

Bill No. 38 of 1965

PUBLISHED 6TH NOVEMBER, 1965.

No. 445

Bill No. 38 of 1965.

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL, 1965

Arrangement of Sections.

Section

1. Short title.
2. Amendment of section 2 of Chapter 75.
3. Amendment of section 15 of Chapter 75.
4. Amendment of section 23 of Chapter 75.
5. Amendment of section 42 of Chapter 75.
6. Amendment of section 42A of Chapter 75.
7. Amendment of the schedule to Chapter 75.

A BILL

Intituled

An Ordinance to amend the Widows and Orphans Pension Ordinance.

Enacted by the Legislature of British Guiana :—

A.D. 1965.

1. This Ordinance may be cited as the Widows and Orphans Pension (Amendment) Ordinance, 1965, and shall be construed and read as one with the Widows and Orphans Pension Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short title.

Cap. 75.

2. Section 2 of the Principal Ordinance is hereby amended by the substitution for the definition of the expression "approved scheme" of the following definition —

Amendment of section 2 of Chapter 75.

"approved scheme" means a scheme for the granting of pension to the widows and children of government officers established in any other part of the Commonwealth and approved by the Governor;

3. The proviso to subsection (3) of section 15 of the Principal Ordinance is hereby amended by the substitution of the word "two-thirds" for the words "three-eighths".

Amendment of section 15 of Chapter 75.

4. Section 23 of the Principal Ordinance is hereby amended in the following respects —

Amendment of section 23 of Chapter 75.

- (a) by renumbering the section as subsection (1); and
- (b) by adding thereto the following subsection as subsection (2) —

"(2) Any order made under subsection (1) of this section may be expressed to take effect on a date prior to the date on which the order is made."

5. Section 42 of the Principal Ordinance is hereby amended in the following respects —

Amendment of section 42 of Chapter 75.

- (a) by the deletion of the word "and" at the end of paragraph (a);

- (b) by the substitution of a semicolon for the full stop at the end of paragraph (b) and the insertion of the word "and" immediately thereafter; and
- (c) by the insertion of the following paragraph as paragraph (c) —

"(c) all pensions in respect of contributions made to the fund by officers who at the 31st December, 1948, were bachelors, such pensions to be calculated as from the date of their marriage."

Amendment of section 42A of Chapter 75.

6. Subsection (1) of section 42A of the Principal Ordinance is hereby amended in the following respects —

- (a) by the deletion of the word "and" at the end of paragraph (a);
- (b) by the substitution of a semicolon for the full stop at the end of paragraph (b) and the insertion of the word "and" immediately thereafter; and
- (c) by the insertion of the following paragraph as paragraph (c) —

"(c) all pensions in respect of contributions made to the fund by officers who at the 31st December, 1953, were bachelors, such pensions to be calculated as from the date of their marriage."

Amendment of the schedule to Chapter 75, No. 7 of 1958.

7. Table B in the schedule to the Principal Ordinance (as inserted by the Widows and Orphans (Amendment) Ordinance, 1958) is hereby amended by the deletion from the heading thereof, of the following —

- (a) the words "or after" appearing after the words "terminating on"; and
- (b) the words and number "and before the attainment of age 61" appearing after the number "60".

OBJECT AND REASONS

Clause 2 of this Bill seeks to extend the definition of "approved scheme" in the Ordinance to include pension schemes established in any other part of the Commonwealth. This has become necessary as a result of many British possessions becoming independent nations.

2. The proviso to subsection (3) of section 15 of the Widows and Orphans Pension Ordinance, Chapter 75, provides that no part of the moneys belonging to the New Widows and Orphans' Fund shall at any time be expended in the purchase of securities of the Government of British Guiana, or employed at interest for the purposes of the Government, if such purchase or such employment would cause the total current market value of the securities of the Government held on behalf of the fund together with the outstanding sums employed at interest for the purposes of the Government to exceed three-eighths of the total assets of the fund at that date. The Government have agreed to the sum of five hundred thousand dollars being made available by the Directors of the New Widow and Orphans' Fund for the purpose of enabling public officers to acquire houses. The Government will seek legislative authority for the issue of debentures to the Fund, as was done in 1958 under the Public Loan (Public Officers Housing) Ordinance, 1958. Clause 3 of this Bill therefore seeks to increase the limit of the assets of the New Widows and Orphans' Fund which may be invested in securities of the Government of British Guiana.

3. Section 22 of the Widows and Orphans Pension Ordinance provides that a contributor to the Fund shall contribute at the annual rate of five per cent of the maximum salary of his office, and section 23 provides that where the salary of an office is on an incremental scale the Governor may, by order, fix an intermediate amount in the scale as a maximum salary for the purpose of making contributions to the Fund. As a result of the revision from time to time, of salaries in the public service, intermediate maxima have been fixed subsequently. Clause 4 of this Bill seeks to provide for an amendment to section 23 of the Ordinance enabling orders to be made under that section with retroactive effect, if necessary, from the date on which the revision of salaries took effect.

4. In 1950, on the advice of the Actuary, the Widows and Orphans Pension Ordinance was amended for the purpose of adopting new benefit tables for the calculation of benefits purchased by officers who became contributors to the Fund after the 31st December, 1948, and in respect of future increments of salary to married officers. The amending legislation should also have provided for the new benefit tables to apply to those bachelors who were contributing to the Fund on the 31st December, 1948, as from the date of their marriage. Clause 5 of this Bill therefore seeks to provide accordingly.

5. In 1958 by virtue of the provisions of section 3 of the Widows and Orphans Pension (Amendment) Ordinance, 1958, the revised tables introduced in 1958 were adopted for the calculation of benefits purchase by officers who became contributors to the Fund after the 31st December, 1953, an in respect of future increments of salary to married officers. The amending legislation should also have provided for the tables to apply to those bachelors who were contributing to the Fund on the 31st December, 1953, as from the date of their marriage. Clause 6 of this Bill therefore seeks to provide accordingly.

P. S. D'AGUIAR,
Minister of Finance

(Bill No. 38/1965)
(M.P. 134/4).