

TRINIDAD AND TOBAGO.

Widows' and Orphans' Fund.

No. 25.—1898.

15th August.

AN ORDINANCE to continue provision for granting Pensions to Widows and Children of deceased Public Officers of this Colony.

Sub. 25 amending

of 25-1898

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR,

14th September, 1898.

WHEREAS it is expedient that provision should be continued for the granting of pensions to the widows and children of Public Officers of this Colony: and whereas it is expedient to consolidate and amend the Law relating thereto: Be it enacted by the Governor of Trinidad and Tobago, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Public Service Widows' and Orphans' Fund Ordinance, 1898." Short title.

2. This Ordinance shall come into operation on the First day of October, 1898, which day is in this Ordinance referred to as the commencement thereof and, subject as in Section 53 hereof expressly provided, all acceptances Commencement of Ordinance and repeal of former Ordinances.

... 31
... 32
... 33
... 34
... 35
... 36
... 37
... 38
... 39
... 40
... 41
... 42
... 43
... 44
... 45
... 46
and
... 47
... 48
... 49
... 50
... 51
... 52
... 53
... 54

ficite.

and rejections of membership computations of pension or of amounts to be returned to retiring members, and all other decisions and acts of the Board hereinafter mentioned after such commencement shall be according to the provisions hereof although the entry into the service, death, medical report, retirement or other event in consequence of which the Board shall have to decide or act may have occurred before such commencement. The Ordinances set forth in the Schedule hereto shall be repealed as and from the commencement of this Ordinance, but subject to the provisions of Section 53 hereof such repeal shall not affect anything heretofore done or suffered, or any duty or liability actually imposed or incurred, before the commencement hereof.

Interpretation. 3. In this Ordinance, unless the context or express words otherwise require,

The term "Public Officer" means any male person for the time being holding a permanent appointment in the Public Service of this colony receiving salary.

The term "Director" means a Director of the Public Service Widows' and Orphans' Fund duly appointed under the provisions hereof.

The term "Fund" means the Public Service Widows' and Orphans' Fund hereby established.

The term "Board" means a Board of Directors of the Fund to be appointed under the provisions hereof.

The term "Actuary" means such Member of the Institute of Actuaries in England or of the Faculty of Actuaries in Scotland as may be from time to time appointed by the Board to value or advise.

1898.

No. 25.

Widows' and Orphans' Fund.

1898.

4. The Civil Service Widows' and Orphans' Fund now existing under the provisions of the Ordinances hereby repealed shall from and after the commencement of this Ordinance be administered and applied according to the provisions hereof, under the name of the Public Service Widows' and Orphans' Fund.

Continuation
of Fund.

5. The present Directors of the Civil Service Widows' and Orphans' Fund shall continue to be Directors of the Fund as constituted under this Ordinance; and the present Chairman of the Board of Directors shall continue to be Chairman thereof. Such Directors shall continue in office and shall constitute the first Board appointed under this Ordinance until the 6th day of May, 1900; and on or before that date and thenceforth from time to time on the occurrence of any vacancy among nominated members it shall be lawful for the Governor to appoint two Public Officers of the Colony to be thenceforth Directors of the Fund, one of whom he shall name as Chairman of the Board.

Appointment
of Directors
by Governor.

6. On the second Wednesday in April, 1900, and in each successive third year therefrom there shall be a general meeting of the members of the Fund, and three members shall be chosen thereat by show of hands as elected members of the Board for the triennial term commencing on the following 7th of May on proposal signed by not less than five members: and in the event of a poll being demanded such poll shall be taken as between any members so proposed at such meeting by means of voting papers to be circulated among members actually in the Colony, and such voting papers shall be returned and collected on or before the 6th day of May following, and the three members so proposed having the largest number of votes shall be Directors for the ensuing triennial period, the Chairman having a casting vote if necessary for the purpose of determining any tie.

Election of
Directors by
members and
constitution of
Board.

*Term of Office
of Board.
Temporary
Directors.*

7. The Board constituted as above shall continue in office for three years from the time of its constitution, and from time to time in every third year a new Board shall be appointed and elected, and the Chairman thereof nominated, in like manner and at such dates as is hereinbefore directed, and such new Board shall assume office on the expiration of every third year.

*Temporary
Appointments.*

8. It shall be competent for the Board to nominate a member to act in the place of any elected Director either in the event of his resignation or death or during any temporary absence of such Director from his duties as such, and in the like case a Director may be appointed by the Governor to act on the resignation or death or during the temporary absence of any Director appointed by him; and in any case a Chairman may be nominated by the Governor to act during the temporary absence of the Chairman of the Board. The Board may from time to time appoint and dismiss a Secretary at such salary as they shall think fit.

*Resignation of
Directors.*

9. Any Director appointed by the Governor may at any time by writing under his hand addressed to the Colonial Secretary, and any elected Director may by writing under his hand addressed to the Secretary of the Board resign his appointment.

*Duties of
Board.*

10. The duties of the Board shall be to superintend and direct the management and administration of the affairs of the Fund, and to see that the Laws and Regulations relating thereto are duly fulfilled and complied with; and annually, on or before the twenty-eighth day of February of each year, to prepare or cause to be prepared and sent to the Governor and Legislative Council a detailed Statement and Account of the Fund for the year ending the thirty-first

1898.

No. 25.

Widows' and Orphans' Fund.

1898.

tinue in
stitution,
w Board
n thereof
s herein-
ne office

ominate
Director
during
is duties
ppointed
death or
ppointed
minated
osence of
om time
salary as

may at
l to the
may by
etary of

tend and
affairs of
relating
nnually,
r of each
at to the
rent and
irty-first

day of December preceding, with such Report on the state and prospects of the Fund as the Board may deem necessary; a copy of which Statement, Account, and Report, shall be sent to each member. Three of the Directors including the Chairman if present, shall form a quorum for the transaction of any business relating to the said Fund. The Board shall have power to appoint an acting Chairman at any meeting at which the Chairman appointed by the Governor may be absent, and to make Rules regulating their own proceedings, and to alter and amend such Rules whenever it may appear necessary for them to do so. All questions arising at any meeting of the Board shall be decided by a majority of the votes of the Directors present, and in case of a tie the Chairman or acting Chairman shall have, besides his vote as Director, a casting vote as Chairman.

11. It shall be lawful for the Board to appoint whenever necessary a Medical Officer or Officers in England, or elsewhere out of this Colony. Provided always that no Public Officer, the conditions of whose appointment necessitate his residence in this Colony, shall be medically examined for entrance to the Fund except by a Medical Officer in the Colony.

Power to Board
to appoint
Medical Officers
to examine
Public Officers
residing
abroad.

12. The Board by its style or title of the Board of Directors of the Public Service Widows' and Orphans' Fund shall have power to contract, sue and be sued. Every Writ of Summons against the said Fund may be served on any one of the Directors, or on the Secretary of the Fund. Provided that no personal liability shall attach to any individual Director for acts done or omitted by the Board, and the Fund alone shall be chargeable in respect of such acts or omissions.

Power to
contract, sue
and be sued

No. 25. *Widows' and Orphans' Fund.* 1898.

Cost of management of Fund.

13. The expenses of the management and administration of the Fund shall be defrayed out of the Fund, and shall not exceed ten per centum of the contributions from abatements from salaries: Provided that if in any year any exceptional management and administration expenses shall arise, it shall be lawful to have recourse to any unexpended balance of such ten per cent. in any previous year subsequent to the last previous Quinquennial Valuation.

Annual General Meeting.

14. There shall be an Annual General Meeting of the members to discuss the affairs of the Fund on a day to be appointed by the Board and notified to the members; and on the requisition of not less than fifty members, the Chairman of the Board shall call a Special General Meeting to consider any question of which notice has been given in such requisition, and any Resolution passed at any General Meeting shall be considered by the Board, and if not adopted by them shall be forwarded to the Governor with such remarks as the Board shall think fit.

Audit.

15. The accounts of the Fund shall be annually audited by the Auditor-General; and at every Annual General Meeting the members shall appoint two Auditors who shall audit on their behalf.

Members.

16. The members of the Fund shall consist of the following persons:—

- (a.) Public Officers who were members of the Civil Service Widows' and Orphans' Fund as previously constituted, and who have not retired therefrom under any provisions of the Ordinances hereby repealed.

1898.

No. 25.

Widows' and Orphans' Fund.

1898.

- (b.) Members who shall have continued their membership after retiring from the Public Service of the Colony in accordance with the provisions in that behalf of any previous Ordinance, or hereof.
- (c.) Public Officers appointed at any time since April 1, 1890, to a position in the permanent service of the Colony from which position they are not subject to dismissal without the consent of the Governor; and who shall at any time after the commencement of this Ordinance have or attain a salary of one hundred pounds per annum; subject to the provisions of Section 44 of this Ordinance, and subject to all the other provisions thereof.
- (d.) Public Officers appointed at any time before April 1, 1890, and who shall be in receipt of a salary of one hundred pounds a year or over and who shall within six months from the commencement of this Ordinance or of their attaining such salary (whichever shall last happen) signify their desire to become members, subject to the provisions of Section 44 of this Ordinance, and subject to all the other provisions thereof.

Provided that the following Public Officers shall not become members of the Fund: the Governor, the Governor's Private Secretary and the Principal of St. Mary's College. Provided also that no officer appointed to the Public Service hereafter shall be eligible to become a member of the fund or be liable to contribution under Section 17 hereof, if his first appointment to office in the Colony

No. 25. *Widows' and Orphans' Fund.* 1898.

occurs at any time after he has attained the age of 60 years, and this provision shall apply to any person already appointed to office in the Colony but who shall not have been accepted by the Board as a member before the commencement of this Ordinance.

Contributions
of members.

17. From and after the commencement of this Ordinance an abatement of four per cent. for the purposes of the Fund shall be made by the Receiver-General from each payment of salary of every member who is a Public Officer in receipt of a salary of one hundred pounds per annum, or above that sum, and who is not exempt from contribution by virtue of any provisions contained in this Ordinance, and the amounts of such abatements shall be credited to the Fund on the dates of their respective retentions.

Provided also that a person appointed on probation or provisionally only shall contribute to the Fund by abatement from his salary, but shall not become a member of the Fund, or entitled to any benefit therefrom until his appointment is confirmed, and in the event of his not being permanently appointed, the amount of his contributions shall be returned to him, or to his personal representatives in case of death. If his appointment is made permanent, the date of his joining the Fund shall, subject to medical examination, for all purposes be taken to be the date when he was appointed on probation or provisionally.

Provided also that a member of the permanent public service appointed to any office which is of a provisional or temporary nature shall during the continuance of his temporary office, if a member of the fund, contribute in respect of the salary of such office and after the abolition of such office or his retirement therefrom shall continue to contribute on the salary which he shall thereafter

receive; and if not previously a member of the fund shall during his continuance in such office contribute in respect of the salary thereof in the event of such salary amounting to the sum of £100 per annum or over, and after ceasing to hold such office, shall continue a member of the fund if appointed in lieu thereof to an office with a salary of £100 per annum or over, and if not so appointed shall retire from the fund, receiving one half of his contributions, without interest, or at his option may elect to continue his membership, paying four per cent. on his actual salary, or without further payment may have such half of his contributions invested in the purchase of an annuity under the provisions of Section 37 hereof; and in such event shall continue his membership of the fund in respect only of the claim to such annuity.

Provided also that no person not a permanent member of the Public Service shall be called upon to contribute or become a member of the fund in respect only of his appointment to a temporary office, whatever the amount of salary attached thereto.

18. The Receiver-General shall make and retain a like abatement for the use of the Fund from the salary of every Public Officer who is liable to become compulsorily a member from the date of his becoming so liable. But in the event of such Officer submitting himself for medical examination and not being found eligible for membership under the provisions of Sections 41 and 42 hereof, the Board shall return to him the amount of such abatements without any deduction.

Officers not yet members to contribute till examined.

19. The aforesaid abatements shall be made whether an Officer be on leave of absence or not, and irrespective of what proportion of his salary is payable to him whilst on

Officers on leave and acting Officers

No. 25. *Widows' and Orphans' Fund.* 1898.

such leave. Provided that in no case shall any deduction for the Fund be made from any salary payable out of the emoluments of any office to any person appointed to act temporarily in such office. Provided also that when any Officer is on leave of absence without salary, he shall be liable to pay to the Fund the same contribution in respect of such absence as would have been deducted from his salary had he received the same, and if he does not pay the amount so due, it shall be deducted from his future salary in such monthly proportions as the Board shall require, or in the event of his death, from any pension payable to his widow or children.

Family of
Public Officer
who declines to
join the Fund
to have no
claim on the
Fund or on the
Funds of the
Colony.

20. In the event of a Public Officer who was a member of the Public Service of this Colony on the 1st day of April, 1890, and who is eligible for membership by reason of the rate of salary he receives, not having applied to join the Fund as is hereinbefore provided, neither the widow nor children of such Public Officer will be entitled, under any circumstances, to any participation in the benefits of the Fund, nor, after his death, will any petition on behalf of such widow or children for a gratuity annuity or compassionate allowance, or for any grant of money from the Public Funds of the Colony, on account of the services of such deceased Public Officer, be entertained.

Pensions to
widows.

21. On the death of a married member it shall be the duty of the Board on being duly satisfied of the material facts and dates, to compute the annuity by way of pension payable to his widow by the use of Table I. hereunto annexed. The computation shall be on the amount of salary of which the member was in receipt at the date of his marriage or his accession to membership, whichever shall last have happened, and each successive subsequent

1898.

No. 25. *Widows' and Orphans' Fund.* 1898.

educ-
out of
ointed
when
y, he
oution
lucted
e does
in his
Board
ension

ember
lay of
ip by
plied
er the
will be
ion in
ll any
ratuity
rant of
unt of
tained.

be the
aterial
ension
reunto
unt of
date of
chever
equent

increment of salary shall in like manner be computed for separately in addition, the pension accruing in respect thereof being determined according to the respective ages of the husband and wife at the time of such increment being granted; and in every case in which a widower without children chargeable to the Fund or a bachelor becomes a member and subsequently marries, the abatements from the salary of such member as such widower or bachelor made previously to such marriage shall be added together, and treated as a single payment of such member on his day of marriage entitling his widow to an additional pension in accordance with Table II. annexed to this Ordinance, as if such sum had been on the day of his marriage with such wife invested in the purchase of an annuity in accordance with the provisions of Section 34 hereof. Intermediate ages not calculated for in the said Tables shall be dealt with by arithmetical computation as the Board shall determine.

22. On a member having contributed to the Fund for a period of thirty-five years, or attaining the age of sixty-five years, whichever shall first happen, the fact shall be notified by him to the Board, who shall then proceed to compute the total pension payable to his widow; and no further contribution to the Fund shall be payable by him, whether he be pensioned or not, or whether he remain in Her Majesty's Service thereafter or not; but he shall remain a member of the Fund with full privileges of membership until his death, but not participating in surplus assets or subject to any deduction or contribution for deficiency in respect of any year during which he has not contributed.

23. On the completion of the term of contribution or attainment of the age aforesaid by a member who is a bachelor or a widower without children chargeable to the Fund, the Board upon due notice to that effect, shall

Pension to be
computed on
completion of
service.

*Amended &
See 2 of 33/98*

*being Se
alone*

Bachelor or
widower to be
paid half
contributions.

No. 25. *Widows' and Orphans' Fund.* 1898.

proceed to pay out to such member a sum equal to one-half of his total contributions to the Fund if a bachelor, or one-half of such contributions since the death of his last wife or, if a widower, and his membership shall thenceforth cease.

revised by
cc 301 32
28

Pension to
widow if no
children and
to children if
any.

24. When a member dies leaving a widow but no children, such widow shall be entitled to the full amount of the pension until her marriage or death; and when a member dies leaving a widow and children by such widow only, such widow shall be entitled in the first place to the full amount of the pension, and on her marriage or death, the children shall be entitled to pensions in the following proportions:—If three in number, or less, each shall receive one-fourth of the pension to which the widow of the member was entitled; if more than three, the pension which she received shall be divided equally among the children.

Method of pay-
ment to chil-
dren.

25. When any sum becomes payable by the Board to any person not *sui juris* in law, it shall be lawful for the Board in its discretion to pay or apply such sum or any part thereof for or towards the maintenance or education of such person, either forthwith or at such times as the Board in its discretion shall think fit, and on the receipt of any parent guardian or relative of such person or not, as the Board shall think fit, and no action shall be maintainable against the Board in respect of anything done or omitted in the exercise of such discretion, or in respect of the acts or defaults of any person to whom such sum shall have been paid.

Pension to
widow and
children of
previous
marriage.

26. When a member dies leaving a widow and also children by a previous marriage whose ages entitle them to pensions from the Fund, such children, if three or more

in number, shall be entitled for the terms mentioned in Section 29 hereof to one-half of the pension to which their mother, if she had survived their father, would have been entitled; if two children, to one-third, and if only one child, to one-fourth; and the widow to such part (not at any time being less than one-half) of the whole pension which would have been payable to her if the member had not left such children chargeable, as shall not from time to time be required to meet the several charges for the benefit of her step-children by this Section prescribed. Should such widow die leaving no children by such member, her step-children shall thenceforth be entitled to pensions as if their father had not married a second time. Should the step-mother of such children die leaving children by such member or re-marry leaving such children, such children shall have the pension which their mother was entitled to, divided amongst them as in Section 24 hereof provided.

27. When a member, a widower, dies leaving a child or children entitled to pensions, such pensions shall be as follows:—If three children, or less, each child shall receive one-fourth of the pension to which the widow of the member would have been entitled had she survived him; if more than three, then the amount which the widow would have received shall be divided equally amongst the children.

Children of
widower.

28. When the wife of a member dies and such member marries again, the pension to his widow shall be calculated as if he had first become a member on the day after the death of the preceding wife.

Pension to
wife of
member
re-marrying.

29. The allowance or pension to orphans shall cease in case of males at eighteen years of age, and in case of females, at twenty-one years of age, or on marriage.

When pension
of orphans
shall cease.

No. 25. *Widows' and Orphans' Fund.*

1898.

Wife of member marrying after ceasing to contribute to have no claim for pension.

30. The widow of a member whose marriage may have taken place subsequently to the time when such member ceased to contribute to the Fund shall not be entitled to any pension, nor shall the children of such marriage be entitled to a pension.

Proof of being entitled by persons out of the Colony.

31. Widows and orphans entitled to pensions from the Fund and residing out of the Colony must produce proof to the satisfaction of the Board of their being alive and entitled thereto before their pensions can be paid.

Pension cannot be attached, levied on, transferred or assigned.

32. No pension under this Ordinance may be attached, levied upon, transferred, assigned, or in any way alienated from the pensioner to whom or for whose benefit it is payable.

Member dying within one year of marriage.

33. No widow of a member who dies within one year of the date of marriage shall be entitled to a pension unless such widow shall satisfy the Board by a Medical Certificate or otherwise, as the Board may require, that such member was, at the time of his marriage, apparently in good and sound health, and that at the time of such marriage there was no reason to suspect or apprehend any such death within such period.

Purchase of annuity by member.

34. A member may purchase a deferred annuity according to Table II., for his widow and children, or any of them, on supplying the Directors with the information as to names, dates and ages that shall be reasonably required by them, and on passing such further medical examination, if any, as the Board may require.

Payments and contributions to be made to Receiver-General.

35. All payments and contributions to the Fund other than abatements and fines deducted from salaries and interest shall be made to the Receiver-General and placed by him to the credit of the Fund, and bear interest as herein provided.

No. 25.

Widows' and Orphans' Fund.

1898.

36. Interest at the rate of 6 per centum per annum shall be allowed by the Colony on all balances in the hands of the Receiver-General to the credit of the Fund calculated and credited to the 31st December of each year, and, as soon as practicable after the 31st December in each year, the Receiver-General shall certify to the Board the sum which at the end of each year stood to the credit of the Fund, and the interest allowed and credited thereon.

Interest on Fund and certificate of sums due yearly.

37. Every Public Officer whose salary or income is subject to abatement for the Fund at the commencement of this Ordinance shall, if he be in the Colony, within three months—or if abroad, within six months—from the commencement of this Ordinance, be bound to forward to the Board, unless he has previously furnished this information, the date of his birth, marriage, if married, and of the birth of his wife and children, if any, duly proved to the satisfaction of the Board. Should such Public Officer be a widower having a child or children, he shall inform the Board of the dates of the birth and death of his wife. Any default in complying with the requirements of this Section shall subject such Public Officer to the penalties hereinafter provided.

Certain information to be furnished by Public Officers

38. Every such Public Officer who shall marry shall within six months thereafter notify the same to the Board in writing, together with the name and date of Birth of his wife, and every such Public Officer shall in like manner notify in writing to the Board within six months after the birth of each child to him, the name and date of birth of such child. Should such Public Officer fail to do so he shall be subject to the penalties hereinafter provided.

Marriages and births to be notified.

Deaths to be notified.

39. Every such Public Officer shall notify to the Directors within six months from the date of the event, the death of his wife or of any of his children; and every widow of a member in receipt of pension shall in like manner report to the Board the death of any child who would have been entitled in succession to her had he survived her. Should such officer fail to do so he shall be subject to the penalties hereinafter provided, and should such widow fail so to report, it shall be lawful for the Board to deduct a similar penalty from subsequent instalments of the pension payable after the discovery of such default, as they may deem fit.

Power to Board to require evidence.

40. The Directors are hereby empowered, should they see fit, to require evidence to be produced to their satisfaction of the accuracy of the information furnished to them under Sections 37, 38 and 39 hereof. And it shall be lawful for the Board to withhold payment of any pension in whole or in part until such evidence as aforesaid shall be produced, and until the death of the member shall be proved to their satisfaction by death certificate or otherwise. The production of the evidence required by a Public Officer when required so to do, within a reasonable time after the same shall be called for by the Directors, shall be deemed one of the requirements of this Ordinance within the meaning of Section 51.

Medical examination of Public Officers before acceptance as members.

41. Every Public Officer before admission to membership shall undergo a medical examination, to be made by such examiner or examiners being medical practitioners, as the Board shall from time to time appoint, the method and scope of such examination to be such as the Board shall direct. Such examiner or examiners shall require the person under examination to answer in writing and sign

1898.

No. 25.

Widows' and Orphans' Fund.

1898.

to the
nt, the
every
n like
l who
ad he
e shall
, and
ful for
equent
covery

d they
.tisfac-
ed to
nd it
f any
afore-
ember
ate or
ed by
eason-
Direc-
f this

ember-
de by
ioners,
ethod
Board
ire the
d sign

his name at the foot of the questions prescribed in the schedule hereto, and any other questions which may be from time to time prescribed by the Board or deemed necessary by the examiner, and in reporting on the life of such person the examiner or examiners shall have regard to the answers to such questions. Such questions and answers shall be preserved and shall be deemed the basis of the contract between the Board and the person signing the same, and in the event of any of the answers to such questions being materially untrue to the knowledge of such person, it shall be held fraudulent, and such person if living shall forfeit all deductions from his salary, and cease to be a member of the Fund; and if such fraud is discovered after his death, the Board on satisfactory proof thereof may direct any pension otherwise payable to the widow or orphans of such person to be forfeited wholly or in part. No officer shall become a member or be entitled to any of the privileges of membership or to the return of any reserve value until he shall have undergone the medical examination, and shall have been accepted by the Board as a member, but the abatement from his salary herein provided for shall be made until the report of the medical examiner or examiners is made to the Board. Such report shall be treated as strictly confidential.

42. In the event of a Public Officer failing to pass the medical examination prescribed by this Ordinance Failure to pass medical examination. in order to join the Fund as a fair average life, he shall nevertheless continue to contribute as a member of the Fund but his age shall, according to the Certificate of the Medical Officer, approved by the Board and subject to their confirmation, be rated up as a life

No. 25. *Widows' and Orphans' Fund.* 1898.

equal to an older age than his actual age at the date of the Public Officer's first contribution being made to the Fund, for the purpose of calculating the pension which would be payable to his widow and children; and in the event of reserve value becoming payable in respect of the contributions of such Officer, the same shall be calculated according to such additional age.

Provided however that it shall be competent for the Board on the report of the medical examiner either definitely to reject the membership of any such Public Officer in the event of such medical examiner certifying that the life of such officer is not a safe and proper life for acceptance on any condition of rating up as herein provided, or (in the event of the medical examiner so advising,) to suspend their acceptance of such life for such time not exceeding twelve months as they shall think fit, and to direct a fresh medical examination at the expiration of such time, and in the event of rejection as the result of such fresh examination the contributions already paid shall be returned to such officer, and he shall not become a member of the Fund or be deemed a person declining to join the same under the provisions of Section 20 hereof.

Provided also that no Public Officer appointed or attaining a salary of £100 per annum after the 1st of April, 1890, and who has been rejected or who has exercised any option of refusal to join the Fund under the provisions of any Ordinance hereby repealed shall by reason of this Section and of Sub-section (c) of Section 16 hereof be deemed compellable to submit himself afresh to medical examination or to become a member.

43. A member retiring from the Public Service of this colony after the commencement of this Ordinance

Provisions on
retirement of
members.

93
1000

1898.

No. 25.

Widows' and Orphans' Fund.

1898.

with a wife or children chargeable to the Fund and before sixty-five years of age, and before he has contributed to the Fund for thirty-five years, shall continue a member of the Fund and may at his option within six months of retirement elect whether

- (1.) To contribute until he has attained the age or completed the contributions aforesaid, a monthly sum equal to the abatement that was made from his salary for the last month of his service, or
- (2.) A sum equal to the proportionate abatement of four per cent. from his pension if a pensioned officer, or
- (3.) To continue a member in respect of past contributions only.

In the event of any such member as aforesaid failing within six months to elect as in this Section provided or in the event of his having elected to continue his membership by paying a contribution equal to his previous abatement and of his failing for six months at any time thereafter to pay his contributions as therein provided, he shall be deemed to have elected to continue thenceforth a member in respect of the amount of his pension only if in receipt of pension or of his past contributions only if not in such receipt; and if of pension only, then such abatement shall thenceforth be made by the Receiver-General on account of the Fund if the pension is immediately payable, and shall be brought to account and charged against the first or such of the first instalments of pension as the Board shall determine if the pension is deferred; and if such deferred pension never becomes payable, then from the time of such failure as aforesaid such officer shall be thenceforth deemed to

have been entitled on behalf of his wife and children to such pension only as they would have received in the event of his death as an unpensioned retired member having elected to continue his membership in respect of past contributions only.

Provided however that any member so retiring as a bachelor or a widower without children chargeable to the Fund, shall retire from the Fund altogether; and shall be entitled to receive from the Board a sum equal to one-half of the total of the contributions made by him during his membership of the Fund as such bachelor or since the death of his last wife, as the case may be as in Section 23 provided.

Further provisions.

44. In the event of a member electing or being deemed to have elected to continue his membership in respect of past contributions only, or in respect of the proportionate abatement from pension only, the pension to the widow and orphans of such member shall in such case be diminished to the same extent as a corresponding increase of the contributions would (having regard to the ages of such member and of his wife at the time when such cessation or reduction of contribution commenced) secure to his widow an increased pension under Table I. of this Ordinance, or any Table which may be in force in lieu thereof at the time such member retires.

Pensions payable monthly or quarterly; and where payable.

45. All pensions shall be payable monthly or quarterly as the Board shall in each case direct, and such pensions shall be computed in accordance with Tables I. and II. annexed to this Ordinance, or such other Table as shall by law be in force at the death of the member, or at such time as the Board is directed by Section 22 hereof to compute the pension, whichever shall first happen.

1898.

No. 25. *Widows' and Orphans' Fund.*

1898.

Any pension shall, at the option of the person entitled thereto or his or her guardian, be payable in full in the Colony or in London, and any arrangement for the payment of such pensions elsewhere shall be at the risk and expense of the person requiring the same to be so paid.

46. The amount of any pension payable to the widow and children of any member who shall hereafter be transferred from Her Majesty's Service in this colony to a post in such service in any part of Her Majesty's Dominions in Africa between the tropics shall, in the event of his remaining a member of the Fund after such transfer, be subject to a reduction of 10 per cent. whenever and wherever he may die.

Transfer to
tropical
Africa.

47. It shall be competent for the Board on being satisfied that a Public Officer appointed to the Service from another colony in which a Widows' and Orphans' Fund has been constituted, remains a member of such Fund in such other colony by paying the sum due in respect of the amount of his yearly salary when in the Service of such colony, to recommend to the Governor on the application of such Officer that his membership in the Fund shall, so long as he continues his membership of the Fund in such other colony, be restricted to the excess of the salary receivable by such Officer here over the amount of his salary when in service in such other colony.

Provision in
case of Officer
already a
member of
similar Fund
in another
colony.

And thereupon the Governor may direct the abatement from the salary of such Officer to be diminished proportionately, and he shall while he continues his membership in such other colony be a member of the Fund (subject to medical examination) in respect only of the excess of his salary here over what he received in such other colony; and in each such case it shall be competent to the Board to require such member from time to time to produce the

No. 25. *Widows' and Orphans' Fund.*

1898.

last receipt for such member's contribution to such Fund in such other Colony, or other evidence of such continued membership, and it shall be deemed a requirement of this Ordinance for such member so to produce the same.

To legalise
similar cases
already
admitted.

48. Whereas doubts have been expressed whether a contract for pension in respect of excess of salary only in accordance with the provisions of the last herein contained Section, already entered into by the Directors of the Fund with any member under the Civil Service Widows' and Orphans' Fund Ordinance, 1890, was within the powers of the Board and binding on such member and on the Receiver-General; be it enacted that any such contract already entered into and now subsisting shall be deemed binding and effectual on the Board under this Ordinance and on such member and on the Receiver-General respectively, in all respects as if the same had been made and entered into under the provisions of the last Section hereof.

Officer wilfully
making false
statement, &c.

49. Any Public Officer wilfully making a false return as to marriage, birth or death, or falsely acquiring any voting paper, or committing any other fraudulent act in connection with this Ordinance shall be struck off the Registry of the Fund by the Board, and his widow and children shall forfeit all claims to pension, notwithstanding the fact that he may have been accepted by the Board as a member of the Fund. Such person so struck off as aforesaid shall not be returned any part of the contributions paid by him.

Quinquennial
valuation and
report

50. The Board shall on the thirty-first of December, 1900, and at the end of every fifth year thereafter cause to be prepared and submitted for the valuation of an Actuary a complete statement of the assets and liabilities of the Fund, and of the ages of all members and

1898.

No. 25.

Widows' and Orphans' Fund.

1898.

their wives and children and of all annuitants on such day, together with a Report as to any alterations or improvements in the scheme which shall appear to the Board proper and necessary, and the Actuary shall advise and value thereon, and on the expediency, practicability and safety of any such alterations and improvements; and such statement and Report and the Actuary's advice and valuation shall be laid before the Governor and Legislative Council, ~~who may by Resolution give effect to such of the alterations and improvements as they may deem proper, and make such provision as they may deem proper for the distribution of any surplus or the provisions for any deficiency that may be shown in the report of the Actuary, or may direct the whole scheme to be submitted to an Actuary for revision before passing such Resolution, and in case the scheme is so submitted to an Actuary the cost and charges of so submitting the same shall be paid by the Receiver-General and debited to the Fund.~~

*amended by
sec 49 $\frac{33}{98}$*

51. Any member failing to comply with any of the requirements of this Ordinance shall be liable to a fine for each default at the discretion of the Board of a sum not exceeding Five Pounds, to be deducted from his salary or income by the Receiver-General on the Warrant of the Governor, which may be issued at the request of the Board, such sum to be placed to the credit of the Fund. In case no salary or income is payable to such member from the Public Treasury, and he shall not pay the amount of such fine to the Receiver-General within one month after it has become payable, he may with the consent of the Governor in Executive Council be struck off the Registry of members, and his wife and children shall thereupon forfeit all claims on the Fund: Provided

Penalty for non-compliance with requirements.

No. 25. *Widows' and Orphans' Fund.* 1898.

nevertheless, that a member so struck off shall have the right to be restored as a member with all previous rights within twelve months, on payment of the amount of the fine and arrears of contributions with interest thereon at the rate of six per cent. per annum, and on undergoing such fresh medical examination (if any) as the Board may require.

Saving all rights already accrued.

52. Nothing in this Ordinance shall be construed to affect the pensions rights or obligations of any widows or children of deceased members already accrued by reason of the deaths of such members under the provisions of any Ordinance hereby repealed, or to confer on such widows or children or on the personal representative of any such deceased members any right or benefit which they were not entitled to by virtue of any Ordinance in force at the respective times of the deaths of such deceased members.

Saving of vested rights deferred in certain cases.

53. All officers who joined the Civil Service Widows' and Orphans' Fund under the provisions of the Ordinance No. 4 of 1890 before the commencement of this Ordinance shall in the event of their retirement from the Service or abolition of their office or promotion to employment under the Crown elsewhere in Her Majesty's Dominions continue, notwithstanding the provisions hereof, entitled, if they shall think fit to demand the same reserve value in preference on such retirement abolition or promotion as would have been payable to them by virtue of Section 18, Sub-section 1 of such Ordinance according to the Table II. appended to such Ordinance and Table IV, hitherto in use for the purpose of computing the reserve values according to the same and copies of such Tables shall be kept by the Directors for the purpose of so computing reserve values when necessary. But save as in this section expressly provided, all persons who became members of

1898,

No. 25.

Widows' and Orphans' Fund.

1898.

such Fund prior to the commencement of this Ordinance and who shall continue to be such members shall be deemed so to continue subject in all respects to the provisions hereof and not to the provisions of the said Ordinance No. 4 of 1890.

54. If any question or dispute shall arise as to the right of any person or persons to receive a Pension or as to the amount of such Pension, or as to any right or obligation of any member of the Fund or of the Board not herein provided for, or as to the propriety of any decision of the Board, such question or dispute shall be referred by the Board to the Governor in Executive Council for decision, and such decision shall be final and conclusive on all parties concerned.

Appeal in
certain cases.

Passed in Council this Fifteenth day of August, in the year of Our Lord one thousand eight hundred and ninety-eight.

C. J. ROOKS,
Acting Clerk of the Council.

THE SCHEDULE.

ORDINANCES REPEALED.

YEAR.	NUMBER OF ORDINANCE.	SHORT TITLE OR DESCRIPTION.
1890	4	The Civil Service Widows' and Orphans' Fund Ordinance, 1890.
1890	18	An Ordinance to amend "The Widows' and Orphans' Fund Ordinance, 1890."
1891	6	An Ordinance to further amend "The Civil Service Widows' and Orphans' Fund Ordinance, 1890."
1894	25	An Ordinance to declare the meaning of Sections twelve and thirteen of the Ordinance 4 of 1890, entitled "The Civil Service Widows' and Orphans' Fund Ordinance, 1890."

TABLE I.

SHOWING THE YEARLY PENSION, IN POUNDS STERLING AND DECIMALS OF A POUND, PAYABLE BY MONTHLY INSTALLMENTS, WHICH AN ANNUAL CONTRIBUTION OF £1, PAYABLE ALSO BY MONTHLY INSTALLMENTS, WILL SECURE TO THE WIDOW.

Age of Husband next Birthday.	AGE OF WIFE NEXT BIRTHDAY.								
	20	25	30	35	40	45	50	55	60
20	5.200	5.549	5.973	6.531	7.263	8.270	9.557	11.289	13.640
21	5.059	5.384	5.808	6.347	7.060	8.035	9.279	10.949	13.259
22	4.917	5.220	5.639	6.165	6.856	7.802	9.005	10.610	12.860
23	4.779	5.080	5.478	5.988	6.660	7.575	8.748	10.300	12.480
24	4.642	4.935	5.321	5.817	6.468	7.360	8.496	10.010	12.110
25	4.510	4.801	5.170	5.656	6.291	7.152	8.237	9.723	11.770
26	4.383	4.663	5.025	5.495	6.111	6.947	8.019	9.443	11.420
27	4.258	4.529	4.880	5.337	5.936	6.748	7.788	9.175	11.080
28	4.135	4.397	4.739	5.182	5.765	6.552	7.563	8.908	10.750
29	4.014	4.270	4.600	5.030	5.596	6.361	7.345	8.648	10.440
30	3.895	4.148	4.465	4.882	5.436	6.177	7.133	8.387	10.150
31	3.764	4.008	4.312	4.714	5.250	5.968	6.893	8.104	9.800
32	3.636	3.872	4.164	4.552	5.069	5.765	6.660	7.824	9.478
33	3.512	3.738	4.022	4.395	4.894	5.569	6.436	7.572	9.160
34	3.388	3.606	3.882	4.240	4.723	5.378	6.212	7.311	8.841
35	3.267	3.473	3.741	4.087	4.554	5.188	5.992	7.050	8.523
36	3.148	3.346	3.602	3.936	4.386	4.998	5.774	6.794	8.210
37	3.029	3.219	3.464	3.788	4.220	4.808	5.556	6.539	7.916
38	2.911	3.093	3.327	3.639	4.053	4.620	5.341	6.288	7.614
39	2.798	2.970	3.194	3.494	3.890	4.436	5.133	6.048	7.318
40	2.685	2.847	3.062	3.349	3.728	4.253	4.926	5.810	7.023
41	2.574	2.726	2.931	3.204	3.569	4.070	4.717	5.569	6.733
42	2.463	2.607	2.800	3.061	3.410	3.890	4.509	5.330	6.445
43	2.352	2.489	2.671	2.919	3.252	3.711	4.303	5.090	6.162
44	2.243	2.372	2.543	2.777	3.095	3.532	4.099	4.852	5.879
45	2.135	2.256	2.417	2.639	2.941	3.357	3.897	4.612	5.603
46	2.027	2.141	2.292	2.500	2.786	3.180	3.692	4.375	5.321
47	1.919	2.027	2.168	2.363	2.633	3.004	3.490	4.141	5.042
48	1.813	1.914	2.046	2.228	2.481	2.832	3.289	3.908	4.763
49	1.708	1.802	1.924	2.094	2.330	2.660	3.093	3.677	4.485
50	1.603	1.692	1.806	1.962	2.182	2.491	2.897	3.445	4.214
51	1.501	1.583	1.688	1.832	2.037	2.325	2.704	3.220	3.945
52	1.398	1.475	1.572	1.704	1.892	2.162	2.512	2.997	3.676
53	1.297	1.367	1.457	1.578	1.751	2.000	2.324	2.776	3.411
54	1.196	1.260	1.343	1.453	1.610	1.840	2.137	2.556	3.148
55	1.096	1.154	1.229	1.330	1.472	1.680	1.954	2.336	2.885
56	.995	1.048	1.116	1.206	1.334	1.522	1.771	2.120	2.625
57	.894	.941	1.002	1.083	1.197	1.365	1.589	1.903	2.363
58	.792	.834	.888	.960	1.059	1.208	1.406	1.686	2.099
59	.689	.726	.772	.834	.920	1.048	1.221	1.466	1.831
60	.584	.615	.654	.707	.779	.887	1.033	1.242	1.556

1898.

No. 25.

Widows' and Orphans' Fund.

1898.

TABLE II.

SHOWING THE YEARLY PENSION, PAYABLE BY MONTHLY
 INSTALMENTS, WHICH A SINGLE CONTRIBUTION OF £1
 WILL SECURE TO THE WIDOW.

5 AND
 INSTAL-
 TABLE
 D THE

Age of Husband next Birthday.	AGE OF WIFE NEXT BIRTHDAY.									
	20	25	30	35	40	45	50	55	60	
60										
0 13-640	20	403	430	463	507	563	642	741	875	1-058
0 13-250	21	394	419	452	494	550	626	723	852	1-032
0 12-860	22	385	409	441	482	537	611	705	831	1-006
0 12-480	23	376	399	431	471	524	596	688	810	981
0 12-110	24	367	390	420	460	511	581	671	791	957
3 11-770	25	358	381	410	449	499	567	655	772	934
3 11-420	26	350	372	401	438	487	554	639	753	911
5 11-080	27	341	363	391	428	476	541	624	735	888
8 10-750	28	333	354	382	418	465	528	609	718	867
8 10-440	29	325	346	373	408	454	516	595	701	846
7 10-150	30	318	338	364	398	443	504	581	684	827
4 9-806	31	310	330	355	388	433	492	568	668	808
4 9-478	32	303	322	347	379	422	480	555	652	789
2 9-160	33	296	315	339	370	412	469	542	637	771
1 8-841	34	289	307	331	361	402	458	529	623	753
0 8-523	35	282	300	323	353	393	448	517	608	735
4 8-219	36	275	293	315	344	383	437	505	594	719
9 7-916	37	269	285	307	336	374	426	493	580	702
8 7-614	38	262	278	300	328	365	416	481	566	685
8 7-318	39	256	272	292	319	356	406	469	553	669
0 7-023	40	250	265	285	311	347	395	458	540	653
0 6-733	41	244	258	277	303	338	385	446	527	637
0 6-445	42	238	251	270	295	329	375	435	514	621
0 6-162	43	232	245	263	287	320	365	424	501	606
2 5-879	44	226	239	256	280	312	356	413	488	592
2 5-603	45	220	233	249	272	303	346	402	475	577
5 5-321	46	214	226	242	264	295	336	391	463	563
1 5-042	47	209	220	236	257	286	327	380	450	548
8 4-763	48	203	215	229	250	278	318	369	438	534
7 4-485	49	198	209	223	243	270	308	358	426	520
7 4-211	50	193	203	217	236	262	299	348	414	506
0 3-945	51	188	198	211	229	255	291	338	403	493
0 3-676	52	183	193	205	223	247	282	328	392	480
6 3-411	53	178	188	200	217	240	274	319	381	468
6 3-148	54	173	183	195	211	233	267	310	370	456
6 2-885	55	169	178	190	205	227	259	301	360	445
0 2-623	56	165	173	185	200	221	252	293	351	434
3 2-363	57	160	169	180	194	215	245	285	341	424
6 2-109	58	156	165	175	189	209	238	277	333	414
6 1-831	59	152	161	171	185	204	232	270	324	405
2 1-556	60	149	157	167	180	198	226	263	316	396

FORM OF CERTIFICATE.

I hereby certify that
 I have examined on behalf of the Public Service Widows' and
 Orphans' Fund Mr. _____ and find (or do not find)
 him from his habits, previous medical history and present physical
 and mental condition to be a fair average life and qualified to become a
 member of the Fund.

M. D.

QUESTIONS TO BE PUT BY MEDICAL EXAMINER IN BE-
 HALF OF THE WIDOWS' AND ORPHANS' FUND.

*Statements made by**aged*

1. Are your parents alive; if dead, state age at death and cause of death?
2. Are any of your immediate family afflicted with Consumption, Leprosy or Insanity, or have any suffered from these diseases?
3. What is the general state of your health, and what illness or illnesses have you had since childhood?
4. Have you ever suffered from disease of the Brain, Paralysis, Epilepsy or other fits, Insanity or other Nervous diseases?
5. Have you ever suffered from spitting of Blood, Habitual Cough, Bronchitis, Asthma, Inflammation or disease of Lungs, or any disease of the Heart?
6. Have you suffered from Dropsy, Inflammation or other disease of the Bowels, Disease of Liver, Kidneys, or Urinary Organs?
7. Have you ever applied to any Insurance Company to effect an insurance on your life and been rejected, postponed or rated up?

N.B.—Urine to be examined in all cases, and any other questions to be asked or enquiries made which the Medical Examiner thinks necessary.

Signature of Applicant.

NOTE.—The answers to these questions are deemed the basis of the contract between the member under examination and the Fund, and any intentional misstatement therein will vitiate the contract and lead to a forfeiture of the contribution of the person guilty thereof. See Section 41, Public Service Widows' and Orphans' Fund Ordinance No. _____ of 1898.