

CHAPTER 108

PENSIONS (INCREASE)

7 of 1961
12 of 1967
23 of 1978

AN ACT TO PROVIDE FOR AN INCREASE IN PENSIONS

[1st January 1960]

1. This Act may be cited as the Pensions (Increase) Act.

Short title

2. In this Act, unless the context otherwise requires —

Interpretation

“adjusted rate” of any pension means the basic rate thereof plus any authorised increase or increases thereof;

“authorised increase” means an increase of pension authorised by this Act;

“basic rate” in relation to any pension means the annual rate of that pension apart from any increase granted under this Act;

“pension” means a pension payable under the provisions of the Pensions Act or under the provisions of any law relating to the granting of pensions to public officers which was in force before the date of commencement of the Pensions Act and which was repealed and replaced by that Act, but does not include any gratuity or any sum payable otherwise than by way of periodical payments, and accordingly the provisions of this Act shall not apply to any pension which has been commuted, and where a part of a pension has been commuted these provisions shall not apply to that part;

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“Scheduled Administration” shall have the same meaning as in the Pensions Rules made under section 4 of the Pensions Act.

3. Subject to the provisions of this Act, where an officer has retired: —

Increase of pensions of officers retiring before the 1st January, 1946

(a) from the service of the Protectorate before the 1st January, 1946; or

(b) from the service of a Scheduled Administration before the effective date of the first general revision of salaries by that Government after the 31st December, 1944,

his pension may in respect of any period beginning on or after the 1st day of January, 1960, be increased in accordance with the following scale —

12 of 1967, s. 2

- (i) if the pension does not exceed two hundred and fifty dollars a year, the authorised increase shall be forty *per centum* of the amount of the pension;
- (ii) if the pension exceeds two hundred and fifty dollars a year but does not exceed three hundred and thirty-three dollars and thirty-three cents a year, the authorised increase shall be the amount of one hundred dollars a year;
- (iii) if the pension exceeds three hundred and thirty-three dollars and thirty-three cents a year but does not exceed five hundred dollars a year, the authorised increase shall be thirty *per centum* of the amount of the pension;
- (iv) if the pension exceeds five hundred dollars a year, the authorised increase shall be the amount of one hundred and fifty dollars a year.

Increase of pensions of officers retiring before the 1st January, 1950

4. Subject to the provisions of this Act, where an officer has retired —

(a) from the service of the Protectorate before the 1st January, 1950; or

(b) from the service of a Scheduled Administration before the effective date of the second general revision of salaries by that Government after the 31st December, 1944, his pension may in respect of any period beginning on or after the 1st day of January, 1960, be increased by —

- (i) sixty-five dollars a year, subject to a maximum of one-third of the annual rate of pension calculated by taking into account any authorised increase payable under section 3 of this Act; and
- (ii) ten *per centum* of the basic rate of the pension or two hundred and fifty dollars a year whichever is the less.

5. Subject to the provisions of this Act, where an officer has retired —

(a) from the service of the Protectorate before the 1st April, 1958

his pension may in respect of any period beginning on or after the 1st January, 1960, be increased by an amount equal to the

Increase of pensions of officers retiring before the 1st April, 1958

12 of 1967, s. 3

following percentage of the adjusted rate of that pension, that is to say —

- (i) if the pension began not later than the 31st December, 1953, twelve *per centum*;
- (ii) if the pension began after the last-mentioned date but not later than the 31st March, 1958, six *per centum*; or

(b) from the service of a Scheduled Administration,

his pension may in respect of any period beginning on or after the 1st January, 1960, be increased by an amount equal to the following percentage of the adjusted rate of that pension, that is to say —

- (i) if the pension began before the effective date of the third general revision of salaries by that Government after the 31st December, 1944, twelve *per centum*;
- (ii) if the pension began before the effective date of the fourth general revision of salaries by that Government after the 31st December, 1944, six *per centum*.

6.—(1) Subject to the provisions of this Act, an officer's pension may, in respect of any period beginning on or after the 1st October, 1964, be increased by —

- (a) an amount equal to twelve *per centum* of the adjusted rate of that pension, if he retired before the 1st April, 1958;
- (b) fifty dollars a year, if he retired before the 1st April, 1958, and has attained the age of seventy years:

Provided that no increase under this paragraph shall exceed twenty-five *per centum* of the adjusted rate of that pension prior to any increase thereof under paragraph (a);

(c) an amount equal to six *per centum* of the adjusted rate of that pension, if he retired on or after 1st April, 1958, but before 1st April, 1961;

(d) twenty-five dollars a year, if he retired on or after the 1st April, 1958, but before the 1st April, 1961, and has attained the age of seventy years:

Provided that no increase under this paragraph shall exceed twenty-five *per centum* of the adjusted rate of that pension prior to any increase thereof under paragraph (c).

Further increase of pensions with effect from 1st October, 1964

12 of 1967, s. 4

(2) In this section "adjusted rate" in relation to a pension shall not include any increase thereof under paragraphs (b) or (d) of subsection (1).

(3) This section shall be deemed to have come into operation on the 1st October, 1964.

7.—(1) Subject to the provisions of this Act, an officer's pension may, in respect of any period beginning on or after the 1st January, 1967, be increased by an amount equal to —

(a) sixteen *per centum* of the adjusted rate of that pension, if he retired before the 1st April, 1958;

(b) twelve *per centum* of the adjusted rate of that pension, if he retired on or after the 1st April, 1958, but before the 1st April, 1961;

(c) six *per centum* of the adjusted rate of that pension, if he retired on or after the 1st April, 1961, but before the 1st October, 1965.

(2) In this section "adjusted rate" in relation to a pension shall include any increase thereof under paragraphs (b) or (d) of section 6 (1) whether or not the officer became eligible for such increase before the 1st January, 1967.

(3) This section shall be deemed to have come into operation on the 1st January, 1967.

8. Subject to the provisions of this Act, an officer's pension may, in respect of any period beginning on or after the 1st April, 1977, be increased in accordance with the Schedule to this Act.

9. No increase shall be payable under this Act unless the pensioner —

(a) has attained the age of fifty-five years; or

(b) has not attained the age of sixteen years; or

(c) has retired on account of physical or mental infirmity; or

(d) is to the satisfaction of the Governor-General incapacitated from engaging in full-time employment; or

(e) is a woman with at least one dependant; or

(f) is a woman whose pension is payable in respect of her deceased husband and has attained the age of forty years.

Further increase of pensions with effect from 1st January, 1967

12 of 1967, s. 4

Further increase of pensions

23 of 1978, s 2

Restriction on increase of pensions

10. Where a pensioner, in addition to a pension to which this Act applies, is in receipt of a pension from one or more Scheduled Administrations, other than the Government of the United Kingdom, the Overseas Audit Department (Home Establishment) or the Crown Agents for Oversea Governments and Administrations, then for the purpose of computing an increase under section 3 or section 4 or section 6 or section 7 or section 8 or section 13 all those pensions shall be aggregated and the amount which would have been the authorised increase of a single pension equal to that aggregate shall be apportioned between all the pensions in the proportions which they bear to one another, and the amount so apportioned to any pension to which this Act applies shall be the authorised increase of that pension.

11. The amount of any increase awarded in accordance with this Act shall not be taken into account for the purposes of section 12 of the Pensions Act.

12. Where it would be to his advantage a person shall, in lieu of any increase payable under this Act, continue to be paid such increase as he was receiving immediately prior to the commencement of this Act and the conditions upon which such increase became payable shall continue to apply.

13. (1) Subject to the provisions of this section, the Governor-General, as soon as may be after 31st March in the year 1979 and every year thereafter, shall cause to be reviewed the rates of officers' pensions against any rise there may have been in the Salary Increase index during the review period; and if it is found that in the review period the Salary Increase index has risen by four per cent or more then the Minister of Finance may make Rules providing that the annual rate of officers' pensions be increased in accordance with such Rules in respect of any period beginning on or after 1st April next following the review period and such increase shall be statutory expenditure for the purposes of section 101 of the Constitution.

(2) Any Rules made by the Minister of Finance shall be laid before Parliament at its meeting next following the date of the making of such Rules.

(3) In this section —

Increases of pensions where service was not wholly under the Government of the Protectorate
12 of 1967, s. 5
23 of 1978, s. 3

Limitation in Pensions Ordinance on maximum pension not to apply
Cap. 107

Savings of rights

Future reviews and increases
23 of 1978, s 4

“the review period” shall mean the two years ending on 31st March 1979, and thereafter each year ending on 31st March;

“Salary Increase index” shall mean the index of salaries in Government service prepared from time to time by the Government Statistician.

14. The cost of the increases authorised by this Act shall be met from the Consolidate Fund.

Increases to be paid from the Consolidated Fund
23 of 1978, s. 5
23 of 1978, s. 6

SCHEDULE
(Section 8)

A. PENSIONABLE OFFICERS IN FIRST SCHEDULE TO CAP 107

Date before which officer's pension commenced	Percentage increase in pension payable
1 April 1967	79
1 April 1969	67
1 April 1973	50
1 April 1974	45
1 April 1975	41
1 April 1976	10

B. PENSIONABLE OFFICERS IN SECOND SCHEDULE TO CAP 107

Date before which officer's pension commenced	Percentage increase in pension payable
1 April 1967	138
1 April 1969	128
1 April 1973	106
1 April 1974	58
1 April 1975	40
1 April 1976	11

CHAPTER 108

PENSIONS (INCREASE)

Subsidiary Legislation

THE PENSIONS INCREASE (1981) RULES
(Section 13)

GN 81/1981

[6th March 1981]

1. These rules may be cited as the Pensions Increase (1981) Rules
2. In these rules —
“the Schedule” means the Schedule to the Pensions (increase) Act.
3. The pensions payable to pensionable officers in accordance with the Schedule are increased as follows —

A. PENSIONABLE OFFICERS IN
FIRST SCHEDULE TO CAP 107

Date before which officer's pension commenced	Percentage increase in pension payable
1979	9
1980	7

B. PENSIONABLE OFFICERS IN
SECOND SCHEDULE TO CAP 107

Date before which officer's pension commenced	Percentage increase in pension payable
1979	10
1980	10

LN 21/1982

THE PENSIONS INCREASE (1982) RULES
(Section 13)

[26th March 1982]

1. These Rules may be cited as the Pensions Increase (1982) Rules
2. The annual rate of pension payable in respect of the pensionable offices listed in the First Schedule to the Pensions Act is increased by nine per cent with effect from 1st April 1981.
3. The annual rate of pension payable in respect of the pensionable offices listed in the Second Schedule to the Pensions Act is increased by twelve per cent with effect from 1st April 1981.

LN 18/1984

THE PENSIONS INCREASE (1984) RULES
(Section 13)

[9th March 1984]

1. These Rules may be cited as the Pensions Increase (1984) Rules.
2. The annual rate of pension payable in respect of the pensionable offices listed in the First Schedule to the Pensions Act is hereby increased by eight per cent with effect from 1st April 1982.
3. The annual rate of pension payable in respect of the pensionable offices listed in the Second Schedule to the Pensions Act is hereby increased by nine per cent with effect from 1st April 1982.

THE PENSIONS INCREASE (1991) RULES
(Section 13)

LN 57/1991

[10th May 1991]

1. These Rules may be cited as the Pensions Increase (1991) Rules.
2. The annual rates of pensions payable in respect of the pensionable offices listed in the First and Second Schedules to the Pensions Act are hereby increased with effect from 1st April, 1983 for the following periods —

Period	First Schedule	Second Schedule
1.4.83 to 31.3.84	7.63%	8.56%
1.4.84 to 31.3.85	7.51%	8.36%
1.4.85 to 31.3.86	7.88%	8.03%
1.4.86 to 31.3.87	6.50%	6.47%

THE PENSIONS INCREASE (1993) RULES
(Section 13)

LN 46/1993

[19th March 1993]

1. These Rules may be cited as the Pensions Increase (1993) Rules.
2. The annual rates of pensions payable in respect of the pensionable offices listed in the First and Second Schedules to the Pensions Act are hereby increased with effect from 1st day of April, 1987, for the following periods —

Period	First Schedule	Second Schedule
1.4.87 to 31.3.88	6.3%	6.8%
1.4.88 to 31.3.89	7.6%	6.6%
1.4.89 to 31.3.90	32.5%	32.2%