

CHAPTER 63.

OLD AGE PENSIONS.

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CHAPTER 63.

OLD AGE PENSIONS.

An Ordinance to make provision for the payment of Old Age Pensions. 17 of 1944.
42 of 1944.
11 of 1949.
13 of 1953.

[1ST JULY, 1944.]

1. This Ordinance may be cited as the Old Age Pensions Ordinance. Short title.

2. In this Ordinance—

“ appropriate authority ” means—

(a) in respect of the Georgetown area, the Board of Poor Law Commissioners established under section 3 of the Poor Relief Ordinance.

(b) in respect of any part of the Colony other than the Georgetown area, the local board established under

Interpreta-
tion.
42 of 1944,
s. 2.

Cap. 62.

subsection (4) of section 13 of the Poor Relief Ordinance which officiate in the district where the person concerned resides ;

“ Georgetown area ” means the area bounded on the North by the Atlantic Ocean ; on the East by the common boundary between Plantation Sophia and Liliendaal up to the Lamaha Canal and by the Lamaha Canal to the Northern boundary of Plantation Ruimveldt ; on the South by the Northern boundary of Plantation Ruimveldt ; and on the West by the Demerara River.

“ district ” means a district declared and established under subsection (1) of section 13 of the Poor Relief Ordinance ;

“ pension ” means an old age pension payable under this Ordinance.

Provision for
the payment
of old age
pensions.

3. Every person in whose case the conditions set out in section 4 of this Ordinance as qualification for the receipt of an old age pension (hereinafter referred to as “ the statutory conditions ”) are fulfilled, shall be entitled to receive such pension so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Ordinance for the receipt of the pension.

Statutory
conditions
for receipt of
an old age
pension.
13 of 1953,
s. 2.

*4. (1) The statutory conditions which shall be fulfilled by every person before he is entitled to receive a pension and which shall continue to be fulfilled while he is in receipt of a pension are—

(a) the person must have attained the age of sixty-five years ;

(b) the person must satisfy the appropriate authority that he has been a British subject for at least ten years immediately preceding his claim for a pension ;

(c) the person must have been ordinarily resident in the Colony during the twenty years immediately preceding the claim for a pension :

Provided that a person shall not be deemed to have ceased to be resident in the Colony merely by reason of any temporary absence therefrom if the aggregate period of absence does not exceed two years during the said period of twenty years ; and

(d) the person must satisfy the appropriate authority that his monthly income as calculated under this Ordinance does not exceed such amount as may, by order, be prescribed by the Governor in Council.

* The amendments made to this section by 13 of 1953 are deemed to have come into operation on the 31st December, 1952 (13 of 1953, s. 3.)

(2) Any order made under this section may be varied from time to time. 13 of 1953,
s. 2.

5. (1) In calculating the means of any person for the purposes of this Ordinance account shall be taken of— Calculation
of means.

(a) the income which that person may reasonably expect to receive in cash excluding any sum receivable as pension under this Ordinance ;

(b) the value of any property belonging to that person, not being property personally used or enjoyed by him, which is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him ;

(c) the value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him, except furniture and personal effects ;

(d) the value of any benefit or privilege enjoyed by that person.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall be taken to be one half of the total means of the couple and where either of the couple is, or the couple jointly are, entitled to any property, each of them shall be deemed to be entitled to one half of that property.

(3) Where a husband is separated from his wife, any sum paid to her by way of maintenance shall be deducted when calculating the husband's means.

X (4) If it appears that any person has, either directly or indirectly, deprived himself of any income or property in order to qualify himself for the receipt of a pension that income, or the value of that property, shall, for the purposes of this section, be taken to be part of the means of that person. X

6. (1) All claims for pension and all questions whether the statutory conditions are fulfilled in the case of any person claiming such pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows :— Determina-
tion of
claims.

(a) every such claim or question shall be submitted in writing by, or on behalf of, the claimant to the chairman of

the appropriate authority and shall contain such particulars as may be prescribed by rules made by the Governor in Council ;

(b) it shall be the duty of every such chairman to place before the appropriate authority without delay all such claims or questions together with all such information as may be available, but it shall be incumbent on the claimant to substantiate his claim to the satisfaction of the appropriate authority ;

(c) the appropriate authority shall consider as soon as possible all such claims or questions and are, for that purpose, hereby empowered to take into account all such information as may come to their knowledge concerning the means of any person and shall thereupon decide whether or not the pension shall be paid and shall notify the claimant of the decision ;

(d) in any case where the appropriate authority refuses the claim of any person for a pension they shall cause that person to be informed in writing of the ground upon which his claim was refused and they shall, if the person so requests, submit the claim for the decision of an Appeal Board constituted as hereinafter provided.

(2) The Governor in Council may, by order, establish one or more Appeal Boards for the purposes of this section and such Board, or each such Board, as the case may be, shall consist of such number of fit and proper persons as the Governor in Council may deem necessary.

(3) The Governor shall appoint the Chairman of the Appeal Board and may make rules to regulate the procedure of the said Board and generally to give effect to the provisions of this section.

Date on which pensions commence to accrue.

7. Subject to the provisions of section 15 of this Ordinance where a pension is first allowed the pension shall commence to accrue at the end of the month after the date on which the claim for pension or the notice of the question, as the case may be, is received by the appropriate authority or at the end of the month after the date on which the claimant first becomes entitled to the pension, whichever date is the later.

Amount of pension and method of payment.
42 of 1944,
s. 4.
11 of 1949,
s. 2.

8. (1) The amount of pension payable to any person under and in accordance with the provisions of this Ordinance shall be—

(a) in the case of a person ordinarily resident in the Georgetown area, four dollars and fifty cents *per mensem* ;

(b) in the case of a person ordinarily resident elsewhere in the Colony than in the Georgetown area, three dollars *per mensem*.

(2) The Legislative Council may from time to time by resolution (which resolution shall be published in the Gazette) vary the amounts fixed by subsection (1) hereof. 11 of 1949,
s. 2.

(3) The Governor in Council may, by regulation, prescribe :—

(a) the times or intervals of time at which the pensions shall be paid ;

(b) the manner in which the pensions shall be paid ;

(c) the places at which pensions shall be paid ; and

(d) generally, any matter which may be necessary to give effect to the intention of this section.

(4) Any regulation made under the preceding subsection may be made applicable either to the whole Colony or to any part of the Colony and different regulations may be made applicable to different parts of the Colony.

9. A person shall be disqualified for receiving or continuing to receive a pension, notwithstanding the fulfilment of the statutory conditions,— Persons
disqualified
for receiving
pension.

(a) while he is an inmate of any public or charitable institution which provides him with board and lodging without charge ; or

(b) while he is absent from the Colony ; or

(c) while he is undergoing imprisonment.

10. (1) Subject to the provisions of this section, no payment of any sum on account of pension shall be made if such payment is not obtained within three months after the date on which it became payable. Pensions not
payable if
unclaimed
for three
months
except in
special cases.

(2) The Governor in Council may, by order, extend the time prescribed in the preceding subsection in respect of persons resident in any specified area, or in respect of any specified class of persons or, for good reason shown, in respect of any specified person.

(3) An order may be made under subsection (2) of this section notwithstanding the fact that the period of three months prescribed in subsection (1) of this section has expired before the making of the order.

Pensions not assignable.

11. Every assignment of, or charge on, a pension and every agreement to assign or charge a pension shall be void and on the bankruptcy of a person entitled to a pension such pension shall not pass to any trustee or other person acting on behalf of the creditors.

Penalty for false statements.

12. If for the purpose of obtaining or continuing a pension, either for himself or for any other person, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

Liability to refund sums paid when pensioner was not entitled to pension.

13. If at any time it is found that a person has been in receipt of a pension while the statutory conditions were not fulfilled in his case such person or, in the case of his death, his personal representative, shall be liable to repay to the Financial Secretary any sums paid to him in respect of the pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension and the amount of those sums may be recovered as a debt due to the Crown.

Regulations

14. (1) The Governor in Council may make regulations for the purpose of giving effect to the provisions of this Ordinance.

(2) Without prejudice to the generality of the preceding subsection the Governor in Council may make regulations—

(a) prescribing the evidence required as to the fulfilment of the statutory conditions ;

(b) prescribing for the purposes of this Ordinance the meaning of ordinary residence ; and

(c) prescribing any form required.

Power of Governor in Council to fix date when payment of pensions shall commence.

15. No person shall be entitled to receive a pension under this Ordinance until such date as may be fixed by the Governor in Council by notice published in the Gazette.
