

**CIVIL SERVICE FAMILY PROTECTION SCHEME ACT**

Act 16 of 1969 – 1 July 1969

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**CIVIL SERVICE FAMILY PROTECTION SCHEME ACT**

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Civil Service Family Protection Scheme Act\*.

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\* EDITORIAL NOTE: The former Widows' and Children's Pension Scheme Act (Act 16 of 1969) was retitled as above by Act 28 of 1993.

## **2. Interpretation**

(1) In this Act—

“adjustment contribution” means the total amount of contributions payable in respect of a non-contributory period;

“annual salary” —

(a) in relation to a contributor—

- (i) means the annual salary or wages attached to his office or post; and
- (ii) includes any allowance, by whatever name called, which is pensionable;

(b) in relation to a contributor who has been acting in a higher office, means the retiring salary used to compute the retiring pension under the Pensions Act;

(c) in relation to a member of the Assembly who has not reached the age of 65, means—

- (i) the annual salary payable to a member immediately before he ceases to be a member; or
- (ii) the annual salary drawn in respect of any office established by the Constitution and held by him at any time while he was a member,

whichever is the higher;

(d) in relation to a member of the Assembly who opts to contribute 4 per cent throughout his legislative service, means—

- (i) the annual salary payable to a member immediately before he ceases to be a member; or
- (ii) the annual salary of the highest office established by the Constitution and held by him at any time while he was a member,

whichever is the higher;

“appointment” means appointment to a pensionable office or as a permanent employee in the service of Government;

“approved service” has the same meaning as in the Pensions Act;

“associate” has the same meaning as in the Widows’ and Orphans’ Pension Fund Act (former Cap 342);

“basic unreduced pension” —

(a) in relation to a contributor, means the annual pension on which is based the determination of the pension accruing to his surviving spouse or to his children, computed at the rate of one six hundred and ninetieth of his annual salary at the date of his death or the date he ceases to be a public officer or an employee, as the case may be, whichever is the earlier, for each completed month of his contributory service up to a maximum of 460 months; or

- (b) in relation to a public officer and a member of the Assembly in post as at 30 June 2008, means the basic unreduced pension, computed at the rate of one six hundredth of the annual salary of the contributor as at the date of his death, the date the contributor opts to cease to contribute or the date he ceases to be a public officer, an employee or a member of the Assembly, as the case may be, whichever is earlier, for each completed month of his contributory service up to a maximum of 400 months; or
- (c) in relation to a member of the Assembly, who has opted to contribute 4 per cent throughout his legislative service, means two thirds of his annual salary;

“Board” means the Civil Service Family Protection Scheme Board;

“Chairperson” means the Chairperson of the Board;

“child”, in relation to a contributor—

- (a) means a legitimate or legitimated child, a natural acknowledged child or a child whose filiation has been pronounced by a Court of law, a posthumous child, an adopted child or a stepchild who—
  - (i) is under the age of 18; or
  - (ii) after reaching the age of 18, is receiving full-time education at a university, college, school or other educational establishment, until he reaches the age of 21 or ceases to receive such education, whichever is earlier; but
- (b) does not include—
  - (i) a child conceived after the contributor has ceased to be a public officer or an employee, as the case may be, and any child of the conceiving spouse by a previous marriage; or
  - (ii) a child adopted after the contributor has ceased to be a public officer or an employee, as the case may be;

“contribution” means the contribution required to be made by a public officer, an employee or a member of the Assembly, as the case may be, under this Act;

“contributor” includes a member of the Assembly and an employee;

“contributory period” has the meaning assigned to it in section 32;

“contributory service”—

- (a) in relation to a contributor other than a member of the Assembly, means the inclusive period between the date on which he begins to draw a salary in respect of public service and the date of his leaving the public service or approved service, inclusive of any period of leave with half pay or without pay, subject to section 17, but exclusive of any break in such service;

- (b) in relation to a member of the Assembly—
- (i) in the case where he has opted to cease to contribute at the age of 60, means the period of his legislative service until he reaches the age of 60;
  - (ii) in the case where he has opted to contribute at the rate of 4 per cent of his pensionable emoluments, means the period of his legislative service, irrespective of his age;
  - (iii) in the case where he has ceased to be a member of the Assembly but has opted to continue to contribute at the rate of 4 per cent of his pensionable emoluments until he reaches the age of 65, means the period for which the contributions have been made until he reaches the age of 65; or
  - (iv) in any other case, means the period of his legislative service until he reaches the age of 65;

“deceased” means a deceased contributor;

“employee” means a contributor who is in approved service and has made an election under section 15;

“employer” means the employer of a contributor who is in approved service;

“Fund” has the same meaning as in section 3 of the Widows’ and Orphans’ Pension Fund Act;

“legislative service” has the same meaning as in the National Assembly (Retiring Allowances) Act;

“marriage”—

- (a) in relation to a contributor, other than a member of the Assembly—
- (i) means civil marriage or religious marriage governed by articles 228-1 to 228-10 of the Code Civil Mauricien; but
  - (ii) does not include the marriage referred to in subparagraph (i), contracted after the contributor has ceased to be a public officer or an employee, as the case may be;
- (b) in relation to a member of the Assembly—
- (i) who contributes to the Scheme at the rate of 2 per cent of his pensionable emoluments—
    - (A) means civil marriage or religious marriage governed by articles 228-1 to 228-10 of the Code civil Mauricien; but
    - (B) does not include the marriage referred to in sub subparagraph (A), contracted after the member has reached the age of 65;

- (ii) who, throughout his legislative service, opts to contribute to the Scheme at the rate of 4 per cent of his pensionable emoluments, means civil marriage or religious marriage governed by articles 228-1 to 228-10 of the Code Civil Mauricien contracted at any time;

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for the subject of finance is assigned;

“non-contributory period”, in relation to a contributor, means the number of completed months of service which is taken into account as contributory service but in respect of which no contribution has been made either to the Fund or to the Scheme;

“paid up pension” means the pension which would have been payable if the associate had been authorised to cease to contribute to the Fund on 30 June 1969;

“participant” means a public officer or an employee who is appointed on or after 1 January 2013;

“permanent employee” has the same meaning as in the Government Servants (Allowances) Regulations 1962;

“public officer” means any person who has attained the age of 18 and who is serving—

- (a) in the public service in a pensionable office;
- (b) as a permanent employee in the service of Government; or
- (c) in the service of the Board in a pensionable office;

“public service”, in relation to a contributor, means service as a public officer;

“relevant date” means—

- (a) in relation to a public officer appointed before 1 July 1969, 1 July 1969;
- (b) in relation to a public officer appointed after 1 July 1969, the date on which the offer of appointment was made to him or the date of assumption of duty, whichever is later;
- (c) in relation to a female public officer who, on 1 July 1993, either is under the age of 45 or has attained that age and has elected not to contribute to the Scheme under section 16 (3), 1 July 1993;

“Scheme” means the Scheme established under section 3;

“Secretary” means the Secretary of the Board appointed under section 7;

“spouse”, in relation to a contributor, does not include a spouse whom he marries after he ceases to be a public officer or an employee, as the case may be;

“surviving spouse”, in relation to a contributor, means the person to whom he was married immediately before his death;

“Vice-chairperson” means the Vice-chairperson of the Board.

(2) Where the marriage of a public officer or an employee, as the case may be, has been annulled or dissolved, this Act shall have effect in relation to him as if that spouse had died at the date of the decree.

[S. 2 amended by Act 48 of 1991; Act 28 of 1993; Act 15 of 1998; s. 4 (a) of Act 18 of 2008 w.e.f. 1 July 2008; s. 6 (a) of Act 20 of 2011 w.e.f. 1 July 2008; s. 3 (a) of Act 26 of 2013 w.e.f. 1 January 2013; s. 8 (a) of Act 10 of 2017 w.e.f. 24 July 2017.]

## **PART II – THE SCHEME**

### **3. Establishment of Scheme**

There is established for the purposes of this Act a Civil Service Family Protection Scheme.

[S. 3 amended by Act 28 of 1993.]

### **4. Administration of Scheme and Fund**

(1) The Scheme shall be administered and controlled by a Board to be known as the Civil Service Family Protection Scheme Board.

(2) The Fund shall also be administered and controlled by the Board.

(3) (a) Subject to paragraph (b), the Scheme, insofar as it relates to a participant, shall be administered and operated, and the contributions thereto and benefits therefrom shall be computed, in such manner as may be prescribed.

(b) The Scheme shall provide for an individual account for every participant.

[S. 4 amended by s. 3 (b) of Act 26 of 2013 w.e.f. 1 January 2013.]

### **5. Composition of Board**

(1) The Board shall consist of—

- (a) a Chairperson;
- (b) a Vice-chairperson; and
- (c) 7 other members of whom—
  - (i) 2 shall be trade union representatives; and
  - (ii) not more than 2 shall be associates,appointed every 3 years by the Minister.

(2) The members of the Board shall hold office until 30 June of the third year from the year of appointment but shall be eligible for reappointment.

[S. 5 amended by Act 28 of 1993; repealed and replaced by s. 3 of Act 12 of 2006 w.e.f. 1 July 2006.]

## **6. Meetings of Board**

(1) At any meeting of the Board, 4 members, including the Chairperson or Vice-chairperson shall, subject to this Act, constitute a quorum.

(2) The Chairperson or, in his absence, the Vice-chairperson shall preside at every meeting of the Board.

## **7. Staff of Board**

(1) The Board may, with the approval of the Minister, appoint a Secretary and such other officers as it considers necessary for the proper exercise of its powers and functions under this Act.

(2) The terms and conditions of service of officers of the Board shall be determined by the Board, with the approval of the Minister, and any officer of the Board shall be entitled to receive the pension, gratuity or retiring allowance to which he would have been eligible if he had been appointed to a pensionable office in the public service.

## **8. Board to be a body corporate**

The Board shall be a body corporate.

## **9. Validity of documents**

All documents shall be duly executed by or on behalf of the Board if signed by the Chairperson or Vice-chairperson and the Secretary.

## **10. Protection from liability**

(1) The Public Officers' Protection Act shall apply in respect of the Chairperson, Vice-chairperson, members and officers of the Board and for the purposes of that Act, they shall be deemed to be public officers or persons engaged or employed in the performance of a public duty.

(2) Sections 156 (3), 159 and 160 of the Criminal Code shall extend to cases of outrage and violence against the Chairperson, Vice-chairperson, members and officers of the Board.

## **11. Accounts of Scheme and Fund**

(1) The Board shall, after the end of every financial year, submit to the Minister an annual report in respect of that financial year.

(2) The financial statements of the Board shall be audited by the Director of Audit.

(3) In this section—

“annual report” means the report referred to in section 6A (2) of the Statutory Bodies (Accounts and Audit) Act.

[S. 11 repealed and replaced by s. 8 (b) of Act 10 of 2017 w.e.f. 24 July 2017.]

**12. – 14. —**

**15. Transfer to approved service**

(1) Subject to subsection (4), where a contributor is transferred to approved service, he may, by giving notice in writing to the Board to the Board in accordance with subsection (2) not later than 3 months after the date of his transfer, elect to continue to be a contributor.

(2) Every notice under subsection (1) shall be supported by—

- (a) a copy of a written notice given by the contributor to his employer requesting him to—
  - (i) make monthly deductions, from the remuneration payable by him to the contributor, of the amount of the contribution required to be made to the Scheme by the contributor; and
  - (ii) pay that amount monthly to the Accountant-General;
- (b) a written undertaking by the employer—
  - (i) to comply with the notice under paragraph (a);
  - (ii) to make to the Scheme, in respect of the contributor, a contribution equal to the amount of the contribution required to be made by the contributor; and
  - (iii) to pay monthly to the Accountant-General, so long as the contributor is employed by him—
    - (A) the amount of the contribution to be made by him; and
    - (B) in addition, where no remuneration is payable by him to the contributor in respect of any month, the amount of the contribution required to be made to the Scheme by the contributor for that month.

(3) Where an employer has paid to the Accountant-General any amount under subsection (2) (b) (iii) (B)—

- (a) he may, by such monthly instalments, not exceeding 12 in number, as may be agreed upon by him and the contributor, deduct the amount so paid from any remuneration subsequently payable by him to the contributor; and



- (b) where no remuneration is subsequently payable by him to the contributor, the amount so paid may, on application made in writing by the employer, be—
  - (i) deducted, in such manner as the Board may determine, from any gratuity or pension payable to, or in respect of, the contributor; and
  - (ii) refunded to the employer.

(4) The Board may, in its absolute discretion and on good cause shown, extend the time specified in subsection (1) on such terms and conditions as it may determine.

### **PART III – CONTRIBUTIONS**

#### **16. Contributions to Scheme**

(1) Subject to subsections (2) and (3), every public officer who was appointed as a public officer before 1 January 2013 shall, from the date of his appointment as a public officer and—

- (a) until he attains the age of 65 or, in the case of a Judge, the age of 67; or
- (b)
  - (i) until he ceases to be a public officer; or
  - (ii) where he ceases to be a public officer on being transferred to approved service and has made an election under section 15, until he ceases to be an employee,

whichever is earlier, make a contribution to the Scheme in respect of his monthly salary at the rate specified in the First Schedule.

(2) Notwithstanding subsection (1), every female public officer who was appointed before 1 January 2013 and has attained the age of 18 shall, as from 1 July 1993, make the contribution required in subsection (1).

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(3) Notwithstanding subsections (1) and (2), every female public officer who was appointed before 1 January 2013 and, on 1 July 1993, has attained the age of 45 may, by a written declaration made not later than 31 August 1993, elect not to contribute to the Scheme.

(4) A declaration under subsection (3) shall be irrevocable.

(4A) Every member of the Assembly shall make the contribution required in subsection (1) during his legislative service until he reaches the age of 65.

(4B) Where a member of the Assembly, who has not reached the age of 65, ceases to be a member, he may opt to—

- (a) cease to contribute to the Scheme; or
- (b) continue to contribute to the Scheme at the rate of 4 per cent of the salary drawn at the time he ceased to be a member.

(4C) Every public officer or employee in post, or every member of the Assembly serving as at 30 June 2008 may, while in service, opt to cease to contribute to the Scheme on reaching the age of 60.

(4D) Where an option is made pursuant to subsection (4C), the pension shall be computed on the salary drawn at the time the public officer, employee or member ceases to contribute to the Scheme.

(4E) Every member of the Assembly may opt to contribute to the Scheme at the rate of 4 per cent of his salary during his legislative service—

- (a) in the case of a member serving on the day immediately preceding 1 July 2008, within 28 days of 1 July 2008;
- (b) in any other case, within 28 days of his being sworn in as member.

(5) Contributions shall accrue daily but shall be paid at the end of a month.

[S. 16 amended by Act 28 of 1993; s. 4 (b) of Act 18 of 2008 w.e.f. 1 July 2008; s. 6 (b) of Act 20 of 2011 w.e.f. 1 July 2008; s. 3 of Act 26 of 2012 w.e.f. 22 December 2012.]

## **17. Contribution on leave**

(1) Every contributor, other than a member of the Assembly, on leave with half pay or without pay, shall, during the period of his leave, make to the Scheme the same contribution which he would have made if he were not on leave.

(2) Where a contributor, other than a member of the Assembly, has not made a contribution pursuant to subsection (1), he shall, within one year from the date of his resumption of duty, settle his outstanding contribution.

(3) Where the contributor, other than a member of the Assembly, fails to settle his outstanding contribution within the time specified under subsection (2), he shall forfeit any right to have such leave being reckoned as contributing period.

[S. 17 amended by s. 4 (c) of Act 18 of 2008 w.e.f. 1 July 2008.]

**18. Abatement from contributor's salary**

(1) The Accountant-General shall, on paying the salary, or any portion of it, of a contributor make from the amount of the salary so paid an abatement of the contribution required to be made under section 16.

(2) —

[S. 18 amended by s. 6 (c) of Act 20 of 2011 w.e.f. 1 July 2008.]

**19. Adjustment contribution**

(1) Where a contributor reckons, at the relevant date, a non-contributory period in his contributory service, he shall, by notice in writing so as to reach the Board on or before the date of his retirement, declare whether he elects—

- (a) to pay the adjustment contribution; or
- (b) not to pay the adjustment contribution.

(2) Where a contributor has made a declaration under subsection (1) (a), the adjustment contribution required to be paid by him shall be deducted—

- (a) from any gratuity payable to him;
- (b) where the gratuity payable is insufficient to satisfy the adjustment contribution, from any pension payable to him to the extent the adjustment contribution exceeds the gratuity;
- (c) where no gratuity is payable or where the gratuity has already been paid—
  - (i) from the pension payable to him; or
  - (ii) if the contributor has died, from the pension accruing to the surviving spouse or children in such manner as the Board may direct.

(3) Subject to subsection (4), where a contributor fails to make the declaration required to be made under subsection (1), he shall be deemed to have elected not to pay the adjustment contribution.

(4) Where a contributor dies without having made the declaration required to be made under subsection (1), he shall be deemed to have elected to pay the adjustment contribution if the pension accruing to his surviving spouse or children would thereby be enhanced.

[S. 19 amended by Act 28 of 1993.]

**20. Amount of adjustment contribution**

(1) The adjustment contribution shall be an amount representing the aggregate amount of the contributions which would have been payable in respect of a non-contributory period computed on the monthly salary drawn by the contributor during the non-contributory period at the rate specified in the First Schedule.

(2) The Board may, by notice in writing and within the time specified, require any contributor who has made a declaration in accordance with section 19 (1) (a) to furnish such information as may be necessary for the computation of the adjustment contribution.

(3) Where a contributor refuses or fails to comply with any notice issued under subsection (2), the Board shall determine the adjustment contribution in such manner as it thinks fit.

[S. 20 amended by s. 4 (d) of Act 18 of 2008 w.e.f. 1 July 2008; s. 6 (d) of Act 20 of 2011 w.e.f. 1 July 2008.]

**21. – 22. —**

### **23. Re-employment of pensioners**

Where a deduction is made from a pension under section 19 and the pension is subsequently suspended, on the contributor re-entering the service of Government, whether in a pensionable office or not, the part of the adjustment contribution remaining unpaid at the date of the suspension of the pension shall be deducted by the Accountant-General, in such manner as the Board may determine, from the salary the officer receives on his re-entering the service of Government.

### **24. Non-payment of adjustment contribution**

Where a contributor has elected, in accordance with section 19 (1) (b), not to pay the adjustment contribution or where, owing to the death of the contributor, part of the adjustment contribution has not been deducted under section 23, the Board shall forego the payment of the adjustment contribution or the part remaining unpaid.

### **25. Return of contributions**

(1) There shall be returned to a contributor, other than a member of the Assembly, or his legal representative the contributions made by him where—

- (a) he has never contracted marriage and no pension is payable in respect of those contributions at the time he ceases to be a public officer or an employee, as the case may be; or
- (b) he has contracted a marriage and no pension is payable in respect of those contributions—
  - (i) at the time he ceases to be a public officer or an employee, as the case may be; or
  - (ii) after he has ceased to be a public officer, on the death of his spouse;
- (c) his spouse who was also a contributor dies and a pension is payable in respect of the latter's contributions; or
- (d) he has opted to cease to contribute to the Scheme on reaching the age of 60 and no pension is payable in respect of those contributions.

(2) Where contributions are returned under subsection (1) (c), the surviving contributor may, by a written declaration made within 60 days from the date of the death, elect not to continue to contribute to the Scheme.

(3) —

(4) The contributions to be returned under this section shall include—

- (a) contributions made under section 16;
- (b) the adjustment contribution, or any part of it, which has been paid; and
- (c) the contributions made under the Widows and Orphans' Pension Fund Act.

(4A) (a) Where no pension is payable to a member of the Assembly, a refund of contribution to the member may be effected where—

- (i) he reaches the age of 65; or
- (ii) he opts to cease to contribute at the age of 60.

(b) Where a member of the Assembly to whom no pension is payable dies, a refund of contribution may be effected to his heirs.

(5) Where contributions are returned under this section, there shall be paid, in addition, an amount representing compound interest, at the rate of 4 per cent per annum, computed annually on 31 December and up to the date the contributor is eligible for a refund on the aggregate contributions and adjustment contribution, or any part of it, paid during the year.

(6) Subject to subsection (2), where contributions have been returned to a contributor under this section, no pension shall be payable on his death to his surviving spouse or children.

[S. 25 amended by Act 28 of 1993; s. 4 (e) of Act 18 of 2008 w.e.f. 1 July 2008; s. 6 (e) of Act 20 of 2011 w.e.f. 1 July 2008.]

## **26. Deduction of sums due to Government**

The Board may cause any sums due to the Government by any contributor to be deducted from the contributions returned to any person under section 25.

## **PART IV – PENSIONS**

### **27. Surviving spouse's and children's pensions**

Subject to this Act, on the death of a contributor, whether it occurs before or after he ceases to be a member of the Assembly, a public officer or an employee, as the case may be, the Board shall—

- (a) where the contributor leaves a child, grant to the child a pension to be known as a children's pension;
- (b) where the contributor leaves more than one child, grant, for their benefit, a pension to be known as a children's pension which shall be apportioned equally between each child;
- (c) where the contributor leaves not more than one surviving spouse, grant to the surviving spouse a pension to be known as a surviving spouse's pension; and

- (d) where the contributor leaves more than one surviving spouse, grant, for their benefit, the pension referred to in paragraph (c) which shall be apportioned equally between each surviving spouse.

[S. 27 amended by Act 28 of 1993; s. 4 (f) of Act 18 of 2008 w.e.f. 18 July 2008; s. 8 (c) of Act 10 of 2017 w.e.f. 24 July 2017.]

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### 28. Rate of surviving spouse's pension

The annual rate of a surviving spouse's pension shall amount to one third of the rate of the basic unreduced pension of the deceased.

### 29. Rate of children's pension

The annual rate of a children's pension shall be—

- (a) where no surviving spouse's pension is payable—
  - (i) if the pension accrues to 2 or more children, one half of the rate of the basic unreduced pension of the deceased;
  - (ii) if the pension accrues to one child only, one quarter of the rate of the basic unreduced pension of the deceased;
- (b) where the deceased leaves a surviving spouse, one sixth of the basic unreduced pension of the deceased, irrespective of the number of children to whom the pension accrues.

[S. 29 amended by Act 28 of 1993.]

### 30. Minimum rates of pensions

(1) Subject to section 32, where a contributor dies while still in public service or approved service, as the case may be, and has made contributions for a period of less than 240 months, the period to be taken into account for the computation of his basic unreduced pension for the purposes of this Act shall be—

- (a) if he had lived until the age of 55 and the total period during which he has or could have made contributions is 240 months or more, 240 months;
- (b) if he had lived until the age of 55 and the period during which he has or could have made contributions is less than 240 months, the number of completed months during which he has or could have made contributions.

(2) Notwithstanding subsection (1), the minimum monthly pension payable to a relative of the contributor shall be—

- (a) as specified in the Second Schedule; and
- (b) adjusted by any yearly compensation awarded by the Government.

[S. 30 amended by s. 6 (f) of Act 20 of 2011 w.e.f. 1 July 2008.]

### 31. Increase of rates of pensions

(1) Where a public officer or an employee, as the case may be, by declaration surrendered any claim to any benefit under the Widows' and Orphans' Pension Fund Act, the aggregate rate of the surviving spouse's pension and the children's pension payable under this Act shall not at any time be less than the rate of the paid up pension.

(2) Where subsection (1) applies and—

- (a) there is only one person to whom a pension is being paid or is to be granted, such pension shall be at the rate of the paid up pension;
- (b) there are 2 or more persons to whom pensions are being paid or are to be granted, each person's pension shall be such proportion of the paid up pension as that person's pension bears to the aggregate of the surviving spouse's and children's pensions.

[S. 31 amended by Act 28 of 1993.]

### **32. Contributory period**

(1) Subject to subsection (2), the contributory period of a contributor shall be the aggregate of—

- (a) the number of completed months of his contributory service in respect of which he has made contributions to the Fund, or to the Scheme under section 16; and
- (b) the number of completed months, if any, in his non-contributory period in respect of which he has elected to pay an adjustment contribution under section 19 (1) (a).

(2) (a) Where a contributor has failed to pay, or the Board has forgone payment under section 24 of, any part of the adjustment contribution payable by the contributor under section 21 (1), no account shall be taken of the number of months in respect of which the adjustment contribution has not been paid.

(b) For the purposes of paragraph (a), any part of a month in respect of which an adjustment contribution has not been paid shall be reckoned as one month.

### **33. Accrual of pensions**

(1) A surviving spouse's pension and a children's pension granted under section 27 shall accrue from the day following the day on which the deceased in respect of whose contributions the pensions are payable died.

(2) (a) The pensions shall accrue daily but shall be paid at the end of a month.

(b) The Chairperson may direct that any pension accruing to any person at the end of a month be paid before the last day of the month.

(3) Upon the death of a person to whom a surviving spouse's pension is payable under the Scheme or the Fund, his legal personal representative shall be paid one full month's pension in respect of the month in which he dies together with a gratuity of an equivalent amount.

[S. 33 amended by Act 28 of 1993.]

### **34. Surviving spouse's pension**

(1) A surviving spouse's pension granted under section 27 shall cease on the surviving spouse's death or civil remarriage.

(2) Where the Board is satisfied that the remarriage has come to an end, it may, if it thinks fit, restore the pension.

[S. 34 amended by Act 28 of 1993.]

**35. —**

**36. Children's pension**

(1) A children's pension shall be granted where, and be paid so long as, there are persons for whose benefit it may accrue.

(2) The Board may authorise the payment of a children's pension to a child who has attained the age of 18 and is not receiving full-time education, where it is satisfied that there are compassionate grounds for the payment of the pension.

(3) A children's pension shall not accrue for the benefit of a female child who at the time of the death of the deceased was civilly married.

(4) (a) Where after the death of the deceased, a female child marries civilly, she shall then cease to be a person for whose benefit a children's pension may accrue.

(b) Where a pension ceases on the marriage of a female child, the Board may, on such marriage being annulled or dissolved by a decree of a competent Court, if it thinks fit, restore the pension as from such date as it may determine.

(5) A children's pension shall be paid to the legal guardian of the children or, where there is no legal guardian, to such person as may be appointed by the Board under section 37 and such pension shall be applied for the benefit of the children of the deceased to whom the pension accrues.

[S. 36 amended by s. 6 (g) of Act 20 of 2011 w.e.f. 1 July 2008.]

**37. Children without legal guardian**

Every public officer, on becoming a contributor, shall be deemed to have agreed that, in the event of any pension becoming payable to his children, the Board may, where the children have no legal guardian, appoint some fit and proper person or persons to receive the pension, to give a legal discharge for its payment and to apply it for the benefit of the children.

**38. Proof of claims**

The Board may, before effecting payment of a pension, require satisfactory proof that the person who claims to be entitled to the pension under this Act, or on behalf of whom such claim is made, is alive and entitled to the pension.

**39. Pension not assignable**

Unless otherwise expressly authorised by any enactment, no pension payable and no rights to any pension under this Act shall be assignable, transferable or liable to be attached, sequestered or levied on.

**PART V – MISCELLANEOUS**

**40. Information to be furnished**

(1) Every contributor shall, within 3 months of the day on which this Act first applies to him, furnish to the Board in writing—

- (a) the date of his birth;
- (b) if married, the date of birth of his spouse and the date of his marriage; and
- (c) if he or his spouse has any children, the date of birth of each child.

(2) Every contributor shall, within the 3 months following his marriage, notify the Board in writing of the marriage stating—

- (a) the date of it;
- (b) the date of birth of his spouse;
- (c) if he has natural children who have been legitimated by the marriage, the date of birth of every child so legitimated; and
- (d) if his spouse has any children by a previous marriage, the dates of birth of those children.

(3) Every contributor shall, within 3 months of the date of the event, notify the Board in writing of—

- (a) the birth of any child born to him;
- (b) the adoption by him of any child;
- (c) the marriage of any female child;
- (d) the death of his spouse or of any child;
- (e) the annulment or dissolution of his marriage and its date.

(4) The surviving spouse of a contributor shall, within 3 months of the event, notify the Board in writing of—

- (a) the date of death of the contributor;
- (b) the date of birth of any posthumous child of the deceased,

and, within 7 days of the event, shall notify the Board in writing of the marriage of any female child, the death of any child and her own civil remarriage.

(5) Any person in receipt of a pension under this Act in respect of a child shall, within 7 days of the event, notify the Board in writing of—

- (a) the death of the child;
- (b) the civil marriage of any female child.

(6) Any statement or notice made or given under this section shall be accompanied by the relevant birth, death or marriage certificates or by an affidavit in support of the statement or notice.

[S. 40 amended by Act 28 of 1993.]

41. —

**42. Financial provisions**

(1) Any sum paid to the Board under this Act shall be paid into the Consolidated Fund.

(2) There shall be paid out of the Consolidated Fund—

- (a) any sum in respect of any pension, return of contributions, or interest payable under this Act; and
- (b) any administrative expenses incurred by the Board.

[S. 42 amended by Act 28 of 1993.]

**43. Appeal**

Any person aggrieved by a decision of the Board may appeal to the Minister against such decision by giving notice in writing to the Financial Secretary within 21 days from the date on which such decision was communicated to him, and the Minister’s decision shall be final.

**44. Regulations**

The Minister may—

- (a) make such regulations as he thinks fit for the purposes of this Act; and
- (b) by regulations, amend the rates of contributions and pensions.

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**FIRST SCHEDULE**

[Section 16]

[Heading amended by s. 6 (h) of Act 20 of 2011 w.e.f. 1 July 2008.]

Rate of contribution ..... 2 per cent to the next rupee

[Sch. repealed and replaced by GN 77 of 2003 w.e.f. 1 July 2003; GN 123 of 2003 w.e.f. 1 July 2003; s. 4 (g) of Act 18 of 2008 w.e.f. 1 July 2008; amended by s. 6 (h) of Act 20 of 2011 w.e.f. 1 July 2008.]

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**SECOND SCHEDULE**

[Section 30 (2)]

**MINIMUM MONTHLY PENSION**

| <b>Contributor’s relative</b> | <b>(Rs)</b> |
|-------------------------------|-------------|
| Surviving spouse only         | 3,374       |
| One child only                | 3,298       |
| 2 or more children            | 3,508.50    |
| Surviving spouse and children | 3,508.50    |

[Second Sch. inserted by s. 6 (i) of Act 20 of 2011 w.e.f. 1 July 2008.]

