



BELIZE

WIDOWS' AND CHILDREN'S PENSIONS ACT CHAPTER 32

REVISED EDITION 2000 SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

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WIDOW'S AND CHILDREN'S PENSIONS ACT

5

Amendments in force as at 31st December, 2000.



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CHAPTER 32**

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CHAPTER 32

WIDOWS' AND CHILDREN'S PENSIONS

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SCHEDULE

CHAPTER 32

WIDOWS' AND CHILDREN'S PENSIONS

[1st September, 1976]

CAP. 25.
R.E. 1980-1990
4 of 1976.
10 of 1991.
Commencement.
S. I. 52 of 1976.

1. This Act may be cited as the Widows' and Children's Pensions Act. Short title.

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

“child” in relation to a person, includes an illegitimate child, an adopted child, and a stepchild;

“contributor” means a public officer to whom this Act applies;

“the deceased” means a deceased contributor;

“marriage”, in relation to any public officer, does not include a marriage taking place after that officer has left the public service;

“Pensions Act” means the Pensions Act as for the time being in force; CAP. 30.

“Pensions Regulations” means the Pensions Regulations as for the time being in force;

“periodical contributions” means such contributions as are referred to in section 12;

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

“transferred” in relation to a public officer, means transferred to or from service under the Government from or to other public service;

“wife” does not include a wife whom a contributor marries after leaving the public service.

(3) The expression “widow” in relation to any deceased contributor, means the person who immediately before his death-

(a) was his wife; or

(b) in any case where polygamy lawfully subsists, was the wife to whom he has been married for the longest period,

and the expressions “wife” and “children” shall be construed accordingly.

(4) The expressions “other public service”, “pensionable emoluments,” “pensionable office” and “public service” have the meanings respectively assigned to those expressions by section 2(1) of the Pensions Act.

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(5) The expression “medical grounds” in relation to the retirement of a public officer-

(a) from service under the Government, means the circumstances prescribed in section 6 (1) (a) (iv) of the Pensions Act;

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(b) from other public service, means the circumstances prescribed in the law, Act or regulations of the public service in which he was last employed, as correspond to the said paragraph (iv).

(6) The expressions “pensionable service” and “qualifying service” have the meanings respectively assigned thereto by regulation 2 of the Pensions Regulations.

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S.I. 95 of 1990.
S.I. 26 of 1992.

(7) The expressions “Scheduled administration” and “service in the Group”, have the meanings respectively assigned thereto by regulation 8 (1) of those regulations.

(8) References to the basic pension of an officer are references to the pension for which under the Pensions Act he was eligible at the date of his death (whether such a pension or any other pension had actually been granted or not) or as the case may be, for which he would have been eligible, calculated in either case with reference to his pensionable service only, and without regard to any abatement, addition or other pension or allowance which may or might be made under the Pensions Act.

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(9) Subject to section 6, the expression “the rate of the pension of the deceased” means three-fourths of the annual rate of the basic pension of the deceased.

(10) A reference in this Act to an adopted child of a person shall be construed as a reference 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 reference to a person by whom any person has been adopted shall be construed accordingly.

(11) (a) A person shall be deemed for the purposes of this Act to be in his period of childhood and full-time education while either-

- (i) he is under the age of sixteen; or
- (ii) he has since attaining the age of sixteen continuously received and is receiving full-time instruction at any university, college, school or other educational establishment.

- (b) As respects any period during which the conditions specified in subparagraph (ii) of the preceding paragraphs are not satisfied in relation to a person, the Governor-General may, if he thinks fit and is satisfied that the person's full-time education ought not to be regarded as completed, direct either-
- (i) that the period shall be ignored for the purposes of that paragraph; or
 - (ii) that the period shall be so ignored and shall also be treated as part of his full-time education for all the other purposes of this Act, except for such purposes (if any) as may be specified in the directions.

(12) Where the marriage of any public officer has been annulled or dissolved by the decree of any competent court, the provisions of this Act shall have effect in relation to him as if his wife had died, and the officer shall be deemed to have become a widower at the date of such decree.

(13) A 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.

Application of Act to existing and future public officers. Schedule.

3.-(1) Subject to the provisions of the Schedule to this Act, this Act shall apply to-

- (a) every public officer in service under the Government at the date of the commencement of this Act who-
 - (i) within the three months next following that date; or
 - (ii) in the case of an unmarried officer who has not so elected and who subsequently marries, within three months of the date of his marriage elect that this Act

shall apply to him; and

(b) every public officer appointed to service under the Government or transferred thereto from other public service after the date of the commencement of this Act.

(2) In the case of a public officer to whom-

(a) subsection (1) (a) applies, an election shall be effective on and after the date of the commencement of this Act;

(b) subsection (1) (b) applies, this Act shall apply on and after the date of his appointment or transfer as the case may be.

4. Subject to this Act, the Governor-General shall on the death of a contributor grant, in respect of his service-

Power to grant widows' and children's pensions.

(a) where he leaves a widow, a pension to that widow (in this Act referred to as a "widow's pension");

(b) where he had a wife (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 a "children's pension").

5. A pension shall not be granted under this Act unless the deceased-

Pensions under this Act to depend on deceased's eligibility for pension. CAP. 30.

(a) had become eligible for the grant of a pension under the Pensions Act (other than a pension under regulation 24 of the Pensions Regulations), whether such a pension had actually been granted or not; or

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- (b) would have become eligible for the grant of a pension under the Pensions Act if regulation 4 (1) of the Pensions Regulations (which relate to the minimum qualifying service) had not been applicable to him; or
 - (c) was still serving as a public officer at the time of his death (whether or not he had been confirmed in a pensionable office) and would, if-
 - (i) he had then retired on medical grounds; and
 - (ii) he had been confirmed in a pensionable office; and
 - (iii) regulation 4 of the Pensions Regulations had not been applicable to him; and
 - (iv) he had completed at least one month's pensionable service,

have become eligible for the grant of a pension.

Minimum benefit.

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6. Where the deceased at the time of his death was a public officer in service under the Government or had retired from that service in the circumstances described in section 6 (1) (a) (ii), (iii) or (iv) of the Pensions Act, and at the time of his death or retirement his pensionable service was less than twenty years, his basic pension shall-

- (a) (i) if his pensionable service had been wholly under the Government, be computed as if it had been pensionable service for a period of twenty years; or
- (ii) if his pensionable service would have been for a shorter period than twenty years if he had died or retired at the age of fifty (or fifty-seven in the case

of judges) for such shorter period;

- (b) if his pensionable service had not been wholly under the Government, be increased by an amount equal to the difference between-
- (i) the pension for which he would have been eligible if his pensionable service had been wholly under the Government and paragraph (a) had applied to him; and
 - (ii) the pension for which he would have been eligible if his pensionable service had been wholly under the Government and paragraph (a) had been let out of account;
- (c) if-
- (i) his pensionable service had not been wholly under the Government; and
 - (ii) in respect of his other public service prior to his first transfer to service under the Government he had no opportunity of contributing to a statutory widows and orphans pensions scheme or to the Overseas Superannuation Scheme,

be computed as if his pensionable service had commenced on the day on which he was first transferred from other public service to service under the Government and paragraph (a) applied to him.

7.-(1) A widow's pension shall not be granted if-

Widow's
pension.

- (a) the widow was at the time of the death of the deceased cohabiting with a person other than the deceased; or

- (b) after the death of the deceased the widow remarries or cohabits with any person,

and if, after the grant of a widow's pension, the widow remarries or cohabits with any person, the pension shall cease as from the date of the remarriage or the commencement of the cohabitation:

Provided that where-

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

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

(2) A widow's pension shall not be granted if the deceased's death occurs within twelve months of the marriage and there are no children born of the marriage, but the Governor-General may, if he thinks fit, grant the pension if he is satisfied that there are compassionate grounds for the payment thereof.

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

(4) The annual rate of a widow's pension shall amount to one-half of the rate of the pension of the deceased.

10 of 1991.

(5) Notwithstanding anything to the contrary in this Act, where the annual rate of the widow's pension is less than two thousand four hundred dollars per

anum it shall, without any application from the widow, be increased by an amount necessary to bring it to the level of two thousand four hundred dollars per anum without affecting the children's pension payable under this Act.

8.-(1) If a person to whom a widow's pension has been granted is adjudicated bankrupt or declared insolvent by any competent court such pension shall cease as from the date of the adjudication or declaration.

Bankruptcy of a widow.

(2) Where a pension ceases under this section the Governor-General may, from time to time, during the remainder of the widow's life or during such shorter period or periods, either continuous or discontinuous as he thinks fit, authorise the payment to her of an allowance at a rate not exceeding the rate of her pension or may authorise the application of such allowance for the maintenance and support of such widow, in such manner and at such time as he thinks fit.

9. Where the deceased leaves a widow who does not assist or deserts or abandons a child whom she is bound by law to maintain, the Governor-General may direct that such portions of the widow's pension as he thinks fit shall be paid to such person as he may direct and be applied by him for the benefit of such child.

Payment of pension in cases of desertion.

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

Children's pensions: beneficiaries.

(2) Subject to this section, the persons for whose benefit a children's pension can enure are the children of the deceased or (subject to section 2 (3)) of any wife of his who are for the time being in their period of childhood and full-time education.

(3) A children's pension cannot enure-

(a) for the benefit of any person conceived after the deceased had ceased to be a public officer;

- (b) for the benefit of any person by reason that he is the adopted child of the deceased if he was born, or, as the case may be, adopted, after the termination of the deceased's last marriage or after the deceased had ceased to be a public officer; or
- (c) for the benefit of any person by reason that he is the child of a wife of the deceased, if he was born or became her child after the termination of the marriage or after the deceased had ceased to be a public officer.
- (4) A children's pension cannot enure for the benefit of any person by reason that-
- (a) he is the adopted or illegitimate child of the deceased; or
- (b) he is a step-child of the deceased and a child of a wife of his; or
- (c) he is the step-child, adopted or illegitimate child of a wife of the deceased,

unless he was wholly or mainly dependent on the deceased at the time of death.

(5) Subject to subsection (6) a children's pension cannot enure for the benefit of a female person who, at the time of the death of the deceased was married or was cohabiting with any person, and if, after the death of the deceased, a female person married or cohabits with any person, she shall thereupon cease to be a person for whose benefit a children's pension can enure.

- (6) Where-
 - (a) by virtue of subsection (5) a pension is withheld from or does not enure for the benefit of a person; and
 - (b) the Governor-General is satisfied at a subsequent date that the marriage or cohabitation 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.

11.-(1) Only one children's pension shall be granted in respect of the service of any one person, but-

Children's pensions: rate and mode of payment.

- (a) the rate thereof may vary according to the number of persons for those whose benefit it can for the time being enure; and
- (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; and
- (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 leaves no widow, and, if he leaves a widow, after her death, the annual rate of a children's pension-

- (a) while the persons for whose benefit it can enure are two or more in number, shall amount to three-fourths of the rate of the pension of the deceased;
- (b) while there is only one such person, shall amount to three-eighths of the rate of the pension of the deceased.
- (3) Subject to subsection (4), where the deceased leaves a widow, the annual rate of a children's pension during her life, while there are one or more persons for whose benefit it can enure shall amount to one-fourth of the rate of the pension of the deceased:

Provided that-

- (a) where all the persons for whose benefit a children's pension can enure were at the time of the death of the deceased 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; and
- (b) where some but not all of those persons were at that time in the care of some person other than the widow, the annual rate of the children's pension shall, if the Governor-General thinks fit, amount to one-half of the rate of the pension of the deceased.
- (4) Notwithstanding anything in subsections 1 to 3, where the deceased leaves a widow and no widow's pension is granted to her, or if one is granted to her, it ceases in accordance with this Act to be paid before her death, no children's pension shall be payable as respects any period comprised within the life-time of the widow or within the time in respect of which no widow's pension is payable, as the case may be, unless the Governor-General specially directs that such a pension shall be so payable, but if the Governor-General does specially so direct, he may, if he thinks fit, further

direct that subsection (2) shall apply as respects any such period notwithstanding that the widow is still alive.

(5) Where the annual rate of a children's pension does not exceed forty-eight dollars the Governor-General may, on the application of any person made within three months next following the grant of the pension, commute the pension by paying to such person or persons as he thinks fit a sum which, according to actuarial tables to be prepared from time to time by an actuary appointed by the Governor-General, as at the date of payment, actuarially equivalent to the value of the pension.

(6) Subsection (5) shall 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 forty-eight dollars.

12.-(1) Every contributor shall elect, either at the same time as he elects that this Act shall apply to him or within three months of this Act being applied to him, as the case may be, whether or not to make contributions under this section.

Periodical contributions.

- (2) Contributions under this section-
- (a) shall be equal to two and one quarter *per centum* of the amount of the annual pensionable emoluments from time to time enjoyed by the contributor; and
- (b) shall be payable in respect of his pensionable emoluments-
- (i) from the date as from which his election to pay contributions becomes effective until he ceases to be a public officer under the Government; and
- (ii) in the case of an officer transferred to other public service who subsequently re-enters public service under

the Government, from the date of his re-entry until he ceases to be a public officer under the Government; but no contributions shall be payable under this paragraph in respect of any period which is not taken into account as pensionable service; and

(c) shall be paid by deduction from the officer's salary or in such other manner as the Governor-General shall determine.

(3) An election by an officer under subsection (1) shall be effective on and after the date when this Act first applies to him.

(4) A contributor who at the date from which this Act first applies to him is unmarried, shall, if he marries thereafter and has not already elected under subsection (1) to make periodical contributions, re-elect within three months of the date of his marriage whether or not to make such contributions and such election shall take effect on the first day of the month in which he marries.

Return of
periodical
contributions.

13.-(1) Subject to this section, if-

(a) when a contributor who has made periodical contributions ceases to be a public officer, it appears that he has had no wife throughout the period commencing with the date of his first appointment as a public officer in the service of the Government and terminating on the date when he ceases to be a public officer; or

(b) a contributor who has made periodical contributions ceases to be a public officer in such circumstances that he is not eligible for the grant of a pension under the Pensions Act and would not have become eligible in the circumstances described in section 5 (b) or (c); or

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- (c) a person who, having made periodical contributions, was a public officer serving under the Government at the time of his death and had not been confirmed in a pensionable office,

the whole of his periodical contributions shall be returned to him or to his legal personal representative.

(2) Where a person who has made periodical contributions 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 on medical grounds, he may elect that the whole of his periodical 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.

(3) If a contributor who has made periodical contributions has no wife when he ceases to be a public officer, 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 such contributions have been paid by him without being returned does not extend beyond the date on which he last had a wife.

(4) Where any contributions are returned under this section, they may be returned with an addition of one-and-a-quarter per cent of the aggregate amount of the returned contributions for each year and part of a year of service in respect of which the contributions were made.

14.-(1) Subject to this Act, where a pension or gratuity under the Pensions Act becomes payable to or in respect of a contributor, payment in respect of the contributions due from him under this Act shall be made in the form of a reduction-

Contribution by reduction in pension or gratuity. CAP. 30.

- (a) in the gratuity, where one is payable; or

- (b) where no such gratuity is payable, or the payment due under this section exceeds the gratuity, then to the extent of such excess, in any such pension payable.
- (2) A payment shall not be made under this section where-
- (a) the contributor has no wife when he ceases to be a public officer and has had no wife throughout the period commencing with the date of his first appointment as a public officer in service under the Government and terminating on the date when he ceases to be a public officer; or
- (b) being a person who has ceased to be a public officer in such circumstances that he is eligible only for grant of a gratuity and not having retired from the public service on medical grounds elects to surrender such benefits as might enure under this Act to his widow and his or her children; or
- (c) the number of relevant months (as defined in subsection (4)) is nil.
- (3) Where the payment by a contributor under this section takes the form-
- (a) of a reduction in the amount of the pension, it shall be made at an annual rate of two-twenty-fifths of the total amount of the contribution;
- (b) of a reduction in gratuity it shall be equivalent to the total amount of the contribution.
- (4) In this section, the expression-

- (a) “the number of relevant months” means-
- (i) if the contributor has a wife when he ceases to be a public officer, the number of completed months of pensionable service under the Government which he then has;
 - (ii) if the contributor has no wife when he ceases to be a public officer, the number of completed months of pensionable service under the Government which he had when he last had a wife before that date, reduced in each case by the number of months (if any) in respect of which periodical contributions have been made by him and are not returnable;
- (b) “the total amount of the contribution” means a sum equal to one-twelfth of two and one quarter *per centum* of the contributor’s annual pensionable emoluments when he ceased to be a public officer, multiplied by the number of relevant months;
- (c) “annual pensionable emoluments” means the emoluments which would be taken for the purpose of computing the contributor’s pension or gratuity in accordance with the provisions of regulation 18 of the Pensions Regulations.

(5) Where the payment due from a contributor takes the form of a reduction in his pension and that pension ceases under the provisions of sections 11, 13 and 14 of the Pensions Act, sums equivalent to those by which the pension would have been reduced had it not ceased, shall be deemed to have been paid on account of the payment due under this Act.

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Contributions payable in respect of re-employed pensioner.
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CAP. 30.

15.-(1) Where a public officer whose pension has been suspended under section 11 of the Pensions Act or whose earlier public service is taken into account in accordance with regulation 15 (4) (b) of the Pensions Regulations, has in accordance with section 14 of this Act had a reduction made in the pension or gratuity granted to him under the Pensions Act he shall-

- (a) if such reduction was made in the aforesaid gratuity, be deemed to have made periodical contributions in respect of his pensionable service;
- (b) if such reduction was made in the aforesaid pension, be deemed to have made periodical contributions in respect of that proportion, not exceeding the whole, of his pensionable service as the actual amount of the contribution paid by way of reduction in pension bears to the total amount of the contribution used in determining the amount of the reduction.

(2) In subsection (1) the expression "pensionable service" means the pensionable service of the officer concerned taken into account in calculating the amount by which his gratuity or as the case may be his pension has been reduced.

Information to be furnished.

16.-(1) Every contributor shall-

- (a) within three months of the day on which this Act first applies to him, notify the Governor-General in writing if he is married or a widower with children who are in their period of childhood and full-time education, the date of his marriage and of the birth of his and his wife's children;
- (b) if he marries, notify his marriage to the Governor in writing within three months of the marriage;

- (c) notify the Governor-General within three months of the event-
- (i) the birth of any child born to him or his wife;
 - (ii) the adoption of any child by him or his wife;
 - (iii) the marriage of any female child during her period of childhood and full-time education;
 - (iv) the death of his wife and the death or adoption of any children who are in their period of childhood and full time education;
 - (v) the annulment or dissolution of his marriage and the date thereof.

(2) The widow of a contributor shall notify the Governor-General in writing within three months of the event-

- (a) the date of the death of the deceased;
- (b) the birth of any posthumous child born to the deceased;
- (c) the marriage or cohabitation with any person of any female child during her period of childhood and full-time education;
- (d) the death of any child during his period of childhood and full-time education;
- (e) her own re-marriage, cohabitation with any person or bankruptcy.

(3) Any person in receipt of a pension in respect of a child under section 9 or 11 shall notify the Governor-General in writing within three months of the event-

- (i) the death of the child;
- (ii) the marriage or cohabitation of any female child during the period of her childhood and full-time education.

(4) Any statement or notice made or given in pursuance of this section shall be proved by the production of a certificate of birth, death or marriage or by affidavit or otherwise to the satisfaction of the Governor-General.

Penalty for non-compliance.

17.-(1) Any contributor, or widow of such contributor, or any person in receipt of a pension under section 9 or 11 who fails or neglects to comply with any of the requirements of section 16 shall for each default be liable at the discretion of the Governor-General to pay a fine not exceeding eight dollars which may be deducted from his salary or, as the case may be, from his or her pension or the pension payable, as the case may be.

(2) If any contributor, or widow of such contributor, or any person in receipt of a pension under section 9 or 11 makes any false statement respecting any of the particulars required by this Act to be given to the Governor-General, all or any part of the rights or benefits which would or might enure to him or his widow or children under this Act shall be liable to be forfeited at the discretion of the Governor-General.

Mode of making election.

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

(2) The date of the making of the election shall be deemed to be the date of the receipt of the written notification of the election by the Governor-General.

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

(4) The Governor-General may in his discretion in any special circumstances extend the period for making any election under this Act.

19. The Governor-General may require such proof as he considers desirable that any person who claims to be entitled to a pension under this Act, or on behalf of whom such 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 Governor-General.

Proof of claims to pensions.

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

Pension not to be assigned.

21. Where a marriage which is voidable but not void from the beginning is declared to be null by any court of competent jurisdiction, the same results shall follow under this Act as would have followed thereunder if the marriage had not been voidable and had been dissolved at the date of the declaration of nullity.

Effect of certain nullity decrees.

22.-(1) There shall be paid out of the Consolidated Revenue Fund-

Financial provisions.

(a) any pension or return of contribution with or without interest which is payable under or by virtue of any of the provisions of this Act;

(b) any expenses incurred in the administration of this Act.

(2) Contributions under this Act shall be paid into the Consolidated Revenue Fund.

Application of the Schedule in respect of certain officers.
Schedule.

23. The supplementary provisions of the Schedule to this Act shall have effect in relation to the contributions to be made by the public officers specified therein and to the matters connected therewith.

Widows' and Orphans' Pensions Ordinance to cease to apply.
Ch. 231,
R.L., 1958.

24. Subject to this Act, the Widows' and Orphans' Pensions Ordinance shall cease to apply to a public officer on and after the day from which this Act first applies to him.

SCHEDULE

[Sections 3 and 23]

Supplementary Provision in Relation to Contributions by Certain Contributors and Matters connected Therewith

Interpretation.

1. In this Schedule the expression-

Ch. 231,
R.L., 1958.

- (i) "existing Ordinance" means the Widows' and Orphans' Pensions Ordinance;
- (ii) "the relevant date" means such date as is specified in paragraph (a) or (b) as the case may be of section 3 (2) of this Act;
- (iii) "the relevant period" means the number of completed months of service reckonable as pensionable service under the Government which the contributor had at the relevant date.

2. (a) A public officer who-
- (i) elects under section 3 (1) of this Act that this Act shall apply to him; or
 - (ii) after the date of the commencement of this Act is appointed to service under the Government, or is transferred thereto from other public service, and who has prior to that date been in public service under the Government,
- Contribution by lump sum payment at the relevant date.

shall, either at the same time as he elects that this Act shall apply to him or within three months of the Act being applied to him, as the case may be, elect whether or not to make a lump sum contribution in respect of the period of pensionable service which he had at the relevant date.

(b) The lump sum contribution payable under paragraph 2 (a) shall be equal to one-twelfth of two and one quarter *per centum* of the contributor's annual pensionable emoluments, as ascertained in accordance with regulation 18 of the Pensions Regulations, at the relevant date, multiplied by the number of months in the relevant period. CAP. 30.

(c) A lump sum contribution under this paragraph shall within twelve months of the relevant date or such extended period as the Governor-General may in exceptional circumstances allow, be paid in such manner as he may direct.

(d) Where a contributor has made a lump sum contribution under this paragraph he shall be deemed to have made periodical contributions in respect of that period of service reckonable as pensionable service which is taken into account in calculating the amount of such lump sum contribution.

3. Where contributions fall to be made by or in respect of a transferred public officer under section 14 of this Act-
- (a) if such contributions fall payable on his retirement from the public service or on his death while in public service under this Government, the amount by which the pension or gratuity payable to or in respect of him under the Pensions Act may be reduced under section 14 of this Act, shall be such an amount
- Contributions by a transferred public officer.

CAP. 30.

as shall bear the same proportion to the aggregate amount of the contributions which would fall to be made by or in respect of him under section 14 of this Act, had his service in the group been wholly in public service under this Government as the aggregate amount of his pensionable emoluments during the number of relevant months, as defined in section 14 (4) of this Act, of service under this Government bears to the aggregate amount of his pensionable emoluments during the said relevant months and his service under any scheduled Government;

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- (b) if such contributions become payable on the death of the public officer while he is in other public service, no widow's pension or children's pension shall be payable under this Act unless a sum equal to the amount by which, if the public officer had died in public service under this Government, the gratuity payable in respect of him under the Pensions Act would have been reduced under the provisions of the sub-paragraph (a) of this paragraph is paid to the Governor-General within twelve months next following the date of his death or within such extended period as the Governor-General may allow.

Contributions made under Widows' and Orphans' Pensions Ordinance. Ch. 231, R.L., 1958.

4. Where a public officer who is eligible to make an election under paragraph 2 of this Schedule has during any part of the relevant period made contributions under the Ordinance and on the day prior to the relevant date ranked for benefit under that Ordinance, such contributions, shall be deemed to have been periodical contributions under this Act.

Return of contributions made under Widows' and Orphans' Pensions Ordinance.

5. Where a public officer to whom paragraph 4 of this Schedule applies becomes eligible for a return of contributions under section 13 of this Act such contributions shall for the purpose of that section include-

- (a) any periodical contributions made under section 12 of this Act;
- (b) any lump sum contribution made under paragraph 2 of this Schedule;

Schedule.

- (c) an amount equal to the aggregate of contributions made by him under the existing Ordinance.

6. (a) Where a public officer ceases to be a contributor under the existing Ordinance in accordance with section 24 of this Act he shall on becoming a contributor under this Act be deemed to have surrendered any claim to benefit under the existing Ordinance:

Provided that 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 to his beneficiaries at the date of his death under the existing Ordinance, if he had been treated for the purpose of that Ordinance as having transferred to other public service and as having ceased to contribute under that Ordinance as from the relevant date.

(b) Where in any case the provisions of the subparagraph fall to be applied-

- (i) if there is only one person to whom a pension is being paid or to whom a pension is to be granted, such pension shall be at the higher rate prescribed in the preceding subparagraph;
- (ii) if there are two or more persons to whom pensions are being paid or to whom pensions are to be granted, each person's pension shall be such proportion of the higher rate of pension prescribed in the preceding sub-paragraph as that person's pension calculated without regard to the preceding subparagraph bears to the aggregate of the persons' pensions calculated without regard to the preceding subparagraph.

(c) For the avoidance of doubt it is hereby declared that the increased widows' pension and the increased children's pension payable under subparagraph (b) of this paragraph shall-

- (i) not be granted unless the full amount of the contribution payable under section 14 of this Act is made to the Governor-General within twelve months of the date of the death of the deceased; and
- (ii) to be payable in accordance with the provisions of this Act.