

LAWS OF GUYANA

OLD AGE PENSIONS ACT

CHAPTER 36:03

**Act
17 of 1944
Amended by**

42	of	1944	Res.	171	of	1980
11	of	1949		3	of	1981
13	of	1953				
29	of	1961				
9	of	1968				
4	of	1972				
14	of	1980				

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CHAPTER 36:03
OLD AGE PENSIONS ACT
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1953 Ed.

c. 63

17 of 1944

An Act to make provision for the payment of Old Age Pensions.

[1ST JULY, 1944]

Short title.

1. This Act may be cited as the Old Age Pensions Act.

Interpretation.

2. In this Act—

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[42 of 1944 “appropriate authority” means—
4 of 1972]

c. 36:02

(a) in respect of Georgetown, the Board of Poor Law Commissioners established under section 3 of the Poor Relief Act;

c. 36:02

(b) in respect of any part of Guyana other than Georgetown, the local board established under section 11(4) of the Poor Relief Act which officiate in the district where the person concerned resides;

c. 36:02

“district” means a district declared and established under section 11(1) of the Poor Relief Act;

“pension” means an old age pension payable under this Act.

Provision for
the payment of
old age
pensions.

3. Every person in whose case the conditions set out in section 4 as qualification for the receipt of an old age pension (hereinafter referred to as “the statutory conditions”) are fulfilled, shall be entitled to receive such pension so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Act for the receipt of the pension.

Statutory
conditions for
receipt of an
old age
pension.
[13 of 1953]

4. The statutory conditions which shall be fulfilled by every person before he is entitled to receive a pension and which shall continue to be fulfilled while he is in receipt of a pension are—

(a) the person must have attained the age of sixty-five years;

(b) the person must satisfy the appropriate authority that he has been a Citizen of Guyana for at least ten years immediately preceding his

claim for a pension;

- (c) the person must have been ordinarily resident in Guyana during the twenty years immediately preceding the claim for a pension:

Provided that a person shall not be deemed to have ceased to be resident in Guyana merely by reason of any temporary absence therefrom if the aggregate period of absence does not exceed two years during the said period of twenty years; and

- (d) the person must satisfy the appropriate authority that his monthly income as calculated under this Act does not exceed such amount as may, by order, be prescribed by the Minister.

Calculation of means.

5. (1) In calculating the means of any person for the purposes of this Act account shall be taken of—

- (a) the income which that person may reasonably expect to receive in cash excluding any sum receivable as pension under this Act;
- (b) the value of any property belonging to that person, not being property personally used or enjoyed by him, which is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him;
- (c) the value of any advantage accruing

to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him, except furniture and personal effects;

- (d) the value of any benefit or privilege enjoyed by that person.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall be taken to be one half of the total means of the couple and where either of the couple is, or the couple jointly are, entitled to any property, each of them shall be deemed to be entitled to one half of that property.

(3) Where a husband is separated from his wife, any sum paid to her by way of maintenance shall be deducted when calculating the husband's means.

(4) If it appears that any person has, either directly or indirectly, deprived himself of any income or property in order to qualify himself for the receipt of a pension that income, or the value of that property, shall, for the purposes of this section, be taken to be part of the means of that person.

Determination
of claims.

6. (1) All claims for pension and all questions whether the statutory conditions are fulfilled in the case of any person claiming such pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such pension, or whether a person is disqualified for continuing to receive a pension, shall be considered and determined as follows:

- (a) every such claim or question shall be submitted in writing by, or on behalf of, the claimant to the chairman of the appropriate authority and shall

contain such particulars as may be prescribed by rules made by the Minister;

- (b) it shall be the duty of every such chairman to place before the appropriate authority without delay all such claims or questions together with all such information as may be available, but it shall be incumbent on the claimant to substantiate his claim to the satisfaction of the appropriate authority;
- (c) the appropriate authority shall consider as soon as possible all such claims or questions and are, for that purpose, hereby empowered to take into account all such information as may come to their knowledge, concerning the means of any person and shall thereupon decide whether or not the pension shall be paid and shall notify the claimant of the decision;
- (d) in any case where the appropriate authority refuses the claim of any person for a pension they shall cause that person to be informed in writing of the ground upon which his claim was refused and they shall, if the person so requests, submit the claim for the decision of an Appeal Board constituted as hereinafter provided.

(2) The Minister may, by order, establish one or more Appeal Boards for the purposes of this section and such

Board, or each such Board, as the case may be, shall consist of such number of fit and proper persons as the Minister may deem necessary.

(3) The Minister shall appoint the Chairman of the Appeal Board and may make rules to regulate the procedure of the said Board and generally to give effect to this section.

Date on which pensions commence to accrue.

7. Subject to section 15, where a pension is first allowed the pension shall commence to accrue at the end of the month after the date on which the claim for pension or the notice of the question as the case may be, is received by the appropriate authority or at the end of the month after the date on which the claimant first becomes entitled to the pension, whichever date is the later.

Amount of pension and method of payment.
[42 of 1944
11 of 1949
9 of 1968
4 of 1972]

8. (1) The amount of pension payable to any person under and in accordance with this Act shall be—

- (a) in the case of a person ordinarily resident in Georgetown, twelve dollars per month;
- (b) in the case of a person ordinarily resident elsewhere in Guyana than in Georgetown, ten dollars per month.

(2) The National Assembly may, from time to time, by resolution (which shall be published in the *Gazette*), vary the amounts and any residential qualification prescribed by subsection (1) with effect from the date of the resolution or such earlier or later date as is specified in that behalf in the resolution.

(3) The Minister may, by regulation, prescribe—

- (a) the times or intervals of time at which the pensions shall be paid;

- (b) the manner in which the pensions shall be paid;
- (c) the places at which pensions shall be paid; and
- (d) generally, any matter which may be necessary to give effect to the intention of this section.

(4) Any regulation made under the preceding subsection may be made applicable either to the whole of Guyana or to any part of Guyana and different regulations may be made applicable to different parts of Guyana.

Persons
disqualified for
receiving
pension.
[14 of 1980]

9. A person shall be disqualified for receiving or continuing to receive a pension, notwithstanding the fulfilment of the statutory conditions—

- (a) while he is an inmate of any public or charitable institution which provides him with board and lodging without charge except that while he is in a public hospital other than the Mental Hospital, only after he has been in the hospital for a period of three months; or
- (b) while he is absent from Guyana; or
- (c) while he is undergoing imprisonment.

Pensions not
payable if
unclaimed for
three months
except in
special cases.
[29 of 1961
9 of 1968]

10. (1) Subject to this section, no payment of any sum on account of pension shall be made if such payment is not obtained within three months after the date on which it became payable.

(2) The Minister may direct that the time

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prescribed in the preceding subsection, in respect of persons resident in any specified area, or in respect of any specified class of persons or, for good reason shown, in respect of any specified person, shall be extended.

(3) A direction may be given under subsection (2) notwithstanding that the period of three months prescribed in subsection (1) has expired before the direction is given.

Pensions not assignable.

11. Every assignment of, or charge on, a pension and every agreement to assign or charge a pension shall be void and on the bankruptcy of a person entitled to a pension such pension shall not pass to any trustee or other person acting on behalf of the creditors.

Penalty for false statements.
[6 of 1997]

12. If for the purpose of obtaining or continuing a pension, either for himself or for any other person, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction, to a fine of thirteen thousand dollars or to imprisonment for three months.

Liability to refund sums paid when pensioner was not entitled to pension.

13. If at any time it is found that a person has been in receipt of a pension while the statutory conditions were not fulfilled in his case such person or, in the case of his death, his personal representative, shall be liable to repay to the Accountant General any sums paid to him in respect of the pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension and the amount of those sums may be recovered as a debt due to the State.

Regulations.

14. (1) The Minister may make regulations for the purpose of giving effect to this Act.

(2) Without prejudice to the generality of the preceding subsection the Minister may make regulations—

(a) prescribing the evidence required as

to the fulfilment of the statutory conditions;

- (b) prescribing for the purposes of this Act the meaning of ordinary residence; and
- (c) prescribing any form required.

Power of
Minister to fix
date when
payment of
pensions shall
commence.

15. No person shall be entitled to receive a pension under this Act until such date as may be fixed by the Minister by notice published in the *Gazette*.

SUBSIDIARY LEGISLATION

O. 20/1971

**OLD AGE PENSIONS (APPEAL BOARDS)
ORDER**

made under section 6

Citation.

1. *This Order may be cited as the Old Age Pensions (Appeal Boards) Order, and shall be deemed to have come into operation on the 10th September, 1970.*

Establishment
of Appeal
Boards.

2. *An Old Age Pension Appeal Board is hereby established for each of the countries of Guyana for the purpose of hearing appeals from the decisions of any appropriate authority refusing the claims of persons for*

Composition of
Appeal Board.

3. *The Appeal Boards shall each consist of a Chairman and two members, to be appointed by notice published in the Gazette.*

OLD AGE PENSIONS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

- 1.** Citation.
- 2.** Interpretation.
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8. Keeping of records and registers.
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 15. Surrendering of pension vouchers on change of residence, forwarding of relevant papers to new authority and re-issuing of pension vouchers.
 16. Voucher to be sent to Commissioner.
 17. Use of registered post.
 18. General register.
 19. Information to be supplied by Registrar General.
 20. Notification by officer in charge of institution of inmate over age of sixty-five years.
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Reg. 2/1949
16/1958
20/1968

OLD AGE PENSIONS REGULATIONS

made under sections 8 and 14

Citation. **1.** These regulations may be cited as the Old Age Pensions Regulations.

Interpretation. **2.** In these Regulations—

c. 36:02 "Commissioners" means the Board of Poor Law Commissioners established under section 3 of the Poor Relief Act;

"public assistance officer" means any person appointed for the

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purpose of inquiring into the circumstances of any recipient of a pension or of any applicant therefor, and to perform such other duties as may be required of him.

Forms.

3. Forms of claim for pension shall be issued on request at the office of the Commissioners and at any district administration office.

Submission of
claim.

4. Every claimant for pension shall submit his claim to the Chairman of the appropriate authority and shall answer every question, produce every document, and give all information in his power which may be required of him by the appropriate authority or by the public assistance officer.

Proof of
qualifying age.

5. A person claiming to be eligible for pension shall produce a certificate of his birth or his baptismal certificate, and in the absence of any such certificate the claimant shall establish to the satisfaction of the appropriate authority that he has attained the qualifying age.

Duties of public
assistance
officer with
regard to claim

6. On receipt by an appropriate authority of a claim for pension it shall be the duty of the public assistance officer—

- (a) to interview the claimant as soon as possible and satisfy himself by every reasonable means as to the accuracy of the statements contained in the claim, and to obtain all such other information as may be of assistance in determining the merits of each claim;
- (b) to furnish the Chairman of the appropriate authority with a written report on each claim, and from time to time such other information as may be required by the appropriate

authority;

- (c) to report to the Chairman of the appropriate authority any fact within his knowledge which may disqualify any claimant from obtaining or continuing to receive a pension.

Other functions
of public
assistance
Officer.

7. The public assistance officer shall—

- (a) attend all meetings of the appropriate authority;
- (b) deliver to each claimant whose claim has been allowed the pension vouchers and identification card issued on the award of a pension;
- (c) submit for the information of the appropriate authority at the end of each month a list of the names of all pensioners who to his knowledge have died before or during that month;
- (d) perform such other duties as may be required of him by the appropriate authority for the purpose of the Act.

Keeping of
records and
registers.

8. The public assistance officer for a district in addition to his other duties under these Regulations shall—

- (a) take and keep a record of the minutes of the appropriate authority;
- (b) keep a record of all claims investigated and his reports thereon, and of the decisions of the

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appropriate authority;

- (c) keep a district register of all approved pensioners;
- (d) forward to the Commissioners after each meeting of the appropriate authority—
 - (i) a copy of the minutes of the appropriate authority;
 - (ii) all claims and relative reports with the decisions of the appropriate authority endorsed thereon;
 - (iii) a list of all persons to whom pensions have been awarded and the date from which such pensions are payable;
 - (iv) a list of all persons whose claims have been rejected and the reasons thereof.

Duties of the
Secretary.

9. In connection with the duties of the Commissioners as the appropriate authority for Georgetown, the Secretary to the Commissioners shall—

- (a) take and keep a record of the minutes of the appropriate authority;
- (b) keep all claims and relative reports with the decisions of the appropriate authority endorsed thereon;
- (c) keep a register of all approved pensioners for Georgetown.

[**Subsidiary**]

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Monthly meetings.

10. (1) The appropriate authorities shall hold meetings at least once a month at such time and place as the Chairman of each authority may determine.

(2) Any pension may on review by an appropriate authority be continued or discontinued.

Issuing identification cards to pensioners.
[Reg.20/1968]

11. When a pension is awarded, an identification card in duplicate, setting out the name, age, and any distinguishing marks of the pensioner, and such other particulars as may be found desirable, shall be signed by the Chairman of the appropriate authority or some person deputed by him or failing the signing of such card by either of them, by the person performing the functions of secretary to the Appeal Board if the award is in consequence of a decision of that Board. The identification card shall also be signed by the pensioner, and in the event of a pensioner being illiterate his mark shall be taken and witnessed by a member of the appropriate authority or by the public assistance officer. One original shall be issued to the pensioner and the other filed in the office of the Chairman of the appropriate authority.

Issuing of booklet containing pension vouchers.

12. There shall also be issued to the pensioner in respect of the current calendar year terminating on the 31st December, a booklet containing the appropriate number of pension vouchers. Each voucher shall show the amount of the monthly pension, the month and year to which it relates, and such other particulars as are necessary for the purposes of record. One pension voucher shall be issued in respect of each month.

Payments of monthly pensions.

13. (1) Pensions shall be paid monthly on presentation to a pensions paying officer of the identification card and relative pension voucher.

(2) A pension shall only be paid to a pensioner in person, or to some person who, to the satisfaction of the paying officer, is authorised by the pensioner to receive such

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pension on his behalf.

(3) A pension voucher shall be regarded as an acquittance for the sum paid.

Loss of or
failure to
produce
pension
voucher or
identification
card and
issuing of
duplicate.

14. (1) If any pensioner shall lose or for any other cause be unable to produce the pension voucher or identification card which shall have been issued to him, he shall immediately report the loss and make application for a new pension voucher and identification card to the Chairman of the appropriate authority. If upon consideration of the said application, not less than one month from the date on which it was made, the appropriate authority shall be satisfied that the application has been made in good faith and that the applicant is entitled to hold such pension voucher and identification card, the appropriate authority shall issue to the applicant a duplicate pension voucher and identification card on which shall be written "DUPLICATE."

(2) Upon a duplicate pension voucher and identification card being issued in accordance with the provisions of this regulation, payment of pension to the said pensioner shall thereafter be made on presentation of the said duplicate pension voucher and identification card in lieu of that originally issued:

Provided that, subject to section 10 of the Act, a pensioner shall not be deprived of any payment due to him in respect of the period which preceded the issue of the duplicate pension voucher and identification card.

(3) The original pension voucher and identification card, in lieu of which a duplicate pension voucher and identification card shall have been issued in accordance with this regulation, shall become null and void immediately upon such issue, and no payment whatsoever shall be made by virtue thereof.

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Surrendering of pension vouchers on change of residence, forwarding of relevant papers to new authority and re-issuing of pension vouchers.

15. (1) In the event of a pensioner desiring to transfer his residence from the district in which a pension is awarded he shall give notice thereof to the Chairman of the appropriate authority and surrender his pension vouchers to the said Chairman.

(2) Upon receipt of such notification and pension vouchers the Chairman of the appropriate authority shall despatch to the Chairman of the appropriate authority in whose district the pensioner proposes to reside, all the relevant documents relating to such pensioner, including a copy of his claim with the decision of the appropriate authority endorsed thereon, his identification card and pension vouchers duly endorsed.

(3) The Chairman of an appropriate authority shall on receipt of such documents cause particulars of the pensioner to be inserted in the register of approved pensioners for that district, re-issue the pension vouchers (duly endorsed) to such pensioner, and notify the Commissioners of the transfer thus effected:

Provided that in the case of a transfer to or from Georgetown in lieu of the pension vouchers surrendered by the pensioner, there shall be issued to him the same number of new pension vouchers each showing the amount of the monthly pension payable in the district to which he has transferred his residence.

Voucher to be sent to Commissioner.

16. Within ten days of the payment of a pension the relative pension voucher shall be forwarded to the Commissioners.

Use of registered post.
[Reg.16/1958]

17. Any postal matter containing pension vouchers shall be transmitted by registered post.

General register.

18. The Secretary to the Commissioners shall keep a General Register of persons to whom pensions have been

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[Subsidiary]

awarded by the several appropriate authorities.

Information to
be supplied by
Registrar
General.

19. The Registrar General shall—

- (a) verify, free of charge, any information as regards the date of birth or death of a pensioner or an applicant for pension on request of the Commissioners;
- (b) furnish the Commissioners monthly with a list showing the name, date and place of death, of every person of the age of sixty-five years or over, whose death has been registered during the preceding month.

Notification by
officer in
charge of
institution of
inmate over age
of sixty-five
years.

20. The officer in charge of a Public Hospital, the Alms House, the Mental Hospital, the Leprosy Hospital, or the Prisons, shall notify the Secretary to the Commissioners immediately upon the admission of an inmate of, or appearing to be of, the age of sixty-five years or over, to that institution.
