

THE PENSIONS (CIVIL SERVICE FAMILY BENEFITS)  
ACT

ARRANGEMENT OF SECTIONS

*Preliminary*

1. Short title.
2. Interpretation.
3. Application of Act.

*Contributors*

4. Contributors.
5. Exemptions.

*Contributions*

6. Contributions.
7. Contributions paid in respect of service before commencement of this Act.
8. Reduction of income of contributor.
9. Transfer of public officers to Commonwealth countries or to approved organizations.
10. Dismissal, etc., of contributor.
11. Abatements carried to the Consolidated Fund.
12. Contributions by officers on war service.

*Benefits*

13. Pension regulations.
14. Pensions to be paid out of the Consolidated Fund.
15. Pensions non-assignable and non-attachable except for debt due to Government.
16. Time and conditions upon which pensions shall be paid.
17. Payment of pensions to minors and insane persons.

*PENSIONS (CIVIL SERVICE FAMILY BENEFITS)**General*

18. Notice of marriage and birth of child of contributor.
19. Statements as to names and ages of spouse, children, etc., to be furnished to Minister.
20. Desertion of orphans by surviving spouse.
21. Notice of death of spouse or child of contributor.
22. Divorce of contributor.
23. Fines.
24. Repeal and savings.
25. Transitional.
26. Recognition of paternity.

**SCHEDULE.**

THE PENSIONS (CIVIL SERVICE FAMILY BENEFITS)  
ACT

[1st January, 1976.] Act  
30 of 1977.

*Preliminary*

1. This Act may be cited as the Pensions (Civil Service Family Benefits) Act. Short title.

2.—(1) In this Act—

“approved organization” means any statutory body or corporation in Jamaica, the University of the West Indies or any other body or institution as may be prescribed;

Interpretation.

“beneficiary” means a person to whom a pension is payable pursuant to this Act;

“child” includes—

- (a) a step-child of a married couple, not being a child registered or treated under this Act as a child of any person other than the members of that couple; and
- (b) a legally adopted child; and
- (c) subject to subsection (2), any person who, having regard to the provisions of the Status of Children Act, is a child of a contributor;

“contributor” means any person who makes payments in pursuance of this Act and, save as otherwise provided in this Act, includes—

- (a) a person who has ceased to contribute; and

*PENSIONS (CIVIL SERVICE FAMILY BENEFITS)*

(b) any person to whom, in accordance with section 3, this Act applies;

“date of enactment of this Act” or “the enactment of this Act” means the 30th day of December, 1977;

“existing officer” means any person who immediately prior to the 1st of January, 1976, was a contributor under the repealed Act (including, as the case may be, a person who under that Act remains a contributor although he has ceased to contribute);

“officer”, unless otherwise specified, includes both female and male officer;

“other public service” means public service not under the Government of Jamaica;

“pension” means any pension payable to a beneficiary under this Act except when the context implies that a pension payable to a contributor himself is meant;

“pensionable office” means an office which is, as respects the holder thereof, a pensionable office under the Pensions Act;

“public service” means service in a civil capacity under the Government of Jamaica;

“repealed Act” means the Pensions (Civil Service Widows and Orphans) Act repealed by this Act;

“salary” means the gross salary attached to the office of which the officer is substantive holder and does not include any allowance or other emolument or the value of any other advantage which the officer may receive or enjoy;

“surviving spouse” in relation to any contributor, means the widow or the widower of the contributor.

(2) Where an existing officer is of opinion that the question of his entitlement to a refund of contributions is

likely to be prejudiced by the inclusion in the definition of "child" under this Act of a person born prior to the date of enactment of this Act who, as respects that officer, was not a child under the repealed Act, the officer may, not later than twelve months from the date of enactment of this Act or such later date as the Minister may generally or in any particular case allow, notify the Minister in writing that he does not wish that person to be recorded as a child of his for the purposes of this Act and thereupon the reference to child in this Act shall, as respects that officer, exclude, and be deemed always to have excluded, the person to whom the notification relates.

(3) For the purposes of this Act a legally adopted child shall be treated in all respects as if such child were the child of the adopter born in lawful wedlock and were not the child of any other person.

3.—(1) The provisions of this Act shall apply—

Application  
of Act.

- (a) to every officer first appointed to a pensionable office in the public service of Jamaica on terms whereby he is eligible for a pension (including an officer appointed on probation to such office)—
- (i) after the enactment of this Act; or
  - (ii) before the enactment of this Act, to whom it was intimated before appointment that he would be liable to be affected by any change in the pension law relating to such officer;
- (b) to every existing officer unless not later than twelve months after the enactment of this Act or such longer period as the Minister may in any case allow he gives notice in writing to the Minister of his desire that the provisions of the repealed Act which applied to him prior to the 1st of

*PENSIONS (CIVIL SERVICE FAMILY BENEFITS)*

January, 1976, should continue to apply to him, in which case they shall continue to apply accordingly;

- (c) to every female officer holding a pensionable office immediately prior to the date of enactment of this Act, who, not later than twelve months after that date or such longer period as the Minister may in any case allow, gives notice to the Minister that she elects to become a contributor under this Act.

(2) Where a female officer elects to be a contributor pursuant to paragraph (c) of subsection (1), she shall pay contributions with effect from the date of enactment of this Act, so, however, that she may by memorandum in writing to the Minister, within twelve months from the date of enactment of this Act or such longer period as the Minister may in any case allow, elect to pay arrears of contributions in respect of her entire period of service as a pensionable officer prior to the enactment of this Act; and payment of such arrears may be made in such instalments, on such terms and over such period, not exceeding five years, as the Minister may in any case approve.

*Contributors*

Contributors.

4.—(1) Subject to the provisions of this Act, every officer to whom this Act applies shall become a contributor under this Act.

(2) The following shall not be eligible to be contributors—

- (a) persons employed temporarily in the public service of Jamaica on a special mission;
- (b) persons seconded to the public service of Jamaica from other public service;

- (c) contributors to any Provident Fund established by the Government of Jamaica;
- (d) contributors to the Oversea Superannuation Scheme for so long as they are required to contribute thereto, unless already contributing under the repealed Act or under this Act;
- (e) persons who have attained the age of fifty-four years prior to their liability to contribute for the first time.

(3) Any officer who has claimed exemption from the obligation to become a contributor under this Act by virtue of subsection (1) of section 5 and who subsequently becomes ineligible to continue as a contributor to the Oversea Superannuation Scheme, shall become a contributor under the provisions of this Act from the date on which he ceases to be a contributor in the said scheme, unless he is otherwise ineligible or not liable to do so.

5.—(1) Any officer who is or becomes a contributor to the Oversea Superannuation Scheme may claim exemption from the obligation to continue to be a contributor under this Act, so, however, that every such claim shall be made in writing and shall be received by the Governor-General within three months from the date upon which such officer first became a contributor to the said Scheme. Exemptions.

(2) Every such claim for exemption shall take effect from the date upon which the officer first became a contributor to the said Oversea Superannuation Scheme and the amount of any contributions which he shall have made under this Act since that date shall be refunded to him without interest.

(3) As from the date upon which any such claim to exemption shall take effect, the officer by whom the claim was made shall be deemed, in respect of all rights arising

from his contributions made under this Act prior to that date, to be subject to the provisions of section 9 to the same extent as if he had left the service of the Island on that date.

### *Contributions*

Contributions.

6.—(1) Save as otherwise provided in this Act, every contributor shall contribute at the rate of four *per centum* per annum of his annual salary or pension for the time being:

Provided that where a contributor has elected or been compelled to receive a reduced pension and gratuity in lieu of a pension which he might have received but for such election or compulsion, his pension shall, for the purpose of calculating the rate of contribution payable by him under this section, be deemed to be the amount of the unreduced pension which he might have so received.

(2) If a contributor is on leave on part salary or without salary, or is under interdiction, he shall contribute at the ordinary rate.

(3) Contributions under this section shall accrue daily and shall be deducted by the Accountant-General or other appropriate paying officer monthly in arrear from the salary or pension, as the case may be, of each contributor, and if during a period of leave without salary a contributor does not pay his contribution, the amount of his contributions in arrear shall be deducted from the salary payable to him subsequent to such leave in such instalments as the Minister may in each case determine.

(4) Contributions under this section shall, subject to the provisions of this Act, continue to be deducted from the salary or pension of each contributor—

(a) save as permitted by subsection (5), for thirty-five years from the date on which he commenced contributing; or

(b) until the contributor attains sixty-five years of age, whichever is the earlier.

(5) Any contributor who has paid contributions for thirty-five years but remains in the public service may, at his option, continue to pay contributions until he retires from the public service or attains the age of sixty-five while still in the public service; and the pension benefits payable in relation to him under this Act shall be enhanced accordingly.

7. Contributions paid under the repealed Act by a person to whom this Act applies shall be deemed to be contributions paid under the provisions of this Act.

Contributions paid in respect of service before commencement of this Act.

8.—(1) Subject to section 6(4) where, either on account of reduction of salary or retirement on pension, a contributor's income is reduced he shall have the right to elect to continue to contribute upon the salary which he was receiving immediately prior to such reduction or retirement and on the same terms and conditions as if he had continued to draw that salary.

Reduction of income of contributor.

(2) Where a contributor does not elect to continue to contribute in accordance with subsection (1) any pension payable under this Act to such contributor's surviving spouse or children shall be reduced to such extent or otherwise calculated in such special manner as may be prescribed.

(3) An election under subsection (1) shall be by memorandum in writing to the Minister and shall be made within six months of the date of the reduction in salary

or retirement on pension aforesaid or such longer period as the Minister may in any case allow.

Transfer of public officers to Commonwealth countries or to approved organizations.

9.—(1) A contributor who has been transferred from the service of this Government to any other office under the Government of any other Commonwealth country, or to the service of an approved organization may continue to contribute from the date of his ceasing to hold office in the service of this Government, on the salary which he was receiving at the date of such transfer, at the same rate and subject to the same terms as if he had continued in the service of this Government and continued to receive the salary which he was receiving at the date of such transfer.

(2) In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, any pension payable to his surviving spouse or children under this Act shall be reduced to such extent or otherwise calculated in such special manner as may be prescribed.

Dismissal, etc., of contributor.

10.—(1) Notwithstanding anything in this Act but subject to subsection (2), where a contributor is dismissed from the public service of Jamaica or, otherwise than on account of ill health, retires from such service without a pension, he shall cease to contribute as from the date of such dismissal or retirement, and upon such cessation his interest, and the interest of any spouse or children of his, in the scheme shall come to an end and—

- (a) if the scheme carried no risk at any time in respect of such contributor the full amount of the contributions made by the contributor shall be refunded, but without interest, less any amount owed by the contributor to the Government of Jamaica; or

- (b) if, in respect of such contributor, the scheme carried a risk which ceased prior to the date of such resignation or dismissal, the full amount of the contributions made by that contributor subsequent to the date of the cessation of such risk shall be refunded, but without interest, less any amount owed by the contributor to the Government of Jamaica; or
- (c) if, at the date of such dismissal or retirement, the scheme carried a risk in respect of that contributor and the contributor had completed less than ten years service as a contributor, then fifty *per centum* of the contributions made by him shall be refunded, but without interest and less any amount owed by him to the Government of Jamaica.

(2) If at the date of such dismissal or retirement as aforesaid the contributor had completed ten or more years of service as a contributor or if his retirement without a pension was on account of ill health, he may by memorandum in writing to the Governor-General, within six months of that date or such longer period as the Governor-General may in any case allow, elect to continue his contributions on the basis of the salary which he was receiving at that date, so, however, that in default of such election, he shall discontinue his contributions and any pension payable, in relation to him, to his surviving spouse or children under this Act shall be reduced to such extent or calculated in such special manner as may be prescribed.

(3) Where, after the 1st of January, 1976, a contributor retires from the public service of Jamaica on pension but, at the time of retirement, the scheme carries no risk in respect of that contributor—

- (a) the contributor may by memorandum in writing to the Minister within six months of the date of

enactment of this Act or six months of retirement or such longer period as the Minister may in any case allow, elect to have his contributions refunded to him; and thereupon the provisions of subsection (1) (a) and (b) shall apply in like manner as respects that contributor as they apply to a person who retires without a pension;

- (b) if the contributor has not made an election pursuant to paragraph (a) he shall retain his interest in the scheme and shall continue, subject to section 6(4), to be a contributor and any surviving spouse and children of his under the prescribed age shall be entitled to benefits under this Act accordingly and if he dies without leaving such spouse or children subsection (4) shall apply in like manner as it applies to a person who dies while in the public service of Jamaica.

(4) Where a contributor dies while in the public service of Jamaica—

- (a) if the scheme carried no risk at any time in respect of such contributor the full amount of the contribution made by the contributor shall be paid to his legal personal representatives, without interest, less any amount owed by the contributor to the Government of Jamaica; or
- (b) if, in respect of the contributor, the scheme carried a risk which ceased prior to the date of his death, the full amount of the contributions made by the contributor subsequent to the date of the cessation of such risk shall be paid to his legal personal representatives, without interest, less any amount owed by the contributor to the Government of Jamaica.

(5) For the purpose of this section—

- (a) “the scheme” means the system for the collection of contributions and the award of pensions to a surviving spouse and children constituted by this Act or by the repealed Act;
- (b) in relation to any contributor the scheme carries a risk whenever there is in being a person who, if the contributor dies, would be entitled to a pension under the scheme;
- (c) a person retires on account of ill health if he retires on medical evidence, to the satisfaction of the Governor-General, that he is incapable by reason of infirmity of body or mind of discharging the duties of his office and that such infirmity is likely to be permanent.

(6) Where pursuant to the provisions of subsection (1) the interest of the contributor and any spouse or children of his in the scheme comes to an end and payment of a refund of contributions has been made—

- (a) no such interest shall be revived by any discovery subsequent to such payment that there is a child of the contributor whose existence if known prior to such payment would have affected the application of this section;
- (b) neither the Government nor any person concerned with the administration of this Act shall be liable for any failure to ascertain the existence of such child prior to such payment.

11. All abatements of salary and moneys received under this Act or under the repealed Act shall be carried to the credit of the Consolidated Fund.

Abatements  
carried to  
the Con-  
solidated  
Fund.

12.—(1) Where a public officer is on leave from the public service of Jamaica under the provisions of regulation 18 in the Schedule to the Pensions Act (which relates to war

Contribu-  
tions by  
officers  
on war  
service.

service) then notwithstanding anything contained in this Act, his salary shall, for the purpose of computing his contributions hereunder, be deemed to be the salary which he would have received had he remained on duty in his substantive office in such public service.

(2) Where in any such case, payment is being made from the funds of Jamaica to the officer in the nature of salary or other emoluments, his contributions may be deducted from the sums so payable, and where no such payment is being made, or where the contributions payable by the officer exceed such payment, the contributions or the balance thereof, as the case may be, shall be paid by the officer within six months, or such longer time as the Minister may in any particular case direct, of the time that the contributions would have normally been payable by the officer.

(3) If the officer fails to pay when due, any sum payable by him under subsection (2), the Minister may order that the officer shall cease to contribute as from a date (which may be prior to the date of the order) to be specified in the order, and thereupon the provisions of section 10 shall apply as if he were dismissed from that date.

(4) The Minister may, on the application of an officer, revoke or vary an order made under subsection (3) in relation to that officer on such terms as the Minister thinks fit.

### *Benefits*

Pension  
regula-  
tions.  
Schedule.

13.—(1) Pensions to surviving spouses and children shall be payable in accordance with the Regulations contained in the Schedule.

(2) The Regulations contained in the Schedule may from time to time be amended, added to or revoked, by

regulations made by the Minister and all regulations so made shall be subject to affirmative resolution of the House of Representatives and published in the *Gazette*.

(3) Where the Minister is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to a person that regulation may be given retrospective effect for that purpose:

Provided, however, that no such regulation shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

(4) Any pension payable under this Act shall be computed in accordance with the provisions in force at the actual date of a contributor's death.

(5) All regulations made under this Act shall have the same force and effect as if they were contained in the Schedule, and the provisions of this Act shall be construed as including such Schedule.

14. All pensions under this Act or under the repealed Act shall be charged on and paid out of the Consolidated Fund.

Pensions to be paid out of the Consolidated Fund.

15.—(1) No pension or sum of money under this Act or under the repealed Act shall be assignable or transferable, nor shall any pension or sum of money payable as aforesaid, be attached, arrested, or levied upon, for or in respect of any debt or claim due by the recipient of such pension or sum of money, other than a debt due to the Government.

Pensions non-assignable and non-attachable except for debt due to Government.

(2) On a certificate by the Financial Secretary that any person entitled to receive any pension or sum of money under the provisions of this Act or under the repealed

Act is indebted to the Government in any amount, the Minister may order the retention of the whole or any part of the sum of money which would otherwise be payable to the person indebted to the Government, until the amount of the indebtedness to the Government so certified as aforesaid, is paid.

Time and conditions upon which pensions shall be paid.

16. All pensions under this Act shall be payable monthly to the parties entitled thereto, or to their approved agents, on the order of the Governor-General.

Payment of pensions to minors and insane persons.

17. In all cases where under this Act or under the repealed Act, the parties entitled to pensions are minors or insane persons, such pensions may, on the order of the Governor-General, be paid to the legal guardian or guardians of such minors or to such minors or to such person or persons as the Governor-General may, in his discretion, think fit and proper persons to apply the same for the benefit of such minors or insane persons, and after such payment the Government and the Consolidated Fund shall be free from all liability or responsibility in respect of the same.

### *General*

Notice of marriage and birth of child of contributor.

18.—(1) Every contributor shall, within six months after the birth of each child born to him, or after the adoption of a child notify to the Minister in writing the name and date of birth of such child.

(2) Every contributor who shall marry shall, within six months thereafter, notify the same to the Minister in writing together with the name and age of his spouse and, if there is a step-child, notify the Minister in writing of the name and date of birth of such child.

**19.—(1)** Every contributor shall, within six months after he becomes a contributor, furnish the Minister with a statement in writing stating—

- (a) such contributor's name and date of birth;
- (b) if he is married, the name and date of birth of his spouse;
- (c) if he has a child or children, their names, dates of birth and sex;
- (d) if his spouse is deceased, the name, date of birth, age at time of death and the date of death of his spouse; and
- (e) such other information as may be prescribed or as the Minister may require.

Statements as to names and ages of spouse, children, etc., to be furnished to Minister.

(2) The Minister is hereby empowered, if he shall see fit, to require evidence to be produced to his satisfaction of the accuracy of the information furnished to him under this Act.

(3) It shall be lawful for the Governor-General to withhold the order for the payment of any pension, in whole or in part, until such evidence as aforesaid shall be produced.

**20.** If the Governor-General is satisfied that the surviving spouse of a contributor while in receipt of a pension has deserted or abandoned or has failed or is failing to maintain or assist as far as the means allow a child of the contributor whom such spouse is by law bound to maintain and who is below the prescribed age, the Governor-General may, while such child remains below that age, pay or cause to be paid to such child such portion of the pension payable to that spouse as he may think fit; and such spouse shall have no further claim in respect of any portion of the pension so paid.

Desertion of orphans by surviving spouse.

Notice of  
death of  
spouse or  
child of  
contributor.

**21.** Every contributor shall notify to the Minister, within six months from the date of the event, the death of his spouse or any of his children, and should he fail to do so, he shall be subject to the penalties hereinafter stated.

Divorce of  
contributor.

**22.** For the purposes of this Act when the marriage of any contributor has been annulled or dissolved by the decree of any competent court—

- (a) the contributor shall notify to the Minister, within six months from the date of the decree, the fact thereof, and should he fail to do so, he shall be subject to the penalties hereinafter stated; and
- (b) the spouse of the contributor shall upon such decree, cease to be a person who, by virtue of being such a spouse, is eligible for the award or payment of pension under this Act.

Fines.

**23.—(1)** Any contributor failing to comply with any of the requirements of this Act, shall be subject to a fine of ten dollars for each default, which fine may be deducted from his salary by the Accountant-General or other appropriate paying officer and credited to the Consolidated Fund.

(2) If a fine payable pursuant to subsection (1) by any contributor is not paid the Governor-General may direct that no payment of pension or other benefit under this Act shall be made to or in respect of that contributor until the fine is paid.

(3) The Governor-General shall have power in all cases to remit, wholly or in part, any fines incurred under this Act.

Repeal  
and  
savings.

**24.—(1)** The Pensions (Civil Service Widows and Orphans) Act is hereby repealed.

## (2) Notwithstanding such repeal—

- (a) all refunds of contributions accruing under the repealed Act prior to such repeal shall be paid to the contributor in accordance with the provisions of the repealed Act and he shall thereupon cease to have any interest in any benefit under the repealed Act or under this Act;
- (b) all pensions payable under the repealed Act at the 1st of January, 1976, shall continue to be paid in accordance with the provisions of the repealed Act, and subject to the terms and conditions thereof (other than such provisions of section 17 thereof as require the cessation of payment of pension on the remarriage of a widow), as if that Act had continued in force;
- (c) a contributor who acquired an interest in any benefit under the repealed Act and who, before the enactment of this Act, retired from the public service without a pension, shall retain the interest acquired as aforesaid and upon the death of such contributor there shall be paid to his surviving spouse and children under the prescribed age pensions which shall be determined *mutatis mutandis* in accordance with regulation 4(3) of the Schedule:

Schedule.

Provided that the rate of any such pension shall not be less than the rate which would have been payable under the provisions of the repealed Act;

- (d) the provisions of the repealed Act shall be deemed to continue in force in relation to any person who pursuant to section 3(1) (b) elects to have the provisions of the repealed Act continue to apply in relation to him, so, however, that any reference

*PENSIONS (CIVIL SERVICE FAMILY BENEFITS)*

in the repealed Act to the Comptroller shall be deemed to be a reference to the Minister under this Act.

(3) Any reference in any other Act to the repealed Act shall be deemed to be a reference to this Act; and that other Act shall be amended accordingly.

Transi-  
tional.

25.—(1) Any particulars furnished to the Comptroller under the repealed Act shall be deemed to have been furnished for the purposes of this Act.

(2) Where an officer required to furnish particulars under the repealed Act has omitted to do so or where additional particulars are required from him consequent upon the enactment of this Act, he shall furnish such particulars within twelve months after the enactment of this Act.

Recognition  
of paternity.

26. For the purposes of this Act where the father and mother of a child were not married to each other at the time of its conception or at some subsequent time the relationship of father and child and any relationship traced in any degree through that relationship shall be recognized only if paternity has been admitted or established during the lifetime of the father (whether by one or more of the types of evidence specified in section 8 of the Status of Children Act or otherwise):

Provided that, if the purpose aforesaid is for the benefit of the father, there shall be the additional requirement that paternity has been so admitted or established during the lifetime of the child or prior to its birth.

## SCHEDULE

(Section 13)

## THE PENSIONS (CIVIL SERVICE FAMILY BENEFITS) REGULATIONS

1. These Regulations may be cited as the Pensions (Civil Service Family Benefits) Regulations. Citation.

2. In these Regulations—

“contribution year” in relation to any contributor, means a period of twelve months throughout which the contributor has made contributions under this Act or under the repealed Act, so, however, that where contributions in any such period are made in respect only of part thereof—

Interpreta-  
tion.

(a) contributions for six months or more shall be regarded as contributions made for a full year; and

(b) contributions made for less than six months shall be disregarded;

“final salary” means—

(a) subject to paragraph (c), in relation to a contributor who dies while in the public service, the annual rate of salary of which the contributor was in receipt at the time of his death; or

(b) in relation to a contributor who dies after departure or retirement from the public service, the annual rate of salary of which the contributor was in receipt immediately prior to such departure or retirement; or

(c) in relation to a contributor who, having made contributions for thirty-five years, ceases to make contributions while remaining in the public service, the annual rate of salary of which he was in receipt at the time when he ceased to make contributions;

“higher education” means either a course of full-time instructions at any educational establishment approved for the purpose by the Minister responsible for education or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than two years; or such other courses of instructions as the Minister may by regulations prescribe;

“prescribed age” in relation to any child of a contributor, means the age of nineteen years; and references to the prescribed age in the Act shall be construed accordingly:

Provided that where the Governor-General is satisfied that a child of a contributor, having attained the age of nineteen, is receiving higher education any pension payable to or in respect of that child shall be payable as if the prescribed age were—

(a) the age of that child when he ceases to receive such higher education; or

## PENSIONS (CIVIL SERVICE FAMILY BENEFITS)

(b) the age of twenty-three years,  
whichever first occurs.

Pension  
payable to  
surviving  
spouse and  
children.

3.—(1) Subject to regulation 4, upon the death of a contributor—

- (a) if the contributor leaves a widow or widower (hereinafter referred to as the surviving spouse), the surviving spouse shall be entitled to pension until his or her death, at an annual rate equivalent to one per cent of the contributor's final salary multiplied by ten or by the number of the contributor's contribution years, whichever is the greater;
- (b) if the contributor leaves a child or children under the prescribed age, a pension shall, subject to paragraph (2), be payable to each child until he attains the prescribed age, at a rate equivalent to one-quarter of the pension specified in sub-paragraph (a).

(2) Where the number of a contributor's children under the prescribed age exceeds four, the pension payable in respect of four such children shall be calculated and the annual rate so determined shall be divided equally among all such children so that—

- (a) each child, while under the prescribed age, receives pension at a rate equal to the pension payable to each of the other children; and
- (b) until the number of such children is reduced to four, when any such child attains the prescribed age or dies under that age, the share of that child shall thereafter be payable to the remaining children in equal shares.

Special  
pensions.

4.—(1) The rate of pension payable in respect of a contributor to whom section 8(2) of the Act relates (consequent on a reduction in his income) shall be calculated as follows—

- (a) the pension payable to the surviving spouse of such contributor shall be an annual rate equivalent to the aggregate of—
  - (i) in respect of his service prior to such reduction in income, one per cent of the salary of which the contributor was in receipt immediately before the reduction in income, multiplied by the number of the contributor's contribution years prior to the reduction in income; and
  - (ii) in respect of contributions subsequent to such reduction in income—
    - (aa) if the contributions are in respect of salary, one per cent of the contributor's highest annual salary subsequent to such reduction, being a rate of salary in relation to which he made contributions, multiplied by the number of contribution years in respect of which contributions are made in respect of salary subsequent to such reduction; and

- (bb) if the contributions are in respect of pension, one per cent of the contributor's highest annual rate of pension, being a rate of pension in respect of which he made contributions, multiplied by the number of contribution years in respect of which contributions are made in respect of pension; and
- (b) if the number of the contributor's contribution years is less than ten he shall be deemed to have had such additional number of contribution years—
  - (i) under sub-paragraph (a) (ii) (aa) if the calculation is related to salary and not pension; or
  - (ii) under sub-paragraph (a) (ii) (bb) if the calculation is related to pension,as is necessary to arrive at an aggregate of ten contribution years;
- (c) subject to paragraph (2), the pension payable to each of the contributor's children under the prescribed age shall be at a rate equivalent to one-quarter of the total rate of the pension which is or would have been payable to the surviving spouse in accordance with this regulation.

(2) Where the number of the contributor's children under the prescribed age exceeds four, the rate of the pensions payable to such children shall be limited and regulated in accordance with regulation 3 (2).

(3) Where a contributor has ceased or failed to contribute under section 9 (2)—

- (a) the rate of pension payable to the surviving spouse of that contributor shall be calculated at an annual rate equivalent to one per cent of the contributor's final salary multiplied by the number of the contributor's contribution years; and
- (b) subject to paragraph (2), the rate of pension payable to each of the contributor's children under the prescribed age shall be at a rate equivalent to one-quarter of the rate of pension which is or would have been payable to the surviving spouse in accordance with sub-paragraph (a).

(4) Where a contributor has discontinued his contributions pursuant to section 10(2)—

- (a) the rate of pension payable to the surviving spouse of that contributor shall be calculated at an annual rate equivalent to one per cent of the contributor's final salary multiplied by ten or by the number of the contributor's contribution years, whichever is the greater; and
- (b) subject to paragraph (2), the rate of pension payable to each of the contributor's children under the prescribed age shall be at a rate equivalent to one-quarter of the rate of pension

**PENSIONS (CIVIL SERVICE FAMILY BENEFITS)**

which is or would have been payable to the surviving spouse in accordance with sub-paragraph (a).

Allocation to children of pension otherwise payable to surviving spouse.

5.—(1) Where, as respects any contributor, pension is not payable to a surviving spouse but is payable to a child or children of the contributor, the pension payable to the child or children shall be increased by the following proportions of the pension which would have been payable to the surviving spouse (hereinafter referred to as the surviving spouse's pension)—

- (a) while there is one such child, forty per cent of the surviving spouse's pension shall be payable;
- (b) while there are two such children, sixty per cent of the surviving spouse's pension shall be payable and shall be divided equally between such children;
- (c) while there are three such children, eighty per cent of the surviving spouse's pension shall be payable and shall be divided equally among such children;
- (d) while there are four or more such children, one hundred per cent of the surviving spouse's pension shall be payable and shall be divided equally among such children.

(2) Any increase of pension payable pursuant to paragraph (1) shall be payable—

- (a) if the contributor is not survived by his spouse or if no pension is payable to a surviving spouse, with effect from the date of death of the contributor;
- (b) if the contributor is survived by his spouse who dies while pension is payable to a child or children of the contributor, with effect from the date of death of that spouse.

(3) Where any change in the rate of pension payable to a child of a contributor pursuant to paragraph (1) is affected by a change in the number of such children the rate of pension shall be adjusted (by increase or reduction as the circumstances may require) with effect from the date of the change in the number aforesaid.

Pension to children of more than one contributor.

6. Nothing in these Regulations shall be deemed to preclude payment under these Regulations of more than one pension to a child where the entitlement of such child relates to the interest hereunder of more than one contributor.

Discovery of additional children.

7. Where, subsequent to payment, pursuant to the Act or these Regulations, of pension to any child of a contributor (hereinafter referred to as an identified child), it is discovered that there is another child of that contributor entitled to pension hereunder but who has not been taken into account in the calculation of the award payable to the identified child—

- (a) any amount paid, or due for payment, prior to the date of such discovery, to the identified child shall not be affected

by the discovery but the entitlement of the children of the contributor consequent on such discovery shall (if necessary having regard to the number of children) be recalculated and paid with effect from the date of such discovery or from such other date as the Governor-General may, in all the circumstances, consider just, not being a date earlier than the date of the contributor's death;

- (b) neither the Government nor any person concerned with the administration of this Act shall be liable for any failure to ascertain the existence of any such child.