers**

**15.(1)** Where a contributor is a public officer under the Crown, contributions under this Act

- (a) shall be equal to 2% of the salary from time to time payable to him;
- (b) shall be payable in respect of his salary from the 1st February, 1964, or if he becomes a public officer after that date, from that later date, until he ceases to be a public officer;
- (c) shall be paid by monthly abatements made by the Accountant-General from the officer's salary, or in exceptional cases, at such time or in such other manner as the Governor-General may determine.

(2) Where a contributor is a person who, before the 1st February, 1964, had retired from public service or other public service, contributions under this Act

- (a) shall be equal to two per cent of the amount of the pension or salary in respect of which he was a contributor under the Act of 1928;
- (b) shall be payable in respect of that pension or salary from the 1st February, 1964, until he becomes sixty years of age or has been a contributor under the Act of 1928 and this Act for thirty years.

(3) In the case of a person who, before the 1st February, 1964, had been transferred from public service under the Crown to other public service and becomes a contributor pursuant to paragraph (c) of subsection (1) of section 3, contributions under this Act

- (a) shall be equal to two per cent of the salary from time to time payable to him in that other public service; and
- (b) shall be payable from the 1st February, 1964, until he ceases to be a public officer in that other public service.

[1965-40]

**Contributions in respect of non-pensionable services taken into account as pensionable service**

**16.(1)** Any person who becomes a public officer under the Crown after a period of service in a non-pensionable office or a period of acting service in a pensionable office, may within one month of the date on which he becomes a public officer elect whether or not to pay, in respect of any such period of service taken into account under the *Pensions Act*, as pensionable service, contributions equal to 2% of the salary received by him during that period.

(2) Contributions under this section may be paid either in a lump sum or by deductions made from the officer's salary over a period not exceeding three years.

**Contributions by officers transferred to other public service**

**17.(1)** A contributor who is transferred from public service under the Crown to other public service may, within six months of the date of his transfer, or within such further time as the Governor-General may allow, elect either—

(a) to cease to pay contributions under this Act from the date of his transfer; or

(b) to continue to pay contributions under this Act in respect of the salary payable to him from time to time in that other public service until he ceases to be a public officer in that other public service.

(2) Where a contributor ceases to pay contributions under this Act on his transfer to other public service and subsequently re-enters the public service of the Crown, then, subject to subsection (3) of section 3, contributions equal to two per cent of his salary shall be payable by him from the date of his re-entry until he ceases to be a public officer under the Crown.

[1965-40]

(3) Where a contributor who is transferred to other public service ceases to pay contributions under this Act, then, for the purposes of sections 9 and 13, his basic pension, notwithstanding section 7, is the pension for which he would have

been eligible if he had retired at the rate of his transfer and no qualifying period had been specified in regulation 4 of the Pensions Regulations. But in calculating any such pension no account shall be taken of any period in respect of which the officer was not a contributor under the Act of 1928 or this Act.

### **Return of contributions**

#### **18.(1) If—**

- (a) when a person who has made contributions under this Act ceases to be a public officer, it appears that he has had no wife throughout the period beginning with the date of his first appointment as a public officer in the service of the Crown and ending on the date when he ceases to be a public officer; or
- (b) a person who has made contributions under this Act ceases to be a public officer under such circumstances that he is not eligible for the grant of a pension and would not have become eligible under paragraph (b) or paragraph (c) of subsection (1) of section 6,  
*[1965-40]*

the whole of his contributions shall be returned to him or his legal personal representative unless, in the case of a person referred to in paragraph (a), there are no children of his who remain eligible for a children's pension at the date when he ceases to be a public officer. In any such case there shall be returned to such person or to his legal personal representative only those contributions which were made after the date when there were no children of his who remained eligible for a children's pension.

(2) Where a person who has made contributions under this Act ceases to be a public officer in such circumstances that he is eligible only for the grant of a gratuity, then, unless he retired from the public service in the circumstances defined in paragraph (e) of section 8 of the Pensions Act, he may elect that the whole of his contributions may be returned to him in return for the surrender of such benefits as might enure under this Act to his widow and his or her children.

*[1975-31]*

(3) If a person who has made contributions under this Act has no wife when he ceases to be a public officer, then if there are no children of his or of any wife of his, who remain eligible for a children's pension, there shall be returned to him or to his legal personal representative such of those contributions, beginning with the last of them, as is necessary to secure that the period in respect of which contributions have been paid by him without being returned does not extend beyond the date on which he last had a wife or, as the case may be, the date on which any child of his or of any wife of his, ceased to be eligible for a children's pension.

(4) In determining the amount of any contributions to be returned under this section to any person or to his legal personal representative account shall be taken of all contributions made by that person under the Act of 1928.

(5) Where any contributions are returned under this section, an addition shall be made to those contributions of one and one-quarter per cent of the total amount of the returned contributions.

(6) Where a person leaves the public service before attaining the age of fifty-five years, any contributions which are returnable to that person under this section shall be suspended until—

(a) he has attained the age of fifty-five years or sooner dies; or

(b) he has satisfied the Governor-General that he is incapacitated and his condition is likely to be permanent.

[1975-31]

(7) Notwithstanding anything contained in this Act, where a person retires from the public service in accordance with section 8 (5) of the *Pensions Act*, Cap. 25 or section 6 (5) of the *Teachers (Secondary Schools) Pensions Act*, Cap. 56, any contributions which are returnable to that person under this section shall be refunded to that person on such retirement.

**Power of Accountant-General to deduct arrears of contributions**

**19.** If at any time when a pension, gratuity or other allowance under the Pensions Act becomes payable to or in respect of any contributor the Accountant-General is satisfied that any contributions payable by that contributor under this Act have not been paid, the Accountant-General may deduct those contributions from any such pension, gratuity or other allowance.

## PART V

## MISCELLANEOUS

**Financial provisions**

**20.(1)** Contributions under this Act shall be paid into the Consolidated Fund.

(2) There shall be paid out of moneys voted for the purposes of this Act by Parliament—

- (a) any pension, capital sum or return of contributions with or without interest, which is payable under any of the provisions of this Act;
- (b) any expenses incurred in the administration of this Act.

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[1967/168]

**Information to be furnished**

**21.(1)** Unless the information required to be furnished under this section has already been furnished under the Act of 1928, every person to whom this Act applies shall—

- (a) if he is married or a widower with children who are in their period of childhood and full-time education, notify the Accountant-General of the dates of his marriage and of the births of his and his wife's children within six months of the date of his first appointment to be a public

officer in the service of the Crown or of the date of the commencement of this Act, whichever is the later;

- (b) if he marries, notify the Accountant-General of his marriage within six months of the date thereof;
  - (c) within six months of the event, notify the Accountant-General of—
    - (i) the birth of any child born to him or the adoption of any child by him;
    - (ii) the marriage of any female child during her period of childhood and full-time education;
    - (iii) the death of his wife and the death or adoption of any of his or her children who are in their period of childhood and full-time education;
    - (iv) the annulment or dissolution of his marriage and the date thereof.
- (2) The widow of any person to whom this Act applies shall, within six months of the event, notify the Accountant-General of—
- (i) the date of his death;
  - (ii) the birth of any posthumous child born to him;
  - (iii) the marriage of any female child during her period of childhood and full-time education;
  - (iv) the death or adoption of any child during his period of childhood and full-time education;
  - (v) her own remarriage or bankruptcy.
- (3) Any notice given under this section shall be in writing and any statement made in any such notice shall be proved by the production of birth, death or marriage certificates or by affidavit or otherwise to the satisfaction of the Accountant-General.

**Penalty for non-compliance**

**22.(1)** Any person to whom this Act applies or a widow of any such person, who fails or neglects to comply with any of the requirements of section 21 shall, for each default, be liable, at the discretion of the Governor-General, to pay a fine not exceeding ten dollars which may be deducted by the Accountant-General from his salary, or, as the case may be, from his or her pension.

(2) Where any person to whom this Act applies or a widow of any such person, wilfully makes any false statement with respect to any of the particulars required by this Act to be given to the Accountant-General, all or any part of the rights or benefits which would or might enure to him or his widow and children under this Act may be forfeited at the discretion of the Governor-General.

**Pension not to be assigned**

**23.** Except as may be expressly provided in this Act, no pension payable and no rights of any person, under this Act are assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

**Manner of making elections**

**24.(1)** Any election authorised to be made under this Act shall be in writing and shall be made to the Accountant-General.

(2) The date of the making of the election is, for the purposes of this Act, the date of the receipt by the Accountant-General of the written notification of the election.

(3) After the expiry of any period within which an election under this Act is required to be made, any election already made is irrevocable.

**Proof of claims to pensions**

**25.** The Accountant-General may require such proof as he considers desirable that any person who claims to be entitled to a pension under this Act,

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or on behalf of whom such a claim is made, is alive and entitled to the pension; and the payment of any pension may be refused until such proof is furnished to the satisfaction of the Accountant-General.

### **Regulations**

**26.** The Governor-General may make regulations for the purpose of carrying this Act into effect.

### **Exercise of Governor-General's functions**

**27.** Subject to section 104 of the Constitution, in the exercise of any of the functions conferred on him by or under the foregoing provisions of this Act the Governor-General may exercise that function acting on the recommendation of the appropriate Service Commission.

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[1967/168]

**SCHEDULE***LIST OF AUTHORITIES OR BODIES*

The Agricultural Credit Bank	(Established by the <i>Agricultural Credit Bank Act</i> , Cap. 321).
The Housing Authority	(Constituted by the <i>Housing Act</i> , Cap. 226).