

I assent.

EDWARD V. LUCKHOO

Acting
Governor-General,

31st December, 1969.

ACT NO. 30 OF 1969

**PENSIONS (GOVERNOR-GENERAL, PARLIAMENTARY AND
SPECIAL OFFICES) ACT, 1969.**

Arrangement of Sections.

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FIRST SCHEDULE

SECOND SCHEDULE

AN ACT to make provision for the payment of Superannuation Benefits in respect of service in the offices of Governor-General and Prime Minister and in other parliamentary and special offices.

Enacted by the Parliament of Guyana:—

31st December, 1969.

PART I—PRELIMINARY

1. (1) This Act may be cited as the Pensions (Governor-General, Parliamentary and Special Offices) Act, 1969 and, save as otherwise provided in subsection (2), shall come into operation on 1st January, 1970.

(2) Part II of this Act (sections 3 to 6 inclusive) and sections 2, 16, 17 and 18 in their application thereto shall be deemed to have come into operation on 10th November, 1969.

A.D. 1969.

Short title
and com-
mencement.

2. (1) For the purposes of this Act —

Interpretation.

“appropriate Minister” means the Minister responsible for finance;

“award” means any amount payable out of the Consolidated Fund to any person pursuant to this Act;

“child” includes—

(a) a posthumous child;

(b) a step-child;

(c) an illegitimate child who immediately before the death of the deceased person, was wholly or partially dependent on him for support; and

(d) an adopted child, adopted in a manner recognised by law and, in the case of the Governor-General, the Prime Minister or a person referred to in paragraph (a) of subsection (1) of section 14, before the Governor-General, the Prime Minister or such person last ceased to be Governor-General, Prime Minister, or a legislator, as the case may be;

“contributions” means contributions payable pursuant to section 8;

“contributor” means any person who by virtue of section 7 becomes a contributor under this Act or who by virtue of section 9 is deemed to have become such a contributor;

“former legislative service” means legislative service between 18th May, 1953 and 31st December, 1969 (both dates inclusive) as set out in the First Schedule, and service between 5th October, 1961 and 31st December, 1969 (both dates inclusive) as the holder of a specified qualifying office;

First Schedule.

“Governor-General’s pension” means a pension payable under Part II of this Act to a person who has ceased to be Governor-General;

“legislator” means a person who—

(a) is a member of the National Assembly; or

(b) is the holder of a specified qualifying office;

“pension” means a pension payable pursuant to section 9;

“Prime Minister’s pension” means a pension payable under Part II of this Act to a person who has ceased to be Prime Minister;

“salary” means —

(a) in respect of former legislative service, the basic salary paid to a person by virtue of his being a mem

First
Schedule.

ber of the appropriate legislative body specified in the First Schedule during the period of such service or, where during that period any such member held a specified qualifying office, the basic salary paid in respect of the office so held; and

(b) as respects the Governor-General, the Prime Minister or a legislator, the basic salary payable to the Governor-General, the Prime Minister or the legislator as such, but in relation to a legislator holding any specified qualifying office means the basic salary payable to him in respect of the office so held; and

for the purposes of this definition "basic salary" means the emoluments attaching to the appropriate office exclusive of any duty allowance, professional allowance, entertainment allowance or any other allowance whatever or any amount provided as a contribution to office or any other expenses;

"specified qualifying office" means any of the offices specified in the Second Schedule or any office designated as such by order made by the appropriate Minister;

"widow" includes widower.

(2) Where the appropriate Minister by order made under subsection (1) designates any office to be a specified qualifying office for the purposes of this Act he may by order made in like manner prescribe any conditions upon which service in that office shall be service as a legislator for the purposes of this Act, and the provisions of this Act shall have effect accordingly.

(3) Any order made under this section shall be laid before the National Assembly within fourteen days after it is made, and if the Assembly, within the period of thirty days beginning with the day on which any such order is laid before it, resolves that the order be annulled it shall be thereby annulled and the order so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the order or to the making of a new order.

(4) For the purposes of subsection (3), in reckoning any period of days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the National Assembly is adjourned for more than seven days.

PART II—GOVERNOR-GENERAL AND PRIME MINISTER

3. (1) Every person who having held the office of Governor-General on or after 16th December, 1966 or who having held the office of Prime Minister on or after 22nd December, 1965, ceases at any time after such date to be Governor-General or Prime Minister shall be paid a pension under this Act with effect from the date on which he ceases to be Governor-General or Prime Minister, as the

Right of
Governor-
General
and Prime
Minister to
pension.

case may be, and, subject to the provisions of subsection (2), such pension shall continue to be paid during the lifetime of that person.

(2) The Governor-General's pension and the Prime Minister's pension shall, if the person to whom it is payable becomes entitled to salary as a legislator or as Governor-General or Prime Minister, cease to be payable during the period in respect of which that person is in receipt of salary as a legislator or as Governor-General or Prime Minister, as the case may be; but where the Governor-General's pension or the Prime Minister's pension, as the case may be, exceeds the rate of such salary, nothing in this subsection shall prevent the payment of such pension to the extent of such excess.

4. The Governor-General's pension and the Prime Minister's pension shall be two-thirds of the highest annual rate of salary paid to such person at any time as Governor-General or Prime Minister as the case may be or ten thousand dollars per annum, whichever is the greater. Rate of Governor-General's and Prime Minister's pensions.

5. (1) Where a person dies while he is Governor-General or Prime Minister or while he is entitled to receive the Governor-General's pension or the Prime Minister's pension and he leaves a widow, the widow shall, subject to the provisions of subsection (2), be paid a pension at an annual rate equivalent to two-thirds of the Governor-General's pension or the Prime Minister's pension, as the case may be. Governor-General's and Prime Minister's widow's pension.

(2) A widow mentioned in subsection (1) shall not be entitled to receive and shall not be paid a pension under this section in respect of any period after her re-marriage.

6. (1) Where a person dies while he is Governor-General or Prime Minister or while he is entitled to receive the Governor-General's pension or the Prime Minister's pension, leaving entitled children, each of such children shall be paid, until he dies or ceases to be an entitled child, such allowance at such rate as the Prime Minister shall determine; so, however, that Governor-General's and Prime Minister's children's allowance.

(a) where there is one entitled child, the annual rate of allowance payable shall not exceed one-sixth of the annual rate of pension specified in section 4; or

(b) where there is more than one entitled child, the aggregate rate of allowance payable shall not exceed one-third of the annual rate of pension specified in section 4.

(2) In this section, "entitled child" means a person who, being a male, has not attained the age of twenty-one years or, being a female, has neither married while under the age of twenty-one years nor attained the age of twenty-one years.

PART III—PARLIAMENTARY AND SPECIAL OFFICES

Contributors.

7. (1) Subject to subsection (2), every person who, on 1st January, 1970, is a legislator, and every person who, after 1st January, 1970, becomes a legislator, shall, by virtue of being a legislator, become a contributor under this Act.

(2) This section shall not apply to any person who on 1st January, 1970 is a legislator but who within twenty-one days thereafter notifies the Clerk of the National Assembly in writing of his intention not to become a contributor under this Act.

Contributions.

8. (1) Contributions are payable under this Act by every person who becomes a contributor and such contributions shall—

- (a) be at the rate of 6 per cent of the salary payable to the contributor;
- (b) be payable in respect of the salary of the contributor commencing on 1st January, 1970, or on any later date on which the person concerned becomes a contributor until he ceases to be a legislator;
- (c) accrue daily and be deducted monthly from the salary of each contributor and be paid to the Accountant General.

(2) All contributions made pursuant to this section shall be paid into the Consolidated Fund.

Circumstances in which pensions are payable.

9. (1) Subject to the provisions of this Act, a pension shall be paid to any person who, having become a contributor under this Act—

- (a) has served as a legislator for two full parliamentary terms or for periods equal in the aggregate to not less than 6 years; and
- (b) has ceased to be a legislator; and
- (c) either—
 - (i) has attained the age of 50 years; or
 - (ii) not having attained the age of 50 years, has produced medical evidence to the satisfaction of the appropriate Minister, that he is incapable by reason of infirmity of mind or body of discharging the duties of a legislator and that such infirmity is likely to be permanent.

(2) For the purposes of this Act, a person shall be deemed to have become a contributor, notwithstanding that he is not a legislator on 1st January, 1970, or does not become a legislator thereafter, if he was a member of the National Assembly on or after 26th May, 1966; and in determining, for the purposes of this Act, the length of service of any person as a legislator account shall be taken of former legisla-

tive service notwithstanding that contributions in respect thereof are not payable under this Act.

(3) For the purposes of this section—

- (a) a person does not cease to be a legislator by reason only of the dissolution of Parliament;
- (b) a person who immediately before the dissolution of Parliament was a member of the National Assembly shall cease to be a member of the National Assembly if he is not such a member when the National Assembly first meets next following the dissolution, and if he so ceases shall be deemed to have ceased to be a member of the National Assembly from the date of the dissolution aforesaid;
- (c) a person who is a legislator by virtue only of holding a specified qualifying office shall cease to be a legislator from the date on which he ceases to hold such office.

(4) No computation of a pension shall be made after a general election until 30 days, or such longer period not exceeding three months as may be prescribed, has elapsed after the general election.

(5) No pension may be paid to any person who is in receipt of or is entitled to receive a Governor-General's pension or a Prime Minister's pension.

(6) Where a person ceases to be a legislator but is not eligible for a pension because of the provisions of subparagraph (i) of paragraph (c) of subsection (1), then, notwithstanding subsection (1), the pension for which he would have been eligible at the date when he ceased to be a legislator shall be paid to him with effect from the date on which he attains the age specified in subparagraph (i) of paragraph (c) of subsection (1), if at that date---

- (a) he has not received a gratuity under section 13 in respect of that period of his service as a legislator to which the pension relates; and
- (b) he is not otherwise disqualified for the payment of a pension.

(7) For the purposes of this Act, a person shall be deemed to have served as a legislator for periods amounting in the aggregate to 12 years if, having become a contributor under this Act and irrespective of his age, he fulfils the requirements of subparagraph (ii) of paragraph (c) of subsection (1) and if, in the opinion of the appropriate Minister, his incapacity to discharge the duties of a legislator is attributable to infirmity of mind or body sustained in the course of his service as a legislator.

Rate of
pension.

10. (1) The pension payable to any person shall—

- (a) in the case of a person who has served as a legislator for two full parliamentary terms or for periods amounting in the aggregate to not less than 6 years, be at an annual rate equal to one-third of one year's salary of that person;
- (b) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than 9 years, be at an annual rate equal to one-half of one year's salary of that person;
- (c) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than 12 years, be at an annual rate equal to two-thirds of one year's salary of that person.

(2) For the purposes of subsection (1), "one year's salary" means the highest annual rate of salary payable at any time to any person as a legislator or in respect of former legislative service.

(3) The pension payable to any person shall be paid with effect from the date on which that person becomes entitled thereto pursuant to section 9 and, subject to the provisions of this Act, shall continue to be paid during the lifetime of that person.

Cessation of
pension if
person in
receipt
thereof again
becomes a
legislator.

11. (1) A pension shall cease to be payable during any period in respect of which the person to whom it is payable is in receipt of salary as a legislator; but where the rate of such pension exceeds the rate of such salary, nothing in this subsection shall prevent the payment of a pension to the extent of such excess.

(2) At the expiration of the period referred to in subsection (1) during which a person is in receipt of salary as a legislator, the rate of pension shall be recalculated in accordance with the provisions of section 10.

(3) Where a pension is recalculated pursuant to subsection (2) and the person entitled thereto opts to receive such pension by way of a gratuity and a reduced pension, then in calculating the amount of such gratuity there shall be deducted therefrom any amount already paid to such person by way of gratuity in respect of the pension payment of which was suspended under subsection (1).

(4) A pension recalculated in accordance with subsection (2) shall be paid at the recalculated rate with effect from the date of cessation of the period of service as a legislator which gave rise to the recalculation.

12. (1) Any person who is entitled to a pension may, at his option exercisable in accordance with subsection (2), be paid instead of a pension at the rate provided for in section 10, a pension at the rate of three-fourths of such pension together with a gratuity

Gratuity and
reduced
pension.

equal to twelve and one-half times the amount of the reduction so made in the pension.

(2) The pension referred to in subsection (1) shall be exercised by notice in writing to the appropriate Minister within 90 days after the date on which the person concerned ceases to be a legislator or within such further period as the appropriate Minister may allow.

13. (1) Where a person—

Gratuity.

(a) having been a member of the National Assembly, ceased to be such a member prior to 1st January, 1970 and is not eligible for a pension; or

(b) having become a contributor under this Act by virtue of section 7, ceases to be a legislator but is not eligible for a pension,

he shall be paid a gratuity equal to one-tenth of the total salary received during his period of service as a legislator so, however, that such gratuity shall not in any event exceed three years' salary at the highest annual rate of salary payable at any time to such person as a legislator.

(2) Where a person who would be entitled to such a gratuity dies prior to 1st January, 1970. or before such gratuity has been paid to him, and in the case of a male, leaves no widow or children entitled to an award, there shall be paid to the legal personal representative of such person a gratuity equal to the amount which, pursuant to subsection (1) would have been paid to such person if he had not died.

(3) Where a gratuity has been paid under this section in respect of the service of any person as a legislator, no other award may be made to or in respect of that person in relation to the service of that person as a legislator before the date of the said payment.

14. (1) Subject to the provisions of this Act, where a person who dies leaving a widow —

Widow's pension.

(a) was in receipt of a pension at the date of his death; or

(b) had at the date of his death, satisfied the requirements of paragraph (a) of subsection (1) of section 9; or

(c) having become a contributor under this Act, died, in the opinion of the appropriate Minister, in the course of service as a legislator;

there shall be paid to the widow, during her lifetime and while unmarried, a widow's pension at an annual rate equivalent to one-half of the pension, which —

(d) in the case of a person mentioned in paragraph (a), was being paid to him; or

- (e) in the case of a person mentioned in paragraph (b), not being a person mentioned in paragraph (c), would have been payable to him with effect from the date of his death if he had not died but had satisfied all the requirements of section 9 for the award of a pension computed in accordance with section 10; or
- (f) in the case of a person mentioned in paragraph (c), would have been payable to him with effect from the date of his death if he had not died but had satisfied all the requirements of section 9 for the award of a pension computed in accordance with section 10 as if he had served as a legislator for periods amounting in the aggregate to 12 years.

(2) A widow's pension under this section —

- (a) shall, subject to subsection (3), if the widow is in receipt of a pension by virtue of having been herself a contributor under the Act, cease to be payable; and
- (b) shall subject to subsection (3), if the widow is in receipt of salary as a legislator, cease to be payable during the period in respect of which the widow is in receipt of such salary.

(3) Where the rate of widow's pension exceeds the rate of pension or the rate of salary, as the case may be, nothing in subsection (2) shall prevent the payment of the widow's pension to the extent of such excess.

(4) Where a person who is serving as a legislator dies before he has served the required minimum period as a legislator to permit his widow to qualify for a widow's pension under subsection (1) there shall be paid to the widow a gratuity equal in amount to the total contributions paid by that person plus a sum equal to the highest annual salary payable at any time to that person as a legislator or in respect of former legislative service.

(5) Notwithstanding anything in this Act, but subject to the provisions of this section, where a person mentioned in paragraphs (a), (b) or (c) of subsection (1) dies leaving a dependant to whom he has bequeathed an annuity not exceeding one-third of any widow's pension payable under this section consequent on the death of a deceased person or which would have been payable had the deceased person died leaving a widow, and has directed that such annuity be payable under this Act, such annuity shall be paid to such dependant; and where a widow's pension is payable under this section consequent on the death of the deceased person, the amount of any annuity so paid shall be deducted from such pension:

Provided that where the dependant, being an unmarried person at the date of the deceased's death, marries, the said annuity shall forthwith cease to be payable.

(6) For the purposes of this section —

- (a) "dependant" means any person, other than a widow or a child, who immediately before the death of the

deceased person was wholly or partially dependant on him for support;

- (b) where an annuity is payable under subsection (5) —
 - (i) subsections (2) and (3) shall also apply, *mutatis mutandis*, to such annuity and to the dependant to whom it is payable; and
 - (ii) the reference in subsection (3) to the widow's pension shall, in relation to the widow, be construed as a reference to the pension payable to the widow under this section less the amount deducted therefrom under subsection (5).

15. (1) Subject to the provisions of this Act, where a person who comes within the paragraphs (a), (b) or (c) of subsection (1) of sections 14 (hereinafter in this section referred to as the "deceased legislator") dies leaving one or more children, a children's allowance shall be payable in respect of such child or children while under the age of twenty-one years. Children's allowance.

(2) Only one children's allowance is payable in respect of service of any one person as a legislator, but —

- (a) the rate thereof may vary according to the number of children entitled thereto, so however, that the aggregate rate of allowance payable shall not exceed the rate specified in paragraph (a) of subsection (3) or paragraph (a) of subsection (4), as the case may be;
- (b) it shall be paid to such person or persons as the appropriate Minister 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 children for the time being entitled thereto or for the benefit of such of them as the appropriate Minister may from time to time direct.

(3) Where the deceased legislator leaves a widow, the annual rate of the children's allowance during her lifetime shall be—

- (a) one-third of the rate of the pension, not being the widow's pension, specified in subsection (1) of section 14 where there are two or more children entitled to the children's allowance; and
- (b) one sixth of the rate of such pension where there is only one child entitled to the children's allowance.

(4) Where the deceased legislator leaves no widow, or where he leaves a widow, then, after her death, or after any pension payable

to her ceases to be paid before her death, the annual rate of the children's allowance shall be —

- (a) one-half of the rate of the pension, not being the widow's pension, specified in subsection (1) of section 14 where there are two or more children entitled to the children's allowance;
- (b) one-quarter of the rate of such pension where there is only one child entitled to the children's allowance.

(5) Notwithstanding subsection (1), a female child who marries while under the age of twenty-one years shall cease to be entitled to a children's allowance.

FART IV—MISCELLANEOUS

Source and
method of
payments.

16. Any pension, annuity, allowance or gratuity of whatever kind payable under this Act shall be charged on and paid out of the Consolidated Fund, and all pensions and allowances payable shall be paid monthly in arrears in equal instalments as far as possible.

Awards not
to be
assignable.

17. Any award payable shall not be assignable or transferable except for the purpose of satisfying —

- (a) a debt to the State; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife or child, being a minor, of the person to whom the award is payable, and

shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the State or any sum recoverable pursuant to any such order of a court as aforesaid.

Power to
make
regulations.

18. (1) The appropriate Minister may make regulations —

- (a) prescribing, in the case of any pension or allowance payable under this Act, the days on which the payments of pension or allowance shall be made;
- (b) prescribing, where a recipient of any pension or allowance under this Act is incapable of managing his affairs, that the pension or the allowance may be paid to another person on his behalf;
- (c) prescribing anything which may be required to be prescribed, including any forms he considers necessary for the administration of this Act;
- (d) prescribing the manner in which, and the person by whom, accounts of contributions and awards shall be kept and recorded; and
- (e) for any other purposes, whether similar to the foregoing or not, deemed necessary to give effect to this Act.

(S. 2(1)).

FIRST SCHEDULE

Former Legislative Service

Legislative service, other than service as a Member holding office of emolument under the Crown, between 18th May, 1953 and 31st December, 1969, inclusive, as a Member of —

- (a) the House of Assembly or the State Council constituted pursuant to the British Guiana (Constitution) Order in Council, 1953;
- (b) the Legislative Council constituted pursuant to the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953;
- (c) the Legislative Council constituted pursuant to the British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956;
- (d) the Legislative Assembly or the Senate constituted pursuant to the British Guiana (Constitution) Order in Council, 1961;
- (e) the House of Assembly constituted pursuant to the British Guiana (Constitution) Order, 1964; or
- (f) the National Assembly.

(S. 2(1)).

SECOND SCHEDULE

Specified Qualifying Offices

Speaker

Minister

Attorney General, if not a Minister

Leader of the Opposition

Parliamentary Secretary

Deputy Speaker

President of the Senate

Passed by the National Assembly on the 22nd of December, 1969.

F. A. NARAIN,
Clerk of the National Assembly.