

THE OFFICIAL GAZETTE — 3RD JUNE, 1972
LEGAL SUPPLEMENT — C

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PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
31st May, 1972

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. 3 OF 1972.

WIDOWS AND ORPHANS PENSION (AMENDMENT)
BILL, 1972.

Arrangements of Sections

Section

1. Short title.
2. Amendment of section 2 of Chapter 75
3. Amendment of section 6 of Chapter 75.
4. Repeal of sections 7 and 8 of Chapter 75.
5. Amendment of section 9 of Chapter 75.
6. Amendment of section 12 of Chapter 75.
7. Insertion of section 12A in Chapter 75.
8. Amendment of section 15 of Chapter 75.
9. General amendment of Chapter 75.
10. Validation.

A BILL

Intituled

AN ACT to amend the Widows and Orphans Pension Ordinance.

Enacted by the Parliament of Guyana

Short title. 1. This Act may be cited as the Widows and Orphans
A. D. 1972 Pension (Amendment) Act, 1972; and amends the Widows and
Cap. 75 Orphans Pension Ordinance, hereinafter referred to as the Principal Ordinance.

Amendment of section 2 of Chapter 75. 2. Section 2 of the Principal Ordinance is hereby amended by the substitution of the following definition for the definition of the expression "the directors" —

— ' "the directors" means the Board of Directors constituted by section 12;'

Amendment of section 6 of Chapter 75. 3. Section 6 of the Principal Ordinance is hereby amended in the following respects —

(a) by the substitution of the following subsection for subsection (2)

"(2) The medical examination shall be made —

(a) in Guyana, by a medical practitioner in the public service designated for the purpose by the Ministry responsible for health;

(b) in the case of an officer who is for the time being in a place outside Guyana for the purpose of performing the functions of his office, by two persons designated for the purpose by the directors from among persons in that place who, if they had been required to perform the said examination in Guyana, would be duly qualified medical practitioners for that purpose"; and

(b) by the substitution of the words "person or persons" for the word "Board" in subsection (3).

Repeal of sections 7 and 8 of Chapter 75. 4. Sections 7 and 8 of the Principal Ordinance are hereby repealed and the following section inserted as section 7—

"Medical examination and refund of contribution.

7. The directors shall, by notice in writing, request every officer appointed after 1st July, 1923, to submit himself for medical examination at such place and at such time to be specified in the notice, or at such other place and time as may be appointed by them, and if the officer fails to submit himself for the medical examination no refund of his contributions to the fund shall be made to him in the event of his ceasing to be an officer, or to his legal personal representative in case of his death, unless the directors for good and sufficient cause shown to their satisfaction approve of the refund being made".

5. Section 9 (1) of the Principal Ordinance is hereby amended by the substitution of the words "person or persons making the examination" for the word "Board" wherever it appears. Amendment of section 9 of Chapter 75.

6. Subsection (1) of section 12 of the Principal Ordinance is hereby repealed and the following subsection substituted there- Amendment of section 12 of Chapter 75.

"(1) The Fund shall be administered by a Board of Directors which shall be a body corporate consisting of five directors with the name of the Board of Directors of the New Widows and Orphans' Fund; the Accountant General shall be a director and the Chairman of the Board by virtue of his office and the other directors shall be appointed as hereinafter provided."

7. The following section is hereby inserted in the Principal Ordinance immediately after section 12 as section 12A thereof — Insertion of section 12A in Chapter 75.

"Powers of the directors to lend money on the security of a mortgage.

12A (1) The directors may, with the approval of the Minister, lend any part of the fund on the security of a mortgage on movable or immovable property in Guyana and may ac-

cept any such mortgage or transfer or assignment thereof and may sell, transfer, assign or cancel any such mortgage.

(2) The directors may, if they think fit, acquire any property if they think it necessary for the satisfaction of debts due to them by virtue of subsection (1)".

Amendment
of section 15
of Chapter
75.

8. Subsection (3) of section 15 of the Principal Ordinance is hereby amended by the substitution of a full stop for the colon after the word "fund" and by the deletion of the proviso thereto.

General
amendment
of Chapter
75.

9. The Principal Ordinance is hereby amended in the following respects —

- (a) by the substitution of the word "Accountant General" for the word "Treasurer" wherever it occurs;
- (b) by the substitution of the words "Deputy Accountant General" for the words "Deputy Treasurer" wherever they occur;
- (c) by the substitution of the word "Minister" for the words "Governor" and "Governor-in-Council" wherever they occur.

Validation

10. Anything done by the directors of the New Widows and Orphans' Fund prior to the commencement of section 7 in purported exercise of the powers conferred by section 12A of the Principal Ordinance as enacted by section 7 shall be deemed to have been lawfully and validly done as if it were done by the Board of Directors of the Fund.

EXPLANATORY MEMORANDUM

Clause 3 of this Bill seeks to amend the Widows and Orphans Pension Ordinance (Chapter 75) to enable medical examinations in Guyana to be made by one Government Medical Officer in Guyana or two medical practitioners outside Guyana.

Clause 4 seeks to replace sections 7 and 8 of the Widows and Orphans Pension Ordinance (Chapter 75) by a new section in order to confer a wider discretion on the directors of the New

Widows and Orphans' Fund in refunding contributions to those public Officers who cease to be public officers before being medically examined and, therefore, cannot be regarded as registered contributors to the Fund. The directors of the Fund are desirous of lending money to contributors to the fund for the construction or purchase of homes for themselves or for the repair of their homes. It is considered desirable that the directors should be incorporated and that express provision should be made in the Ordinance authorising the directors to engage in such transactions. Clauses 6 and 7 seek to make provision for the purpose.

Section 15 (3) of the Ordinance restricts investment of moneys of the New Widows and Orphans' Fund in securities of the Government to three-fourths of the assets of the Fund. Clause 8 of the Bill seeks to amend section 15 (3) of the Ordinance to remove the restriction.

H. D. HOYTE,
Minister of Finance.

(BILL NO. 3/1972)
(G. 342/58 II)