



GUYANA.

BILL NO. 24 of 1971.

STATE PENSIONS BILL 1971,

Arrangement of Sections

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A BILL

Intituled

AN ACT to regulate the awards of State Pensions in respect of service to the State in certain special circumstances.

A.D. 1971. Enacted by the Parliament of Guyana;—

- Short title. 1. This Act may be cited as the State Pensions Act 1971.
- Interpretation. 2. In this Act, unless the context otherwise requires "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;
- "dependant" means any person, other than a widow or child, who immediately before the death of the deceased person was wholly or partially dependent on him for support.
- Service qualifying for State Pension. 3. (1) Whenever the President considers it desirable, having regard to the nature and quality of the service rendered to the State by any person and to the special circumstances pertaining to the case, including the ineligibility of that person for a comparable pension under any other law, that such service should qualify for the payment of a pension (hereinafter referred to as a State Pension) he may by instrument under the Seal of Guyana designate such service as qualifying for the payment of a State Pension.
- (2) No service of a person shall be designated under subsection (1) if the person, at the time of such designation, is alive unless either
- (a) he has attained the age of 50 years;
 - or
 - (b) not having attained the age of 50 years, the President is satisfied that such person is incapable by reason of infirmity of mind or body is likely to be permanent.
- Award of State Pension. 4. (1) Subject to this Act, where the President has designated any service as qualifying for the payment of a State Pension the Minister responsible for finance shall, by order, which shall be subject to negative resolution, prescribe the amount of pension, the person to whom such pension shall be paid, being the person whose service

has been so designated or any widow, child, or dependant of such person, the time of commencement of such payment and the terms and conditions on which such pension shall be payable.

(2) The annual rate of a State Pension shall not exceed the maximum like rate payable as a pension under the Pensions (Governor-General, Parliamentary and Special Offices) Act 1969, to a legislator, not being the holder of a specified qualifying office within the meaning of that act.

5. (1) Where a person was in receipt of a State Pension at the date of his death, there shall be paid to his widow, during her lifetime and while unmarried, a widow's pension at an annual rate equivalent to one-half of the State Pension with effect from the said date. ^{Widow's Pension.}

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

- (a) shall, subject to subsection (3), if the widow is in receipt of a State Pension, cease to be payable; and
- (b) shall, subject to subsection (3), if the widow is in receipt of a salary payable out of public funds, 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 the State 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) Notwithstanding anything in this Act, but subject to the provisions of this section, where the person mentioned in 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. (1) Where the person who was in receipt of a State Pension in respect of his service 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 shall be payable in respect of service designated under section 2, 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 the State Pension first-mentioned in section 4(1), as the case may be;
- (b) it shall be paid to such person or persons as the 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 Minister may, from time to time, direct.

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

- (a) one-third of the rate of the State Pension, 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 person 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 State Pension 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.

Source of
payment.

7. Moneys payable under this Act shall be charged on and paid out of the Consolidated Fund.

Pensions and
allowances
not assign-
able.

8. Moneys payable to, or in respect of, any person pursuant to this Act shall not be assignable or transferable except for the purpose of satisfying —

- (a) a debt due 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.

9. The Minister responsible for finance may make regulations for the purpose of giving effect to this Act. ^{Resolutions.}

EXPLANATORY MEMORANDUM

This Bill seeks to make provision whereby a pension (to be known as a State Pension) may be granted to a person who has rendered service to the State but who could not be granted a comparable pension under any existing law. The eligibility for the grant of a State Pension will require the service rendered to the State to be designated by the President as service qualifying for a State Pension.

2. Clause 4 of the Bill seeks to provide that upon designation by the President of the service of the individual as service qualifying for the grant of a State Pension, the Minister of Finance shall by order, which shall be subject to negative resolution of the National Assembly, prescribe the amount of pension to be paid. The amount of the State Pension payable to any person shall not exceed the highest pension payable to a Member of the National Assembly who does not hold a specified qualifying office as mentioned in the Second Schedule to the Pensions (Governor-General, Parliamentary and Special Offices) Act, 1969.

3. Clause 5 seeks to make provision for the payment of a widow's pension to the unmarried widow of a person who has been in receipt of a State Pension. The amount of the widow's pension shall be equal to one-half of the amount of the State Pension paid to the deceased pensioner.

4. Clause 6 seeks to provide for the payment of a children's allowance in respect of the children of a deceased person who has been in receipt of a State Pension.

H. D. HOYTE,
Minister of Finance.

(Bill No. 24/1971)