

Repealed and replaced by...

CHAPTER 13. No. 2.
OLD AGE PENSIONS.

Ordinance Ch. 13. No. 2-1940. AN ORDINANCE TO PROVIDE FOR OLD AGE PENSIONS.

Commencement. [1st July, 1939.]

Short title. 1. This Ordinance may be cited as the Old Age Pensions Ordinance.

Interpretation. 2. (1) In this Ordinance—
“ Officer ” means the Chief Public Assistance Officer appointed under the Poor Relief Ordinance;
“ pension ” means an old age pension payable under this Ordinance.

(2) For the purposes of this Ordinance “ Board ” and “ Local Board ” mean respectively the Central Poor Relief Board and the Local Poor Relief Board established under the Poor Relief Ordinance, and in the exercise of their powers under this Ordinance the said Boards and the Officer shall have all the rights, powers and immunities conferred upon them respectively by the Poor Relief Ordinance.

Provision for payment of old age pension. 3. (1) Every person in whose case the statutory conditions laid down by this Ordinance for the receipt of an old age pension are fulfilled, shall receive such pension so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Ordinance for the receipt of the pension.

Amount of pension. (2) Such pension shall be at the monthly rate of three dollars or such portion thereof as together with the pensioner’s monthly means, calculated in accordance with the

provisions of this Ordinance, shall amount to not more than six dollars per month.

(3) The Legislative Council may by resolution vary the amounts fixed by subsection (2) hereof.

4. (1) The statutory conditions for the receipt of pension by any person are—

Eligibility for pension.
Statutory conditions.

(a) the person must have attained the age of sixty-five years;

(b) the person must be a British subject and must have been ordinarily resident in the Colony for the twenty years immediately preceding the claim for pension: Provided that a person shall not be deemed to have ceased to be resident in the Colony merely by reason of temporary absence therefrom for an aggregate period not exceeding two years during the said period of twenty years;

(c) the person must have been engaged in earning his livelihood in the Colony during a substantial part of the aforesaid period of twenty years;

(d) the person must satisfy the Local Board that his monthly means as calculated under this Ordinance do not exceed the amount fixed under section 3.

(2) The conditions prescribed in paragraphs (a) and (c) of the preceding subsection shall not apply to a person who has attained the age of forty years and is, in the opinion of the Local Board, so blind that he is unable to earn his livelihood.

Blind persons.

5. (1) In calculating the means of any person, account shall be taken of—

Calculations of means.

(a) the income which that person may reasonably expect to receive in cash, excluding any sums receivable on account of pension under this Ordinance;

(b) the value of any property belonging to that person (not being property personally used or enjoyed by him) which is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him;

(c) the value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him, except furniture and personal effects;

(d) the value of any benefit or privilege enjoyed by that person.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall be taken to be half the total means of the couple; and where either of the couple is or the couple jointly are entitled to any property, each of them shall be deemed to be entitled to one half of that property.

(3) Where a husband is separated from his wife, any sum paid to her by way of maintenance shall be deducted in calculating his means.

(4) If it appears that any person has (directly or indirectly) deprived himself of any income or property in order to qualify himself for the receipt of pension, or for the receipt of pension at a higher rate than that to which he would otherwise be entitled under this Ordinance, that income or the value of that property shall, for the purposes of this section be taken to be part of the means of that person.

Determina-
tion of
claims.

6. All claims for pension and all questions whether the statutory conditions are fulfilled in the case of any person claiming such pension, or whether these conditions continue to be fulfilled in the case of a person in receipt of such pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows—

(a) every such claim or question shall be submitted in writing by or on behalf of the claimant or the Officer and shall contain such particulars as may from time to time be required in accordance with a form approved by the Board and shall be addressed to the Chairman of the Local Board of the district in which the claimant resides;

(b) it shall be the duty of every such Chairman to place before the Local Board without delay all such claims or questions together with all such information

as may be available, but it shall be incumbent on the claimant to substantiate his claim to the satisfaction of the Local Board;

(c) the Local Board shall consider as soon as possible all such claims or questions and are for that purpose empowered to take into account all such information as may come to their knowledge concerning the means of any person and shall thereupon fix the amount of pension, if any, which shall be paid and shall notify the claimant as to their decision: Provided that if they shall refuse the claim of any person for a pension they shall notify him in writing as to the grounds upon which such claim has been refused, and they shall, if the person so requests, submit the claim for the decision of the Board whose decision shall be final.

7. (1) Where a pension is first allowed, the pension shall commence to accrue, and where, by virtue of a decision on any question which has been raised, a pension becomes payable at an increased or reduced rate the pension shall become payable at the altered rate, at the end of the month after the date on which the claim for pension or the notice of the question, as the case may be, is received by the Local Board, or at the end of the month after the date on which the claimant or the pensioner first becomes entitled to the pension or on which the pension first becomes payable at the altered rate, whichever is the later.

Date on which pension commences to accrue and method of payment.

(2) The pension shall be paid in the last week of each month on such date, at such place, and in such manner as the Local Board in each district shall determine.

8. The following persons shall be disqualified for receiving pension, whilst such disqualification continues, namely—

Persons disqualified for receiving pension.

(a) any person who is an inmate of any chartiabile or public institution which furnishes him free of cost with board and lodging;

(b) any person undergoing imprisonment.

9. A sum shall not be paid on account of pension—

Pension not payable to absentees or if unclaimed for 3 months.

(a) to any person while absent from the Colony; or

(b) if the payment of the sum is not obtained within three months after the date on which it has become payable except for good reason shown to the satisfaction of the Local Board.

Pension not assignable.

10. Every assignment of or charge on and every agreement to assign or charge a pension shall be void and in any such case the Local Board may suspend payment of the pension for any period they deem advisable.

Penalty for furnishing false information.

11. If any person makes any statement or furnishes any information to the Board or to a Local Board which he knows or has reason to believe to be false in any material particular in any declaration, estimate, return or other document which he is required or authorised under this Ordinance to make, he shall be liable, on summary conviction, to a fine of ninety-six dollars, and if he is a claimant for or is in receipt of old age pension, he shall forfeit all claim to such pension.

Regulations.

12. Regulations may be made by the Governor in Council for carrying out the provisions of this Ordinance including the duties of the Board, the Local Board and the Officer hereunder.

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