

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

## WIDOWS AND ORPHANS PENSIONS (AMENDMENT)

### EXPLANATORY MEMORANDUM

The Bill seeks to amend the Widows and Orphans Pensions Ordinance to provide that the new Benefit Tables introduced with effect from the 1st of April, 1950 shall apply only to contributions made to the Scheme on or after that date and for earlier contributions to continue to be assessed on the basis of the old Tables. In addition various minor amendments to the Ordinance are incorporated some of which are necessary as a result of constitutional changes.

SHEHU SHAGARI,  
*Minister of Establishments*

## WIDOWS AND ORPHANS PENSIONS (AMENDMENT)

### ARRANGEMENT OF CLAUSES

#### *Clause*

1. Short title, etc.
2. Amendment of section 2.
3. Amendment of section 3.
4. Amendment of section 4.
5. New section 4A added.
6. Amendment of section 11.
7. Amendment of section 14.
8. New section 14A added.
9. Amendment of section 16.
10. New section 17A added.
11. Amendment of the Second Schedule.

# A BILL

FOR

AN ACT TO AMEND THE WIDOWS' AND ORPHANS' PENSIONS ORDINANCE  
(CAP. 220).

[ ]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

5 1. (1) This Act may be cited as the Widows' and Orphans' Pensions Act, 1961 and shall be read as one with the Widows' and Orphans' Pensions Ordinance (hereinafter called the Ordinance).

Short title,  
etc.

10 2. This Act shall have effect throughout Nigeria and shall apply in respect of all persons who are or were contributors under the provisions of the Ordinance by virtue of section 3 of the Ordinance as amended by this Act.

3. This Act shall come into operation on a date to be notified by the Minister in the Gazette.

15 2. Subsection (4) of section 2 of the Ordinance is amended by substituting for the words "country of the contributor's domicile" the words "place where the contributor was resident".

Section 2 of  
Ordinance  
amended.

3. Section 3 of the Ordinance is amended by the insertion immediately after subsection (4) of the following new subsection—

Section 3 of  
Ordinance  
amended.

20 "(5) Any officer who by reason of the fact that he is or becomes a contributor to the Oversea Superannuation Scheme claims exemption under this Ordinance from the obligation to become or to continue to be a contributor under this Ordinance and who subsequently becomes ineligible to continue as a contributor to the Oversea Superannuation Scheme, shall become a contributor under this Ordinance from the date on which he ceases to be a contributor in the Oversea Superannuation Scheme unless he is ineligible or is otherwise not  
25 liable to do so."

Section 4 of  
Ordinance  
amended.

4. Subsection (3) of section 4 of the Ordinance is amended by the substitution therein for all words following the words "such approved scheme" where they last occur, of the words, "An "approved scheme" means a scheme or fund for the granting of pensions to the widows and children of officers in other public service, which has been declared by the Minister by notice in the Gazette to be an approved scheme for the purposes of this Ordinance."

New section  
4A added to  
Ordinance.

5. The Ordinance is further amended by the addition immediately after section 4 of the following new section—

"Option for  
contributors  
to Oversea  
Superan-  
nuation  
Scheme.

4A. (1) Any officer who is or becomes a contributor to the Oversea Superannuation Scheme may in writing claim exemption from the obligation to become or to continue to be a contributor under this Ordinance; but no claim shall be considered unless it is received by the Crown Agents within three months from the date upon which such officer first became a contributor to the said Oversea Superannuation Scheme or not later than three months after the coming into operation of the Widows and Orphans Pensions Act, 1961 whichever is the later.

(2) Every proper claim for exemption under this section shall take effect from the date upon which the officer first became a contributor to the Oversea Superannuation Scheme, and the amount of any contributions which he has made under this Ordinance since that date shall be refunded to him without interest. As from the date upon which the claim to exemption takes effect, the officer by whom the claim was made shall for the purposes of this Ordinance be deemed, in respect of all rights arising from his contributions made under this Ordinance prior to that date, to have left the West African Service."

1961 No.

Section 11 of  
Ordinance  
amended.

6. Section 11 of the Ordinance is amended,—

(a) in subsection (3) by the insertion immediately after paragraph (c), of the following new paragraphs—

"(d) the adoption of any child of a pensionable age by him ;

(e) the adoption by some other person of any of his children while of a pensionable age ;

(f) the annulment or dissolution of his marriage." ; and

(b) in subsection (4) by the insertion immediately after paragraph (e) of the following new paragraph—

"(f) the adoption by some other person of any child of such contributor while of a pensionable age."

Section 14 of  
Ordinance  
amended.

7. Section 14 of the Ordinance is amended,—

(a) by inserting immediately after subsection (1) a new subsection (1)(a) as follows,—

"(1) (a) Where a pension is payable to the dependants of an officer whose pension conditions were the subject of any agreement however made between the Government of the Federation or the Government of any Region and the Government of the United Kingdom the provisions of subsection (1) of this section shall have

effect and the pension shall be payable in the first instance by the United Kingdom Government and may be the subject of a claim for a refund by that Government against and be repaid by the Crown Agents”;

and

(b) by inserting in subsection (2) immediately after the figure “(1)” the words “or subsection (1) (a) of this section”.

8. The Ordinance is further amended by the addition immediately after section 14 of the following new section—

New section  
14A added  
to  
Ordinance.

14A. (1) Where a contributor to the Scheme has paid contributions thereunder both to this Government and otherwise than to this Government—

(a) in respect of refunds of contributions provided for under this Ordinance, there shall be repaid by this Government only such sum as represents the contributions received by this Government together with such interest thereon, if any, as is provided under this Ordinance; and the amount of any pension payable by this Government in respect of that contributor shall be computed only on the contributions received by this Government in respect of the Scheme.

(2) For the purposes of this section, reference to contributions received by this Government shall be deemed to include references to contributions received by the former Government of Nigeria.”

9. Section 15 of the Ordinance is amended by renumbering the section as subsection (1) and by inserting immediately after that subsection a new subsection as follows—

Section 15  
of  
Ordinance  
amended.

“(2) Notwithstanding the provisions of subsection (1) of this section, nothing in the tables set out in the First Schedule to the Widows’ and Orphans’ Pension (Amendment) Ordinance, 1954, shall apply, or be deemed ever to have applied, in respect of contributions paid or payable before the 1st day of April, 1950, and the tables applicable in respect of those contributions shall be the tables that would have been applicable in respect thereof if the Ordinance had not been passed.”

10. The Ordinance is further amended by the addition immediately after section 17 of the following new section—

New Section  
17A added to  
Ordinance.

17A. (1) Subject to the provisions of subsection (2) of this section if a child of a contributor is, while of pensionable age, adopted by some other person, that child shall continue to be eligible to receive a pension or share thereof under this Ordinance as if the adoption had not taken place.

(2) If a child of a contributor has, while of pensionable age, been adopted by some other person, the contributor or the widow of the contributor may at any time by notice in writing addressed to the Crown Agents, elect that that child shall not be eligible to receive a pension or share thereof under this Ordinance, and upon receipt by the Crown Agents of such notice the child shall cease to be so eligible or to receive any such pension or share thereof.”

Second  
Schedule to  
Ordinance  
amended.

11. The Second Schedule to the Ordinance is amended by the deletion of item (1) in the note to the instructions for the use of the Tables and the substitution therefor of the following new note—

“(1) The registered pensions of officers who commenced to contribute before the 1st day of April, 1950, and were still contributing on that date are to be re-assessed as at the 31st day of March, 1950, in the manner set out hereunder but subject to the proviso that if the pensions so re-assessed are less than those registered prior to the 22nd day of April, 1954, the existing pensions are to be retained.

“*Method of Re-assessment*—

The pension registered prior to the 22nd day of April, 1954, is to be regarded as consisting of two parts :—

*Part (a)* that purchased by contributions paid or payable from the date of entry to the 31st day of March, 1950 ; and

*Part (b)* that purchased by contributions paid or payable on or after the 1st day of April, 1950. *Part (a)* is to be left unaltered, but *part (b)* shall be re-computed according to the tables in the First Schedule. If the re-computed *part (b)* is greater than *part (b)* before the re-computation, the re-computed *part (b)* is to be added to *part (a)*. If the re-computed *part (b)* is not greater than *part (b)* before the re-computation, the pension registered prior to the 22nd day of April, 1954, is to be retained.”

(Bills 705)

**PENSIONS (AMENDMENT)****EXPLANATORY MEMORANDUM**

The Bill seeks to amend the Pensions Ordinance to allow for the preservation of earned pension rights in certain cases where an officer is transferred to service outside the Public Service and where it is undesirable or inexpedient to add the new employing authority to the Schedule to the existing Ordinance under the present provisions. It also provides in such cases for payment on the transfer of the officer to the new employing authority of a lump sum in complete liquidation of the Government's pension liability.

**SHEHU SHAGARI,**  
*Minister of Establishments*

**PENSIONS (AMENDMENT)****ARRANGEMENT OF CLAUSES***Clause*

1. Short title and application.
2. Interpretation.
3. Amendment of section 2.
4. Amendment of section 7.
5. Pension rights preserved in certain cases.
6. Transfer value for pension purposes in certain cases.

# A BILL

FOR

AN ACT TO AMEND THE PENSIONS ORDINANCE AND TO PROVIDE FOR THE  
PRESERVATION OF RIGHTS TO PENSIONS IN CERTAIN CASES (CAP. 147).

[ ]

BE IT ENACTED by the Legislature of the Federation of Nigeria  
in this present Parliament assembled and by the authority of the same as  
follows :—

Commence-  
ment.

1. (1) This Act may be cited as the Pensions (Amendment) Act,  
1961, and shall be read as one with the Pensions Ordinance.

Short title,  
etc.

(2) This Act shall apply throughout the Federation.

2. (1) References in the Pensions Ordinance to "Governor-  
General" on the coming into operation of this Act shall in respect of any  
act matter or thing performed observed or done or required to be  
performed observed or done under or for the purposes of the Pensions  
Ordinance, be read and construed as references to "Minister", and  
the Pensions Ordinance shall be amended accordingly.

Interpreta-  
tion.

(2) For the avoidance of doubts the Pensions Ordinance shall be  
read and construed as if references therein to the Secretary of State or  
to any requirement by way of approval or sanction of the Secretary of  
State had, on the 1st day of October, 1960, been omitted from the  
Pensions Ordinance.

3. (1) Subsection (1) of section 2 of the Pensions Ordinance is  
amended,—

Section 2 of  
Pensions  
Ordinance  
amended.

(a) by inserting in alphabetical sequence the following new defini-  
tions—

"approved service" means any service or employment other than  
public service within the meaning of this Ordinance to which the  
holder of a pensionable office may be appointed for a period or  
periods with the approval of the Minister, and in the case of an  
officer in any other public service means with the concurrence of the  
employing authority ;



"Minister" means the Federal Minister charged with responsibility for pensions ;

"transfer value" means the amount paid and accepted in discharge of pension liability in respect of an officer at the time of his transfer to an approved service ; and

(b) in the definition of "public service"—

(i) by inserting immediately after the word "capacity" the words "up to the date of the coming into operation of the Pensions (Amendment) Act, 1961", and

(ii) by inserting immediately after the word "Sudan" the words "and on the coming into operation of the Pensions (Amendment) Act, 1961 means service in a civil capacity under the Government of the Federation or under a scheduled Government within the meaning of regulation 8 of the Pensions Regulations or such other service in a civil capacity as the Minister may from time to time by order determine to be public service for any of the purposes of this Ordinance, and service under any superannuation scheme in respect of which there is a reciprocal arrangement for the acceptance of service as qualifying service under this Ordinance or any regulations made under this Ordinance."

4. Section 7 of the Pensions Ordinance is amended by inserting in paragraph (4) immediately after the words "public service" where they twice occur, the words "or approved service".

5. If an officer in pensionable employment has been before the coming into operation of this Act or is thereafter transferred to employment which is approved service for the purposes of the Pensions Ordinance, it shall be lawful, upon the retirement of the officer from the approved service in accordance with the provisions relating to retirement from the approved service, for the Minister to grant to the officer a pension computed at such rate as if the officer had retired at the date of his transfer to the approved service.

6. Notwithstanding the provisions of section 5 of this Act, where an officer is transferred to an approved service in circumstances that the officer is or may be entitled on retirement to a pension based on his final salary and total service, the Minister may agree with the head officer of the approved service for the payment of a lump sum in satisfaction of the pension liability of the public service in respect of length of service of the officer at the time of his transfer. If the lump sum is accepted by the head officer of the approved service, the amount shall be treated as the transfer value of the officer in respect of his right to a pension.

1961 No.

Section 7 of  
Pensions  
Ordinance  
amended.

Pension  
rights  
preserved in  
certain  
cases.

Transfer  
value for  
pension  
purposes in  
certain  
cases.

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