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**LAWS OF THE WEST INDIES**

**CHAPTER 519**

**WIDOWS' AND CHILDREN'S PENSIONS**

## **CHAPTER 519**

### **THE WIDOWS' AND CHILDREN'S PENSIONS ACT, 1960**

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## **Act 11/1960**

**AN ACT** to make provision for granting pensions to widows and children of deceased public officers, and for purposes connected therewith.

*Date of Assent* ..... 29th December, 1960.

### *Commencement*

*except with respect to the Cayman Is*

*and the Turks & Caicos Is* ..... 1st January, 1961.

*with respect to the Cayman Is. and*

*the Turks & Caicos Is* ..... to be proclaimed.

## **Short title and application to Cayman Is. And Turks and Caicos Is.**

1. (1) This Act may be cited as the Widows' and Children's Pensions Act, 1960.

(2) (a) This Act shall apply to the Cayman Islands and the Turks and Caicos Islands.

(b) This Act shall, in relation to the Cayman Islands and the Turks and Caicos Islands, come into operation on such day as the Governor-General may appoint by proclamation in the Gazette.

## **Interpretation.**

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

"child", in relation to a person, includes an illegitimate child, a step-child and an adopted child;

"pensionable emoluments" has the same meaning as in section 2 of the Pensions Act;

"pensionable office" has the same meaning as in section 2 of the Pensions Act;

"pensionable service" has the same meaning as in regulation 2 of the Pensions Regulations;

"Pensions Act" means the Pensions Act, 1958; (*Cap. 512*)

"Pensions Regulations" means the Pensions Regulations, 1958; (*Cap. 512*)

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

"public service" and "other public service" have the same meanings as assigned to them respectively 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 this Government, retirement in circumstances in which paragraph (e) of section 6 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 law of the public service in which he is last employed would apply ;

"service in the Group" has the same meaning as in regulation 8 of the Pensions Regulations;

"this Government" means the Government of The West Indies;

"widow", in relation to any contributor, means the person who was immediately prior to his

decease his wife.

(2) When the marriage of any contributor has been annulled or dissolved by the decree of any competent Court, the provisions of this Act shall, in relation to the contributor, have effect as if the wife had died and the contributor shall be deemed to have become a widower at the date of such decree of annulment or dissolution.

(3) (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 twenty-one years; or
- (ii) he is receiving full-time instruction at any university, college, school or other educational establishment; or
- (iii) he is undergoing training by any person (hereinafter referred to as "the employer") for any trade, profession or vocation in such circumstances that he is required to devote the whole of his time to the training for a period of not less than two years and while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him, do not exceed two hundred and forty dollars a year, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training:

Provided that a person shall not be deemed for the purposes of this sub-section to satisfy the condition specified in sub-paragraph (ii) or the condition specified in sub-paragraph (iii) of this paragraph unless there has up to then been no time since he attained the age of twenty-one when he did not satisfy one or other of those conditions.

(b) As respects any period during which neither of the conditions specified in sub-paragraphs (ii) and (iii) of paragraph (a) of this sub-section is satisfied in relation to a person, the Governor-General may, if he thinks fit and is satisfied that that person's full time education ought not to be regarded as completed, direct either-

- (i) that that period shall be ignored for the purposes of the proviso to paragraph (a) of this subsection; or
- (ii) that that period shall be ignored and shall also be treated as part of his 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.

(4) Any 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 another person has been adopted shall be construed accordingly.

(5) 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.

(6) Any reference in this Act to the service of a public officer in the service of this Government includes any period of service taken into account for the purposes of the Pensions Act, under the provisions of subsection (2) of section 2 of that Act.

### **Application of Act to serving officers and those appointed in the future.**

3. (1) Subject to the provisions of the next following section this Act shall apply to-

(a) every person who is a public officer in the service of this Government at the date of the commencement of this Act and elects, before the thirty-first day of January, 1961, that this Act shall apply to him; and

(b) every person who is appointed to be a public officer in the service of this Government after the date of the commencement of this Act.

(2) Any public officer who has not elected that this Act shall apply to him under the provisions of paragraph (a) of subsection (1) of this section and subsequently marries may within the period of three months next following the date of his marriage elect that this Act shall apply to him.

(3) In any case where an officer to whom paragraph (a) of subsection (1) or subsection (2) of this section applies has been absent from the Territory in which he is normally stationed for the whole or a substantial portion of the period within which he is required to elect that this Act shall apply to him, or in any other case where similar exceptional circumstances exist, the Governor-General may extend the time within which such an election is required to be made.

#### **Application of Act to Judges of Federal Supreme Court.**

4. (1) Subject to the provisions of this section the provisions of this Act shall not apply to any person appointed to the office of Judge of the Federal Supreme Court.

(2) The Governor-General may make regulations for the purpose of applying the provisions of this Act to persons appointed to the office of Judge of the Federal Supreme Court.

(3) Without prejudice to the generality of the power conferred under subsection (2) of this section, regulations made thereunder may-

(a) provide for the modification of the provisions of any Act or of any subsidiary legislation made thereunder;

(b) prescribe the date from which the provisions of this Act shall apply to any such person, the rate or amount of contribution payable by such persons, or the rate or amount of pension payable to the widow and children of such persons;

(c) provide for any matters incidental to any of the purposes aforesaid; and

(d) be given retrospective effect to such extent and for such purposes as may be prescribed therein.

(4) All regulations made under this section shall be laid before each chamber of the Federal Legislature and published in the Gazette.

5. Subject to the provisions of this Act, the Governor-General may on the death of a person to whom this Act applies (in this Act referred to as "the deceased") 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 a "children's pension");

Provided that any marriage of the deceased which takes place after he has ceased to be a

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

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

6. (1) A pension shall not be granted under this Act unless-

- (a) the deceased had become eligible for the grant of a pension under the provisions of the Pensions Act, (whether such a pension had actually been granted or not); or
- (b) the deceased would have become eligible for the grant of a pension under the provisions of the Pensions Act if the provisions of regulation 4 of the Pensions Regulations, (which relates to minimum qualifying service) had not been applicable to him; or
- (c) the deceased was still serving as a public officer at the time of his death and would, if-
  - (i) he had retired on medical grounds, and
  - (ii) he had been confirmed in a pensionable office, and
  - (iii) the provisions of regulation 4 of the Pensions Regulations (which relates to minimum qualifying service) or the corresponding provisions in the law or regulations of the public service in which he was employed at the date of his death, 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.

(2) In this Act-

- (a) references to the basic pension of an officer mean the pension for which, under the Pensions Act, he was eligible on the date of his death (whether such a pension at that or any other rate had actually been granted or not) or, as the case may be, for which he would have become eligible, calculated, in either case, with reference to his pensionable service only, and any abatement, addition or other pension or allowance which may or might be made under the provisions of the Pensions Act, shall be left out of account; and
- (b) subject to the provisions of section 7 of this Act the expression "the rate of the pension of the deceased" means the annual rate of the basic pension of the deceased.

**Minimum benefit.**

7. Where the deceased was a public officer in the service of this Government at the time of his death or had retired from that service in the circumstances mentioned in paragraph (c), (d) or (e) of section 6 of the Pensions Act, and at the time of his death or retirement, his pensionable service under this Government was less than twenty years, his basic pension-

- (a) where during his total pensionable service he had had no opportunity of contributing to a statutory widows' and orphans' pensions scheme otherwise than under this Act, shall be computed as if his total pensionable service had been pensionable service under this Government for a period of twenty years, or where his period of such service would have been less than twenty years if he had died or retired at the age of

sixty years, for such lesser period;

- (b) where during or throughout his pensionable service otherwise than under this Government he had had an opportunity of contributing to a statutory widows' and orphans' pensions scheme, 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 this Government and paragraph (a) of this section 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 orphans' pensions scheme, had been wholly under this Government and paragraph (a) of this section were left out of account.

### **Widow's pension.**

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

- (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,

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

(2) Subject to the provisions of subsection (1) of this section a widow's pension may be paid in respect of the whole period from the death of the deceased to the death of the widow.

(3) The annual rate of a widow's pension may amount to one-third of the rate of the basic pension of the deceased.

(4) Where the annual rate of a widow's pension is less than two hundred and forty dollars per annum, the Governor-General may, on the application of the widow made within three 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.

### **Bankruptcy of a widow.**

9. 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 bankruptcy or insolvency:

Provided that where a pension ceases under this section the Governor-General may, from time to time, during the remainder of her life, or during such shorter period or periods, either continuous



or discontinuous as he thinks fit, authorise the payment to such widow of an allowance at a rate not exceeding the rate of such pension or may authorise the application of such allowance for the maintenance and personal support of such widow, in such manner and at such time as he thinks fit.

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

10. 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.

#### **Children's pensions-**

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

##### **Beneficiaries.**

(2) Subject to the provisions of this section, the persons for whose benefit a children's pension can enure are the children of the deceased or 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 for the benefit of any person-

- (a) conceived after the deceased ceased to be a public officer;
- (b) by reason that he is the illegitimate child or 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;
- (c) 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;
- (d) by reason that-
  - (i) he is the illegitimate child of the deceased; or
  - (ii) he is the step-child of the deceased and a child of a wife of his; or
  - (iii) he is a step-child, adopted child or illegitimate child of a wife of the deceased,

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

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

- (a) a female person who at the time of the death of the deceased is married or cohabiting with any person, and if, after the death of the deceased, a female person marries or cohabits with any person, she shall thereupon cease to be a person for whose benefit a children's pension can enure:

Provided that where-

- (i) a pension is withheld from or does not enure for the benefit of a person by virtue of this subsection; 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

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;

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

#### **Children's pensions; rate and mode of payment.**

12. (1) Only one children's pension shall 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; 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, may amount to one half of the rate of the basic pension of the deceased;
- (b) while there is only one such person, may amount to one quarter of the rate of the basic pension of the deceased.

(3) Subject to the provisions of subsection (4) of this section, where the deceased leaves a widow, the annual rate of a children's pension during her life-

- (a) while the persons for whose benefit it can enure are two or more in number, may amount to one-third of the rate of the basic pension of the deceased;
- (b) while there is only one such person, may amount to one-sixth of the rate of the basic pension of the deceased:

Provided that 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) of this section shall apply notwithstanding that the widow is still alive.

(4) Notwithstanding anything in the preceding provisions of this section, where the deceased 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, no children's pension shall be payable as respects any period comprised within the lifetime 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) of this section shall apply as respects any such period notwithstanding that the widow is alive.

(5) (a) Where the annual rate of a children's pension is less than two hundred and forty dollars per annum, the Governor-General may, on the application of any person made within three 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 such person or persons as he thinks fit, a sum which in the opinion of the Governor-General, is actuarially equivalent, at the date of the payment, to the value of the pension.

(b) The provisions of this subsection 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 two hundred and forty dollars per annum.

### **Periodical contributions.**

13. (1) (a) Every person who elects under paragraph (a) of subsection (1) or under subsection (2) of section 3 of this Act that this Act shall apply to him shall at the same time elect whether or not to make contributions under this section.

(b) Every person who is appointed to be a public officer in the service of this Government after the date of the commencement of this Act shall within two months of the date of his appointment elect whether or not to make contributions under this section.

(c) Every person who on the date of his appointment to be a public officer in the service of the Government is unmarried and who marries thereafter, shall, unless he has previously elected under either paragraph (a) or (b) of this subsection to make contributions under this section, again elect within two months of the date of his marriage whether or not to make such contributions.

(2) In any case where an officer has been absent from the Territory in which he is normally stationed for the whole or a substantial portion of the period within which he is required to elect under subsection (1) of this section whether or not to make contributions under this section, or in any other case where similar exceptional circumstances exist, the Governor-General may extend the time within which such an election is required to be made.

(3) Contributions by an officer under this section-

(a) shall be equal to two per centum of the amount of pensionable emoluments from time to time payable to him;

(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 this Government; and

(ii) in the case of an officer transferred to other public service who subsequently re-enters the public service of this Government, from the date of his re-entry until he ceases to be a public officer under this Government:

Provided that no contributions shall be payable in respect of any period which is not taken into account as pensionable service.

(c) shall be paid by monthly abatements from the officer's salary, or in exceptional cases, at such other times or in such other manner as the Governor-General shall determine.

(4) An election by an officer under subsection (1) of this section shall be effective as from the date of his first appointment to be a public officer in the service of the Government or the first day of January, 1961, whichever is the later:

Provided that in the case of a person who-

- (a) on the date of his first appointment to be a public officer in the service of this Government or at the date of the commencement of this Act, is unmarried, and
- (b) marries thereafter, and
- (c) has not already elected under either paragraph (a) or (b) of subsection (1) of this section to make contributions under this section,

an election shall be effective as from the first day of the month in which he marries.

- (5) Contributions under this section are in this Act referred to as periodical contributions.

### **Return of periodical contributions.**

14. (1) If-

- (a) when a person 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 this Government and terminating on the date when he ceases to be a public officer; or
- (b) a person who has made periodical contributions 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 the provisions of paragraph (b) or paragraph (c) of subsection (1) of section 6 of this Act,

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 in the circumstances defined in paragraph (e) of section 6 of the Pensions Act, 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 person 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:

Provided that the Governor-General may authorise the addition payable under this subsection to be at such increased rate as he may from time to time determine.

### **Contribution by reduction in pension or gratuity.**

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

- (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 public officer 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 the service of this Government and terminating on the date when he ceases to be a public officer; or
- (b) being eligible under the provisions of sub-section (2) of section 14 of this Act, the public officer 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) of this section, is nil.

(3) (a) Where the payment by a public officer under this section takes the form 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) Where the payment takes the form of a reduction in gratuity it shall be equal to the total amount of the contribution.

(c) For the purpose of this subsection-

"the total amount of the contribution" means the sum equal to one-twelfth of two per centum of the person's annual pensionable emoluments when he ceased to be a public officer, multiplied by the number of relevant months as defined in subsection (4) of this section;

"annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing the public officer's pension or gratuity in accordance with the provisions of regulation 18 of the Pensions Regulations.

(4) In this section, the expression "the number of relevant months" means-

- (a) if the public officer has a wife when he ceases to be a public officer, the number of completed months of pensionable service under this Government which he then has;
- (b) if the public officer has no wife when he ceases to be a public officer, the number of completed months of pensionable service under this Government which he had when he last had a wife before that date,

reduced in each case by the number of months, if any, for which periodical contributions have been made by him and are not returnable.

(5) Where the payment due from a public officer under this Act takes the form of a reduction in his pension and that pension ceases under the provisions of either section 14, 15 or 16 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.

### **Lump sum contribution by existing officers.**

16. (1) Where a public officer in the service of this Government at the date of the commencement of this Act, elects under the provisions of section 3 of this Act that this Act shall apply to him he may further elect at the same time to make a lump sum contribution equal to-

- (a) in the case of an officer to whom subsection (2) of section 3 of this Act does not apply, two percent of the total pensionable emoluments received by him during the period of his pensionable service under this Government prior to the commencement of this Act;
- (b) in the case of an officer to whom subsection (2) of section 3 of this Act applies, one twelfth of two per cent of his annual pensionable emoluments, ascertained in accordance with regulation 18 of the Pensions Regulations at the date of his marriage, multiplied by the number of months of his pensionable service under this Government which he had on the first day of the month in which he marries.

(2) Where a public officer has made a lump sum contribution under the provisions of subsection (1) of this section he shall be deemed to have made periodical contributions for the period of his pensionable service taken into account in calculating the amount of such lump sum contribution.

**Contribution by reduction in pension or gratuity in respect of a transferred officer.**

17. Where a payment on account of contribution falls to be made under section 15 of this Act by or in respect of a public officer whose service includes service otherwise than under this Government, then-

- (a) if such payment becomes due on his death while in the service of this Government; or on his retirement from the public service, the amount by which the pension or gratuity payable to or in respect of him under the Pensions Act, may be reduced under section 15 of this Act shall be limited to such an amount 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 15 of this Act had his service in the Group been wholly in the service of this Government as the aggregate amount of his pensionable emoluments during his service under this Government bears to the aggregate amount of his pensionable emoluments throughout his service in the Group:

Provided that for the purposes of this paragraph the aggregate amount of an officer's pensionable emoluments shall be calculated in accordance with paragraph (3) of regulation 9 of the Pensions Regulations:

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

**Contributions payable in respect of re-employed pensioner.**

18. 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 the provisions of regulation 15(2) (b) of the Pensions Regulations, has had a reduction made in the pension or gratuity granted to him under that Act in accordance with the provisions of section 15 of this Act he shall-

- (a) if such reduction had been made from the aforesaid gratuity, be deemed to have made periodical contributions in respect of the period of his pensionable service taken into

account in calculating the amount of such reduction;

- (b) if such reduction had been made from the aforesaid pension, be deemed to have made periodical contributions in respect of that proportion, not exceeding the whole, of his pensionable service taken into account in calculating the amount of such reduction 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.

**Information to be furnished.**

19. (1) Every public officer to whom this Act applies shall-

- (a) within three months of the date of his first appointment to be a public officer in the service of this Government or of the date of the commencement of this Act, whichever is the later, notify to the Accountant General, in writing, if he is married or a widower with children who are in their period of childhood and full-time education, the dates of his marriage and the births of his and his wife's children;
- (b) if he marries, notify his marriage to the Accountant General in writing within three months of the marriage;
- (c) notify to the Accountant General within three months of the event-
  - (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 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 a public officer to whom this Act applies shall notify to the Accountant General in writing within three months of the event-

- (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 of any child during his period of childhood and full-time education;
- (v) her own re-marriage or bankruptcy.

(3) Any statement or notice made or given in pursuance of the provisions of this section 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.**

20. (1) Any public officer to whom this Act applies or a widow of such officer who fails or neglects to comply with any of the requirements of the preceding section 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 from his salary, or, as the case may be, from his or her pension.

(2) If any public officer to whom this Act applies or a widow of such officer, makes any false statement respecting 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 shall be liable to be forfeited at the discretion of the Governor-General.

**Marriages of public officers whose early death is to be foreseen.**

21. Where a public officer marries and-

- (a) he dies within the year beginning with the date of the marriage; and
- (b) there are no children born of the marriage; and
- (c) the Governor-General is of the opinion that his death within the year beginning with the date of the marriage was, at that date, to be foreseen by the public officer,

the Governor-General may direct that this Act shall have effect as if the marriage had not taken place and all the necessary adjustments shall be made accordingly.

**Pension not to be assigned.**

22. Except as may be expressly provided in this Act no pension payable, and no rights of any person, under the provisions of 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 whatsoever.

**Mode of making elections.**

23. (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 shall be deemed to be the date of the receipt of the written notification of the election by the Accountant 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.

**Proof of claims to pensions.**

24. 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, 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 Accountant General.

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

25. In the exercise of any of the functions conferred on him by or under this Act (other than the functions conferred by subsections (2) and (3) of section 4 or by the proviso to subsection (4) of section 14 hereof) the Governor-General is authorised to exercise that function in his discretion after consultation with the Public Service Commission.



**Financial provisions.**

26. (1) There is hereby charged on the Consolidated Fund-

- (a) any pension, capital sum 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, except insofar as they take the form of a reduction of a pension or a gratuity, shall be paid into the general revenues of the Federation.