

REPUBLIC OF THE UNION OF SOUTH AFRICA ACT, 1962



ARRANGEMENT OF SECTIONS

Section

1. Short title, etc.

2. Recognition and effect of the Union of South Africa ceasing to be a member of the Commonwealth.

1962, No. 1

AN ACT TO MAKE PROVISION AS TO THE OPERATION OF THE LAW IN RELATION TO THE UNION OF SOUTH AFRICA, AND PERSONS AND THINGS IN ANY WAY BELONGING TO OR CONNECTED WITH THE UNION OF SOUTH AFRICA, IN VIEW OF THE UNION OF SOUTH AFRICA HAVING BECOME A REPUBLIC OUTSIDE OF THE COMMONWEALTH.

[31st May, 1961]

Commence-
ment.

WHEREAS on the 31st day of May, 1961 the Union of South Africa became a Republic outside of the Commonwealth:

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

1.—(1) This Act may be cited as the Republic of the Union of South Africa Act, 1962.

Short title,
etc.

(2) This Act shall be deemed to have come into operation on the thirty-first day of May, nineteen hundred and sixty-one.

2.—(1) It is hereby recognised that the Union of South Africa ceased as from the 31st day of May, 1961 to be part of Her Majesty's dominions, and that the Union of South Africa is accordingly a foreign country for the purposes of Nigeria.

Recognition
and effect of
the Union of
South Africa
ceasing to be
a member of
the Common-
wealth.

(2) All law in force in Nigeria, whether by virtue of any Act or rule of law immediately before the coming into operation of this Act, and references in any Act passed or made before or after the coming into operation of this Act to foreigners, aliens, foreign countries, and foreign or foreign-built ships or aircraft, shall be construed accordingly.

(3) In this section, references to any Act other than this Act include the Nigeria (Constitution) Order in Council, 1960.

L.N. 159 of
1960.

WIDOWS' AND ORPHANS' PENSIONS ACT, 1962

A 3



ARRANGEMENT OF SECTIONS

Section

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.

1962, No. 2

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

[See section 1 (3)]

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 :—

1. (1) This Act may be cited as the Widows' and Orphans' Pensions Act, 1962 and shall be read as one with the Widows' and Orphans' Pensions Ordinance (hereinafter called the Ordinance).

Short title,
etc.

(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.

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.

"(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 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.

1961 No.

(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."

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—

"Amount of refund and pension where contributions paid to other Governments.

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."

New section 14A added to Ordinance.

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—

"(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."

Section 15 of Ordinance amended.

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

"Adoption of contributor's children.

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."

New section 17A added to Ordinance.

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.”