

THE OFFICIAL GAZETTE — 28TH APRIL, 1976
LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

27th April, 1976.

The following Bill which will be introduced in the National Assembly is published for general information.

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

GUYANA

BILL No. 8 of 1976

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL 1976

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Repeal and re-enactment of section 5 of Chapter 27:08.
3. Repeal and re-enactment of section 6 of Chapter 27:08.
4. Repeal of sections 7, 8, 9 and 10 of Chapter 27:08.

A BILL

Intituled

AN ACT to amend the Widows and Orphans Pension Act.

A.D. 1976. Enacted by the Parliament of Guyana:—

Short title. 1. This Act, which amends the Widows and Orphans Pension Act, may be cited as the Widows and Orphans Pension (Amendment) Act, 1976.

Cap. 27:08. Repeal and re-enactment of section 5 of Chapter 27:08. 2. Section 5 of the Principal Act is hereby repealed and the following section substituted therefor —

“Registration of contributors” 5. Subject to section 6, every person who on passing a medical examination has been appointed an officer and has been accepted as a contributor by the Directors, shall be registered as a contributor, as from the first day of the month mentioned in section 20(3).”

Repeal and re-enactment of section 6 of Chapter 27:08. 3. Section 6 of the Principal Act is hereby repealed and the following section substituted therefor —

“Medical examination” 6. The medical examination referred to in section 5 shall be that undergone by a person to determine his physical fitness for appointment as an officer:

Provided that —

- (a) where prior to the coming into operation of this section a person was appointed an officer without undergoing a medical examination, his appointment having been immediately preceded by service within the meaning of the Pensions Act in an office other than a pensionable office or by service paid for out of an open vote; or
- (b) where such medical examination was successfully undergone by a person prior to the coming into operation of this section,

and he was not registered as a contributor by reason only of the requirement to undergo a medical examination which, but for —

(i) his death after the 31st December, 1966;

or

(ii) the coming into operation of this section,

the Directors would have requested him to undergo to determine his suitability for acceptance as a contributor, the appointment of that person as an officer shall be deemed to have entitled him to be registered as a contributor in accordance with section 5 subject to such conditions as the Directors may think fit to impose.”

4.(1) Sections 7 to 10 (inclusive) of the Principal Act are hereby repealed.

Repeal of sections 7, 8, 9, and 10 of Chapter 27:08.

(2) Notwithstanding the provisions of subsection (1), the sections repealed by subsection (1) shall continue to have effect in respect of those officers to whom those sections applied prior to the enactment of this Act.

EXPLANATORY MEMORANDUM

By virtue of sections 5 and 6 of the Widows and Orphans Pension Act, Chapter 27:08, a person who is appointed to a substantive pensionable office in the public service is entitled upon passing a medical examination arranged for by the Directors of the Fund, constituted under the Act, to be registered as a contributor to the Fund with effect from the date of his appointment. Upon being appointed, deductions from his salary are made and paid to the Fund as his contributions.

The medical examination requested by the Directors is in addition to that which that person is normally required to undergo to determine his physical fitness for appointment to a pensionable office in the public service.

However, the medical examinations for contributors to the Fund have not kept pace with the influx over the years of persons into the public service. The result is that there are a number of persons who though they have passed the medical examination for appointment to the public service, and from whose salaries deductions are made, are yet to undergo another medical examination for the purpose of determining their suitability for

acceptance as contributors to the Fund. In the meantime, several of those persons have died, though it is considered that had they undergone the medical examination requested by the Directors they would have been found suitable for acceptance as contributors to the Fund.

The Directors of the Fund and the actuaries have recommended that the results of the medical examination normally undergone by new entrants to the public service could be used for determining the suitability for acceptance of such entrants as contributors to the Widows and Orphans Pension Fund.

This Bill, therefore, seeks to amend the Act for the purpose and to render as contributors to the Fund those persons who have died since 31st December, 1966 while waiting to undergo a medical examination requested by the Directors and who by virtue of their appointment to pensionable offices have made payments to the Fund.

F. E. Hope,
Minister of Finance.

(Bill No. 8/1976)

(G: 342/58 III)