

The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

A BILL FOR

AN ORDINANCE TO AMEND THE LAW RELATING TO WIDOWS' AND ORPHANS' PENSIONS.

Title.

Commence-
ment.

Enactment

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

1. (1) This Ordinance may be cited as the Widows' and Orphans' Pensions (Amendment) Ordinance, 1960, and shall be of Federal application.

Short title,
commence-
ment and
application.

(2) This Ordinance shall apply in respect of all persons who are or were contributors under the provisions of the Widows' and Orphans' Pension Ordinance (hereinafter referred to as the principal Ordinance) by virtue of section 3 of that Ordinance.

Cap. 231.

Amendment
of section 4.

2. Section 4 of the principal Ordinance is amended by the deletion from sub-paragraph (ii) of paragraph (h) of subsection (1) of the words "unless the Governor-General is of opinion that in the particular circumstances of the case the notice should be accepted at a later date, and" and the substitution therefor of the following—

"and, unless the Governor-General is of opinion that in the particular circumstances of the case the notice should be accepted at a later date,".

Amendment
of section
14.

3. Section 14 of the principal Ordinance is amended by being re-numbered as subsection (1) of section 14, and the addition thereafter of the following subsection—

"(2) All sums charged to this Government in accordance with subsection (1) shall be charged on and paid out of the Consolidated Revenue Fund of the Federation."

Amendment
of section
15.

4. Section 15 of the principal Ordinance is amended by the deletion from paragraph (a) of the words "sections 47 and 48 and of any regulations made under the provisions of section 41" and the substitution therefor of the following—

"section 47".

Amendment
of section
41 and
revocation
of Regula-
tions No. 81
of 1951.

5. (1) Section 41 of the principal Ordinance is amended by the deletion of the words "and providing for the calculation of any increases authorised by this Ordinance to pensions granted under this Ordinance".

(2) The Widows' and Orphans' Pension (Increase) Regulations, 1951, are revoked.

Repeal and
replacement
of section
47.

6. Section 47 of the principal Ordinance is repealed and replaced by the following section—

"Increase
in
pensions.
Third
Schedule.

47. (1) A pension granted under the provisions of this Ordinance shall be increased with effect from the 1st September, 1959, by an amount to be calculated in accordance with the provisions of the Third Schedule.

(2) When, by virtue of any enactment, the pension payable to any officer who has been in the public service of the Federation is increased, the Governor-General may, by order, amend the Third Schedule so as to increase the amount payable under subsection (1) (including the amount so payable in respect of that part of the pension which was purchased by contributions paid after the 30th September, 1954,) to an extent which in his opinion is comparable, with effect from such date whether retrospective or not as may be specified in the order."

Repeal
of section
48.

7. Section 48 of the principal Ordinance is repealed.

Addition
of Third
Schedule.

8. The principal Ordinance is amended by the addition after the Second Schedule of the following new Schedule—

"THIRD SCHEDULE

CALCULATION OF SUPPLEMENTARY PENSIONS

1. (1) In this Schedule—

"aggregate pension" means pension payable by this Government plus any increases payable ;

Interpreta-
tion.

"contributor who was a bachelor" in relation to any period of time includes a contributor who began to contribute to the scheme while a widower without children of pensionable age and who did not re-marry during that period ;

"pension payable by this Government" does not include any increases payable ;

"registered pension standing in his name" in relation to any contributor to the scheme means that part only of the registered pension standing in his name which is payable by this Government, and, in the case of a contributor who has been married more than once, adjusted in accordance with Rule II (b) of the Second Schedule were applicable.

(2) For the purposes of this Schedule, the part of a pension purchased by contributions paid before the 1st April, 1952, shall—

(a) in respect of a contributor who, while a contributor, was, before the 1st April, 1952, married or a widower with a child of pensionable age—

(i) if the contributor ceased to contribute to the scheme before the 1st April, 1952, mean the pension payable by this Government ;

(ii) if the contributor was still contributing to the scheme on the 1st April, 1952, mean the registered pension standing in his name on the 31st March, 1952, reduced in accordance with Rule I (c) of the Second Schedule as though he had ceased from a cause other than death to contribute on that date ;

(b) in respect of a contributor who was a bachelor on the 31st March, 1952, and who was a contributor on that date, mean that part of the pension payable by this Government, which was purchased by contributions paid before the 1st April, 1952, accumulated at compound interest in accordance with Rule I (a) of the Second Schedule up to the date when the contributor first married while a contributor.

(3) For the purposes of this Schedule, the part of a pension purchased by contributions paid between the 1st April, 1952, and the 30th September, 1954, (both dates inclusive) shall—

(a) in respect of a contributor who, while a contributor, was, before the 1st October, 1954, married or a widower with a child of pensionable age—

(i) if the contributor ceased to contribute to the scheme before the 1st October, 1954, mean the pension payable by this Government less any part of the pension purchased by contributions paid before the 1st April, 1952 ;

(ii) if the contributor was still contributing to the scheme on the 1st October, 1954, mean the registered pension standing in his name on the 30th September, 1954, reduced in accordance with Rule I (c) of the Second Schedule as though he had ceased from a cause other than death to contribute on that date less any part of the pension purchased by contributions paid before the 1st April, 1952 ;

(b) in respect of a contributor who was a bachelor on the 30th September, 1954, and who was a contributor on that date, mean that part of the pension payable by this Government, which was purchased by contributions paid between the 1st April, 1952, and the 30th September, 1954, (both dates inclusive) accumulated at compound interest in accordance with Rule I (a) of the Second Schedule up to the date when the contributor first married while a contributor.

Increase in pension purchased before 1st April, 1952.

2. That part of a pension payable by this Government which was purchased by contributions paid before the 1st April, 1952, shall be increased in accordance with the following Table—

TABLE

<i>Part of pension purchased before 1st April, 1952</i>	<i>Increase</i>
Not exceeding £300	50 per cent of the amount of that part
Exceeding £300 but not exceeding £374	£150
Exceeding £374 but not exceeding £450	40 per cent of the amount of that part
Exceeding £450 but not exceeding £514	£180
Exceeding £514 but not exceeding £600	35 per cent of the amount of that part
Exceeding £600	£210

Increase in pension purchased between 1st April, 1952, and 30th September, 1954.

3. That part of a pension payable by this Government which was purchased by contributions paid between the 1st April, 1952, and the 30th September, 1954, (both dates inclusive) shall be increased by 5 per cent, subject to a maximum increase of £35 per annum.

No increase in pension purchased after 30th September, 1954.

4. That part of a pension payable by this Government which was purchased by contributions paid after the 30th September, 1954, shall receive no increase.

Cessation of contributions on death or attaining maximum age.

5. Notwithstanding anything contained in paragraph 2 or 3 of this Schedule, if in the case of a contributor who ceased to contribute by reason of his death or of his attaining the maximum age referred to in section 8 (1) of this Ordinance and who did not at any time reduce the amount of his contributions below the rate at which he was contributing on the 31st March, 1952, or, in respect of an entrant after that date, the rate at which he was contributing on the 30th September, 1954, the amount of the aggregate pension payable is less than the amount of the aggregate pension which would have been payable had he died on the 31st March, 1952, or, in respect of an entrant after that date, on the 30th September, 1954, the amount of the increase shall be the latter amount less the amount of the registered pension standing in his name.

6. Notwithstanding anything contained in this Schedule, the aggregate amount of all increases payable in respect of a contributor under this Schedule in respect of that part of a pension payable by this Government which was purchased by contributions paid before the 1st October, 1954, shall not exceed the amount specified in the following Table—

Limit of
aggregate
increases.

TABLE

<i>Part of pension purchased before 1st October, 1954</i>	<i>Maximum aggregate increase</i>
Not exceeding £300	50 per cent of the amount of that part
Exceeding £300 but not exceeding £374	£150
Exceeding £374 but not exceeding £450	40 per cent of the amount of that part
Exceeding £450 but not exceeding £514	£180
Exceeding £514 but not exceeding £600	35 per cent of the amount of that part
Exceeding £600	£210

9. (1) Section 3 of the Widows' and Orphans' Pensions Ordinance (Amendment) Ordinance, 1958, is amended by the insertion after the word "contributions" of the following—

Amendment
to
Ordinance
No. 13 of
1958.

“, including contributions paid during any previous period of service whether such previous period was followed by a break in service or not,”.

(2) The amendment in subsection (1) shall be deemed to have had effect as from the coming into operation of the Ordinance thereby amended.

10. Where any person was, immediately before the coming into operation of this Ordinance, eligible to receive an increase in the amount payable under the principal Ordinance by way of pension in respect of a deceased contributor, and the amount of such increase calculated in accordance with the provisions of the principal Ordinance and regulations made thereunder as in force at that time exceeds the aggregate amount of all increases payable under the principal Ordinance as amended by this Ordinance or any subsequent enactment, that person shall continue to be eligible to receive such increase calculated as aforesaid as if the amendments effected by sections 5 to 8 inclusive of this Ordinance has not been made.

Saving in
respect of
existing
beneficiaries.

Objects and Reasons

Under the Widows' and Orphans' Pension Ordinance the supplementary pensions granted to beneficiaries to help meet increases in the cost of living have remained unchanged since 1948, although retired officers' supplementary pensions were raised in 1952, and again in 1956 with retrospective effect from the 1st October, 1954. As a result many widows and pensionable children are suffering acute hardship which, it is considered, should be alleviated by introducing a revised scale of supplementary pensions. The main purpose of this Bill is therefore to replace the provisions of that Ordinance which relate to supplementary pensions and regulations in connection therewith. Clauses 4 to 8 have this effect.

2. At the same time it is possible that there may be beneficiaries who are receiving greater benefits under the old scales, and clause 10 contains a substantive provision to the effect that any such beneficiaries will remain eligible under the previous regulations.

3. The opportunity is taken to make certain other minor amendments to that Ordinance as follows—

Clause 2.—Corrects a typographical error which occurred in the amendment of section 4 made by the Widows' and Orphans' Pension (Amendment) Ordinance, 1959 (No. 38 of 1959).

Clause 3.—Amends section 14 so as to charge pensions on the Consolidated Revenue Fund of the Federation as is customary with statutory charges.

Clause 9.—Under section 3 of the Widows' and Orphans' Pensions Ordinance (Amendment) Ordinance, 1958 (No. 13 of 1958) certain contract officers may elect to cease contributing to the scheme, and thereupon contributions already paid shall be returned. This section does not however permit contributions paid during a previous contract to be returned if there has been a break of service. Frequently such breaks of service are unintentional or of short duration and it is not considered that they should effect the return of previous contributions in this way. Section 3 is amended accordingly.

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