

LAWS OF GUYANA

STATE PENSIONS ACT

CHAPTER 27:04

Act

19 of 1954

6 of 1984

19 of 1990

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 13 ...	1/2012

**Index
of
Subsidiary Legislation**

	Page
State Pensions Order (O.13/1972, 46/1973, 47/1976, 75/1976, 80/1976)	9
State Pensions Regulations (Reg.4/1972)	10

CHAPTER 27:04
STATE PENSIONS ACT
ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Service qualifying for State Pension.
4. Award of State Pension.
5. Widow's pension.
6. Children's allowance.
7. Source of payment.
8. Pensions and allowances not assignable.
9. Regulations.

24 of 1971

An Act to regulate the award of State Pensions in respect of service to the State in certain special circumstances.

[31ST DECEMBER, 1971]

Short title.
[16 of 1969]

1. This Act may be cited as the State Pensions Act.

Interpretation.
[19 of 1990]

2. In this Act—

“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;

“widow” includes widower.

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 a 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 the 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 of being gainfully occupied and that the infirmity is likely to be permanent.

Award of State
Pension.
[6 of 1984]

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 the 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 such maximum rate as the Minister may, by order, which shall be subject to negative resolution of the National Assembly, prescribe.

Widow's
pension.

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.

(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 a widow's pension exceeds the rate of the State Pension or the rate of salary, as the case may be, nothing in subsection (2) prevents 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 a 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 the annuity be payable under this Act, the 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 forthwith ceases to be payable.

Children's
allowance.
[19 of 1990]

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 is payable in respect of such child or children while under the age of twenty-one years.

(2) Only one children's allowance is payable in respect of service designated under section 3, 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 subsection (3)(a) 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 rates 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.

LAWS OF GUYANA

8

Cap. 27:04

State Pensions

Source of
payment.

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

Pensions and
allowances not
assignable.

8. Moneys payable to, or in respect of, any person pursuant to this Act are not 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 are not 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.

Regulations.

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

SUBSIDIARY LEGISLATION

STATE PENSIONS ORDER*made under section 4*

O. 13/1972
46/1973
47/1976
75/1976
80/1976

Citation.

1. This Order may be cited as the State Pensions Order.

State Pension payable to persons.

2. A State Pension is payable to the persons specified in the first column and at the rate with effect from the date specified in the second column of the Schedule.

Pension payable to Cable.

3. The State Pension payable to Mrs. Umbelina Mary Campbell widow of the late Mr. Stephen Campbell, by virtue of the designation by the President of the service to the State of the late Mr. Stephen Campbell as qualifying for the payment of a State Pension is made to her during her life time and while she is unmarried.

SCHEDULE

<i>Persons</i>	<i>Rate and Date</i>	
Mrs. Umbelina Mary Campbell (widow of the late Mr, Stephen Campbell)	\$150 per month – with effect from 1 st January, 1972	
Mrs. Jane Phillips Gay	\$200 per month } with effect effect from	
Mrs. Ester Elizabeth Dey		\$200 per month } 1 st April, 1976
Miss Vesta Lowe		
Mr. Edward Phillips	\$2,400 per annum- with effect from 1 st April, 1979	
Mr. Leslie Charlton Davis	\$3,120 per annum- with effect from 1 st June, 1979	

Reg. 4/1972

STATE PENSIONS REGULATIONS

made under section 9

Citation.

1. These Regulations may be cited as the State Pensions Regulations.

Paying of pensions etc.

2. Pensions and allowances payable under the Act are paid monthly at least two days before the last working day in each month.

Information to be furnished.

3. Every person who is in receipt of a State Pension in respect of his service shall furnish the Accountant General with the following information—

- (a) the full name of the spouse of that person; and
- (b) the names of the children of that person and the dates of their birth.

Declaration. Form 1 Schedule.

4. (1) Before a widow's pension is paid to a widow she must submit to the Accountant General a declaration in Form 1 in the Schedule.

(2) Every widow to whom a widow's pension is payable shall notify the Accountant General of the date of her re- marriage within fourteen days after that date.

(3) Every person to whom a State Pension is payable whose spouse dies, or whose marriage is annulled or dissolved, or whose child dies, or whose female child under the age of twenty-one years marries, or the guardian of any such child, shall notify the Accountant General of the date of the occurrence of every such event within fourteen days after the said date.

[Subsidiary]

State Pensions Regulations

Declaration.
Form 2
Form 3
Schedule

5. (1) Before making payment of a children's allowance, the person to whom payment is made must submit to the Accountant General a declaration in Form 2 or Form 3 in the Schedule.

(2) Where payment is made to a person making such a declaration, the acknowledgement of the receipt of that payment by that person shall be a good and sufficient discharge of the liability of the Accountant General for the payment of the allowance.

Production of
medical
evidence.

6. On production of medical evidence to the satisfaction of the Accountant General that any person to whom a State Pension or widow's pension or children's allowance is payable under the Act is incapacitated by reason of infirmity of mind or body, the Accountant General may pay the pension or allowance to such other person who is duly authorised to receive the pension or allowance on behalf of the first-mentioned person; and the acknowledgement of the receipt of the pension or allowance by the person so authorised shall be a good and sufficient discharge of the liability of the Accountant General for the payment of the pension or allowance.

reg.4

SCHEDULE

FORM 1

Declaration of Status

I.....being the widow of.....do hereby solemnly and sincerely declare that I am unmarried.

Signature of declarant.....

Signed and declared by the above-named declarant on the day

LAWS OF GUYANA

12 Cap. 27:04

State Pensions

[Subsidiary]

State Pensions Regulations

of at before me.

Signed.....
Commissioner of Oaths/Notary Public

FORM 2

reg. 5

I.....of.....the parent/
guardian* of.....do hereby solemnly and
sincerely declare that.....being the son
of.....has not attained the age of
twenty-one years.

Signature of declarant.....

Signed and declared by the above-mentioned declarant on
the day of.....at.....before me.

Signed.....
Commissioner of Oaths/Notary Public

FORM 3

reg. 6

I.....of.....being the
parent/guardian* of.....do hereby solemnly and
sincerely declare that.....being the daughter of has not
attained the age of twenty-one years and is unmarried.

Signature of declarant.....

Signed and declared by the above-named declarant
on..... the day..... of at.....before me.

[Subsidiary]

State Pensions Regulations

Signed.....
Commissioner of Oaths/Notary Public

*Delete whichever is not applicable.
