

**CHAPTER 315****THE PENSIONS (INCREASE) (1957) ACT**Arrangement of Sections  
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**PENSIONS (INCREASE) (1957)***(1st January, 1956.)***8/1957.  
15/1961.**

**1.** This Act may be cited as the Pensions (Increase) (1957) Act. **Short title.**

**2.** In this Act—

**Interpretation.**

"the Act of" any specified year means the Pensions (Increase) Act of that year;

"pension" means any pension payable under the provisions of any law mentioned in the First Schedule:

Provided that the said expression does not include any gratuity and does not include any sum payable otherwise than by way of periodical payments, and accordingly the provisions of this Act shall not have effect with respect to any pension which has been commuted, and where a part of any pension has been commuted, those provisions shall not have effect with respect to that part thereof.

Increase of pensions payable on retirement from service in Antigua and Barbuda.

**3.** (1) Subject to the provisions of this Act, any pension specified in the First Schedule may be increased by the Governor-General to the extent authorized by the Second Schedule:

Provided that no increase shall be made under this section in respect of any pension calculated on pensionable emoluments received after the 31st day of December, 1951.

(2) Subsections (2) and (4) of section 3 of the Act of 1947 (which define the circumstances in which a pension may be increased under that section) shall apply for the purposes of this section as if any reference in those subsections to the said section 3 included a reference to subsection (1) of this section; and, subject to the next following subsection, in the application of those subsections for the said purposes, the expression "dependant", in relation to a pensioner, shall be construed as meaning a person who the Governor-General is satisfied is wholly or mainly supported by the pensioner and who either has not attained the age of sixteen years or, having attained that age, is either receiving full-time instruction at an educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years.

(3) Where, immediately before the first day of January, 1956, an increase under the Act of 1947 or the Act of 1953 was payable in the case of a pension by reason only that some person was a dependant of the pensioner by virtue of subsection (3) of section 3 of the Act of 1947, then, so long as the Governor-General is satisfied that that person continues to be wholly or mainly supported by the pensioner, that person shall be deemed to be a dependant of the pensioner for the purposes of the application of subsection (2)

of section 3 of the Act of 1947 to increases under subsection (1) of this section:

Provided that—

(a) this subsection shall only apply to a person by virtue of paragraph (a) of subsection (3) of section 3 of the Act of 1947 so long as that person would continue to be a dependant of the pensioner under subsection (2) of this section if the words from "in such" onwards were omitted therefrom;

(b) where this subsection applies to any person by virtue of paragraph (b), (c) or (d) of subsection (3) of section 3 of the Act of 1947 and an increase under subsection (1) of this section is payable in the case of a pension by reason only that that person is deemed under this subsection to be a dependant of the pensioner, the annual rate of that increase shall be reduced in respect of any period by the amount, if any, by which the Governor-General is satisfied that the total income in that period of that person from any other source exceeds seven hundred and forty-eight dollars and eighty cents a year.

4. (1) Where a pension is determined by reference to a rate of emoluments paid by a Government or authority other than the Government of Antigua and Barbuda, the Governor-General may, with the approval of such Government or authority, but subject to the provisions of subsection (2) authorize the payment of an increase of such pension.

Increase in the case of mixed pensions.

(2) Where a payment of an increase of pension is authorized by virtue of the provisions of subsection (1) such increase shall be to the like extent as is authorized by subsection (1) of section 3 in the case of a pension to which that section applies.

5. For the purposes of an increase under section 3 of the Act of 1947 in any pension—

Extension of increases under Pensions (Increase) Act, 1947. Cap. 313.

(a) any restriction on the making of such an increase, or on the amount of the increase, imposed by that Act by reference to the income of the pensioner shall cease to have effect;

(b) the amount of the increase shall be that applicable if the pensioner were a married person, whether or not he is in fact a married person;

(c) the upper limit of the amount of a pension which may be increased by two hundred and eighty-eight dollars a year shall cease to have effect.

Extension of  
increases under  
Pensions  
(Increase) Act,  
1953.  
Cap. 314.

**6.** For the purposes of an increase under the Act of 1953 in any pension—

(a) any restriction on the making of such an increase, or on the amount of the increase, imposed by that Act by reference to the income of the pensioner shall cease to have effect;

(b) the amount of the increase shall be that applicable if the pensioner were a married person, whether or not he is in fact a married person.

Other  
amendments of  
Act of 1947 and  
Act of 1953.

**7.** (1) Subsection (3) of section 3 of the Act of 1947 (which defines the expression "dependant" for the purposes of that section and the Second Schedule to that Act) shall cease to have effect, and for the purposes of the said section 3 and of section 3 of the Act of 1953 the expression "dependant" shall have the meaning assigned thereto by subsections (2) and (3) of section 3 of this Act, with the substitution in the said subsection (3) for any reference to an increase under subsection (1) of section 3 of this Act, of a reference to an increase under section 3 of the Act of 1947 or, as the case may be, of the Act of 1953.

(2) The Act of 1947 shall have effect and be deemed always to have had effect as if for paragraph 7 of the Second Schedule to that Act there were substituted the following paragraph—

“**7.** Where a person in receipt of a pension specified in the First Schedule is also in receipt of another pension so specified, both of those pensions shall be aggregated and the amount which would have been the authorized increase of a single pension equal to that aggregate if that single pension had been a pension specified in the said First Schedule shall be apportioned between the pensions in the proportions which they bear

to one another, and the amount so apportioned to any pension specified in the said First Schedule shall be the authorized increase of that pension.”

**8.** In calculating the amount of any pension for the purposes of the Act of 1947 or the Act of 1953, any increase for which provision is made by section 3 of this Act shall be disregarded. Supplementary provisions.

FIRST SCHEDULE

PENSIONS WHICH MAY BE INCREASED UNDER SECTION 3 OR SECTION 4 OF THIS ACT

- 1.** A pension payable under the Pensions Act, and any amendments thereto. Cap. 130\*.
- 2.** A pension payable under the Pensions Act, Cap. 311 and any amendments thereto.
- 3.** A pension payable under the Police Pensions (Preservation of Rights) Act, Cap. 331.
- 4.** A pension payable under the Police Act, Cap. 330 and any amendments thereto.
- 5.** A pension payable under the Denominational School Teachers Pension Act, 1931, as amended.

711931.  
411934.  
1711947.  
1111949.  
311954.

\* See Federal Acts of the Leeward Islands, Revised Edition 1927.

SECOND SCHEDULE

RATE OF INCREASE OF PENSIONS

**1.** Subject to the provisions of this Schedule, the increase under section 3 (in this Schedule referred to as the "authorized increase") in the case of a pension in respect of which such an increase is authorized or required to be made (in this Schedule

referred to as a "relevant pension") shall be ten per cent of the basic rate of the pension or \$480 a year, whichever is the less.

**2.** (1) Where a pensioner is in receipt of two or more relevant pensions in respect of services rendered by the same person, the authorized increases of those pensions shall not in the aggregate exceed the amount which would represent the authorized increase if those pensions were a single relevant pension at a basic rate equal to the aggregate of the basic rates of those pensions; and where the said increase, as ascertained apart from this paragraph, would exceed that amount, the increase in the case of each of the pensions shall be calculated by dividing the amount between them in proportion to the said increases as ascertained as aforesaid.

(2) For the purposes of this paragraph, a person for whose benefit a pension is payable shall be deemed to be in receipt of the pension notwithstanding that it is payable to some other person.

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