

To be construed with Ord 2719 33

CHAPTER 201.

PUBLIC OFFICERS (INSURANCE).

[No. XLI of 1902.]

[31st December, 1902.]

Short title.

1. This Ordinance may be cited as the Public Officers (Insurance) Ordinance.

Interpretation.

2. For the purposes of this Ordinance—

“public officer” or “officer” means any person not a contributor to the Widows and Orphans fund of the colony, first appointed after the twenty-first day of December, nineteen hundred, by His Majesty or by the Governor to any office or place in the public service of the colony which—

(a) has been or may be established by law or by the Governor under the express or implied sanction of the Legislative Council;

(b) is for the time being of a permanent character; and

(c) has attached to it a salary at the rate of not less than four hundred and eighty dollars per annum derived from the public revenues of the colony, or from the fees of his department.

Obligation on officers to insure their lives.

3.—(1) Save as hereinbefore provided every public officer shall, in accordance with the provisions of this Ordinance, insure and keep insured, his life.

(2) Where the Governor is satisfied that sufficient provision has been already made for the wife and children (if any) of an officer, he may in his discretion and subject to any conditions prescribed by him dispense that officer from all or any of the provisions of this Ordinance.

Additions to previous insurances on promotion.

4. Every public officer whose life is insured under this Ordinance, as often as he is promoted to an office in a higher class or to an office which, not being in any class

specified in the annual estimates, is of a higher salary than that previously held by him, shall effect an additional insurance of his life.

5. Every insurance under this Ordinance shall be effected in the manner and on the terms approved by the Governor in Council, who shall have power to make rules for that purpose. Terms of insurance.

6. The whole of the sum available under the provisions of this Ordinance shall be applied as nearly as may be in payment of the annual premiums on the insurance to be so effected. Sum to be assured.

7.—(1) A sum equal to four per centum on his annual salary at the time when the obligation to insure first arises, or if his annual salary be one increasing by regular increments, then a sum of four per centum on the maximum salary he will attain by length of service, shall in each and every year after the obligation arises be deducted by the Colonial Treasurer by equal monthly instalments from the salary of every public officer obliged to insure under this Ordinance, and, whenever the obligation to effect an additional insurance arises under section four hereof, the sum to be thereafter deducted shall be increased so as to equal four per centum of the annual salary received by the officer at the time the obligation arises. Moneys for payment of premium :

(2) Every officer shall effect his insurance at the end of the first year after the liability to insure first arises, and the amount so deducted as aforesaid from the officer's salary shall be applied by the Colonial Treasurer in payment of the first premium payable in respect of the officer's insurance; and the amount so deducted as aforesaid from the officer's salary in each succeeding year shall be in like manner applied in payment of the second and succeeding premiums payable in respect of the insurance :

Provided that any officer, if he so pleases, may effect his insurance at any time before the end of the first year as aforesaid, and in that case he shall pay to the Colonial Treasurer such sum as, with the amount of any deductions already made as aforesaid from his salary, is required to pay the first premium on his insurance, and the Colonial Treasurer shall apply the sum, together with the amount of the deductions in payment of the first premium; and the amount so deducted as aforesaid from the officer's salary Proviso.

in that and succeeding years shall be applied in like manner in payment of the second and succeeding premiums payable in respect of the insurance.

Policy to be effected in favour of Colonial Treasurer.

8.—(1) In every case the policy of an insurance effected under this Ordinance shall be effected in favour of the Colonial Treasurer and his successors in office, and shall so continue until the policy moneys secured thereby have been received by him and are absolutely free and discharged from any liability of the officer in respect of whom the insurance is effected.

(2) On any change in the officer discharging the duties of Colonial Treasurer no assignment shall be necessary to transfer the policy to and vest it in his successor.

Public officer retiring on pension to have option of continuing to pay premiums or have a fully paid-up policy.

9.—(1) Any public officer whose life is insured under this Ordinance, and who retires from the public service on a pension, shall have the option—

(a) of continuing to pay the premiums on his policy, the Colonial Treasurer for that purpose deducting or causing to be deducted from his pension the amounts necessary for paying those premiums; or

(b) of having the policy converted by the Colonial Treasurer into a fully paid-up policy in respect of the premiums paid up to the date of his retirement from the public service.

(2) The option must be declared in writing within six months of the officer's retirement from the public service, and in default of the option being so declared, the public officer shall be taken to have elected to have his policy converted into a fully paid-up policy under paragraph (b) of the last preceding sub-section, and the Colonial Treasurer shall forthwith take the necessary steps thereon.

When public officer may exercise option of having policy assigned to him, or having a fully paid-up policy.

10.—(1) Any public officer whose life is insured under this Ordinance and who is promoted from the public service of this colony to any other employment under the Crown, or who retires from the public service of this colony without a pension, or who ceases from any other cause whatsoever (except as in the last preceding section provided) to be a public officer in the colony, shall have the option—

(a) of having his policy transferred to him by the Colonial Treasurer or any other person

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- nominated by him, freed from all liability or restrictions imposed by this Ordinance; or
- (b) of having the policy converted by the Colonial Treasurer into a fully paid-up policy in respect of the premiums paid up to the date of his retirement from the service of the colony.

(2) The option must be declared in writing within six months of the officer's retirement from the service of the colony, and in default of the option being declared as aforesaid the public officer shall be taken to have elected to have his policy converted into a fully paid-up policy under paragraph (b) of the preceding sub-section, and the Colonial Treasurer shall take the necessary steps thereon.

11.—(1) The sum assured on the life of an officer under this Ordinance and any accumulations thereon by way of bonus or otherwise shall, on the death of the officer, be received and held by the Colonial Treasurer, and anyone to whom it may be paid under sub-section (2) of this section, absolutely free and discharged from any claim whatsoever of any creditor of the deceased officer.

Receipt and application of policy moneys:

(2) All moneys received by the Colonial Treasurer under any policy of insurance on the life of a deceased officer shall, after payment thereof of any costs of recovering the moneys, or of disposing thereof as hereinafter mentioned, be paid by him or any agent appointed by him in writing according as the Governor may in his uncontrolled discretion think fit, either to the widow of the deceased officer for the benefit of herself and of his children (if any) or to the guardian of the children (if any) for their benefit, or to his personal representative, for the benefit of the widow and children, or the widow or children, as he deems desirable; and, if the deceased officer leaves no widow or child him surviving, shall be paid to his personal representatives as the Governor may select:

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Provided that where the officer's widow or children resides or reside in the United Kingdom, the discretion hereby given to the Governor may be exercised by the Secretary of State.

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(3) The receipt of anyone to whom any moneys aforesaid are paid by the Colonial Treasurer or his agent shall be an absolute discharge therefor, and neither the Colonial Treasurer nor the agent shall be bound to see to the application thereof, or liable for the mis-application on non-application thereof.

When officer is unable to insure his life.

12.—(1) If any public officer is unable to insure his life as required by this Ordinance, owing to his being unable at the time of his appointment or promotion (as the case may be) to pass the necessary medical examination, the monthly deductions from his salary shall be deposited in the savings bank in the name of the Colonial Treasurer, as “insurance on the life of _____,” and the amount of the deposits and the accumulations thereon at compound interest shall be subject in all respects to, and be treated and dealt with under this Ordinance as if they were the sum or sums assured by an insurance or insurances effected under this Ordinance.

(2) If a public officer dies before he has effected an insurance under this Ordinance, or dies before the date when the premium on his insurance is due, the sums deducted from his salary under section seven hereof and not applied in the payment of premiums shall be dealt with as if they were the sum assured by an insurance effected under this Ordinance.

13. Any money remaining in the hands of the Colonial Treasurer from the sums deducted in any year from the salary of an officer under this Ordinance, after paying thereout the premium on the insurance of the officer and the cost, if any, of remittance thereof, shall be returned to the officer at the end of the year.

14.—(1) Notwithstanding any of the provisions of this Ordinance, no public officer shall be obliged to insure his life under this Ordinance if and so long as—

- (a) the Colonial Treasurer is satisfied that the officer’s life is insured for a sum not less than that for which he would be bound to insure under this Ordinance by some company, society, or association, of which the Colonial Treasurer approves, and that the insurance moneys have been or are duly secured for the benefit of his wife and children and protected from his debts (if any); and
- (b) the officer duly pays and exhibits to the Colonial Treasurer the receipt for each premium as and when the same becomes payable and is paid.

(2) If any officer not insured under this Ordinance fails to exhibit any such receipt as aforesaid, he shall forthwith be obliged to insure his life under this Ordinance.

Surplus moneys after payment of premium to be refunded to officer.

Provision for officers assured otherwise than under this Ordinance.

15. If an officer who is obliged to effect an insurance or an additional insurance on his life under this Ordinance fails, for any cause other than his inability to pass the necessary medical examination, to effect the insurance within six months after the obligation arises, his office shall, at the expiration of that period, become vacant and he shall for all purposes be deemed to have resigned his office.

Vacation of office through failing to insure.

16. Nothing in this Ordinance contained and nothing done or left undone by the Colonial Treasurer, shall impose any liability on the Government of the colony :

Freedom of Government from liability :

Provided that the provisions of this section shall not apply if the Colonial Treasurer fails or neglects to pay any premium required to be paid by him under this Ordinance.

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17.—(1) If a public officer desires to effect an insurance on his life under this Ordinance for a larger sum than is required under the preceding sections hereof, the Colonial Treasurer, on the application in writing of that officer, may deduct a larger sum from his annual salary than the sum required to be deducted from his salary under section seven hereof.

Public officer may insure for a larger sum than is required under previous sections of Ordinance.

(2) The larger sum so to be deducted as aforesaid shall be the sum specified by the officer in his application.

(3) The larger sum so deducted as aforesaid shall be applied and dealt with in all respects as sums deducted under section seven of this Ordinance are hereinbefore directed to be applied and dealt with, and the policy of insurance on the life of the public officer and any moneys payable under it shall be dealt with and applied in the manner hereinbefore provided, and that insurance shall be deemed to be in all respects an insurance effected under this Ordinance.

(4) No public officer who insures his life under the provisions of this section shall be liable to effect an additional insurance on his life under section four of this Ordinance on promotion to any other office, if the sum deducted from his salary under this section is not less than four per centum of the annual salary of the office to which he is promoted, or, if the salary of that office be one increasing by regular increments, not less than four per centum of the maximum salary he will attain by length of service.

(5) The Governor may refuse to allow any public officer to insure his life under this section.

This Ordinance not to apply to persons on unfixed establishment.

18. From and after the eighteenth day of May, nineteen hundred and twenty-five, the provisions of this Ordinance shall not apply to anyone in the public service of the colony on the unfixed establishment who has not effected insurance under the provisions of this Ordinance.

Officers on unfixed establishment not to effect insurance.
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19. Any officer in the public service of the colony on the unfixed establishment who was, subsequent to the commencement of the Widows and Orphans Pension Ordinance, required to effect and did not effect insurance under and in accordance with the provisions of this Ordinance shall not do so.

When unmarried public officer may have policy transferred to him.

20.—(1) Any public officer whose life is insured under this Ordinance and who retires from the public service on a pension, at the time of retirement or any later time being unmarried and having no children, shall be entitled to have his policy transferred by the Colonial Treasurer to him or to anyone nominated by him, free from all liability or restrictions imposed by this Ordinance.

(2) Application for a transfer of his policy shall be made in writing by a public officer within six months of his becoming entitled to do so, or from the twelfth day of January, nineteen hundred and twenty-eight, in the case of an officer who, having retired on pension before that date is at that time unmarried and has no children.

(3) For the purposes of this section the term "children" means male children who are under eighteen years of age and female children who are unmarried and under twenty-one years of age.

Divorced officer to be considered unmarried.

(4) An officer who has divorced his wife or against whom a decree of divorce has been obtained by his wife in a court of competent jurisdiction within his Majesty's dominions shall be considered for the purposes of this section to be unmarried.

(5) Where an officer, having no children, has been separated from his wife either by a decree of judicial separation or by a deed of separation, the Governor in Council may, having regard to the grounds of the separation and the subsequent conduct of both parties, authorise the transfer to that officer of his policy of insurance upon his retirement on pension as if he were unmarried.

Ordinance not to apply to female public officers.

21. From and after the twenty-third day of October, nineteen hundred and twenty, this Ordinance shall not apply to female public officers.