

# **THE CIVIL SERVICE AND FAMILY PROTECTION SCHEME (AMENDMENT) ACT 1971**

**Act No. 54 of 1971**

**Amended by as per [Act No. 28 of 1993]**

I assent,

23rd December 1971

A. R. M. OSMAN  
Acting Governor-General

## **ARRANGEMENT OF SECTIONS**

### **Section**

1. Short title
2. Section 2 of the principal Act amended
3. Section 11 of the principal Act amended
4. Section 12 of the principal Act repealed
5. Section 16 of the principal Act amended
6. Section 21 of the principal Act repealed and replaced
7. Section 30 of the principal Act repealed and replaced
8. Section 32 of the principal Act repealed and replaced
9. Section 45 of the principal Act amended
10. Consequential amendments
11. Commencement

**An Act further to amend the Civil Service and Family Protection Scheme Act, 1969**

**Amended by [Act No. 28 of 1993]**

[27<sup>th</sup> December]

ENACTED by the Parliament of Mauritius, as follows -

**Short title Act No. 16 of 1969**

1. This Act may be cited as the Civil Service and Family Protection Scheme (Amendment) Act, 1971, and shall be read as one with the Widows' and Children's Pension Scheme Act, 1969, as subsequently amended, hereinafter referred to as the principal Act.

**Amended by [Act No. 28 of 1993]**

## **Section 2 of the principal Act amended**

2. Section 2 of the principal Act shall have effect as if-
  - (a) in the definition of "contributory service", for the semicolon at the end thereof there were substituted a colon and, there were added the following proviso-  
"Provided that any leave with or without pay shall not constitute a break in service"
  - (b) in the definition of "relevant date", in paragraph (b) immediately after the words "made to him" there were added the following words and punctuation" or the date of assumption of duty, whichever is the later".

## **Section 11 of the principal Act amended**

3. Section 11 of the principal Act shall have effect as if for Section subsection (2) there were substituted the following subsection-
  - (2) The Board shall on or before the 31st March of each year submit to the Minister a receipts and payments account drawn up for the year ending the 30th June of the preceding year in respect of the Scheme and the Fund.

## **Section 12 of the principal Act repealed**

4. Section 12 of the principal Act is repealed.

## **Section 16 of the principal Act Amended**

5. Section 16 of the principal Act shall have effect is if for Section 16 subsection (1) there were substituted the following subsection-
  - (1) Every contributor shall from the date on which he is offered appointment or on which he assumes duty, as the case may be, until he ceases to a public officer or attains the age of sixty, whichever is the earlier, make a contribution to the Scheme in respect of his annual salary at the rate specified in the Schedule to this Act.

## **Section 21 of the principal Act repealed and replaced**

6. Section 21 of the principal Act is repealed and replaced by the following section -

### **Payment of adjustment contribution**

21. (1) Where a contributor has elected in accordance with the provisions of paragraph (a) of subsection (1) of section 19 of this Act to pay the adjustment contribution he shall, at his option, pay the adjustment contribution either at the date of the declaration or by monthly instalments, not exceeding twelve, the first instalment

being payable at the end of the calendar month next following the date of the declaration.

- (2) The Board may, on written application from a contributor who has elected to pay an adjustment contribution in accordance with the provisions of paragraph (a) of subsection (1) of section 19 of this Act, authorise the contributor -
  - (a) to pay the adjustment contribution in such number of instalments, exceeding twelve, as it may determine; or
  - (b) to carry forward the adjustment contribution and have it deducted in accordance with the provisions of section 22 of this Act.
- (3) where a contributor who has elected to pay the adjustment contribution fails to do so, either in whole or in part, the Accountant-General shall deduct the amount of the adjustment contribution remaining unpaid from any salary, gratuity or pension payable to the contributor in such manner as the Board may determine.
- (4) Where the adjustment contribution becomes payable by virtue of subsection (3) of section 19 of this Act the amount thereof shall be deducted from -
  - (a) any gratuity payable in relation to the contributor; or
  - (b) where no gratuity is payable or where the gratuity has already been paid, from the pension accruing to the widow or children in such manner as the Board may direct.

### **Section 30 of the principal Act repealed and replaced**

- 7. Section 30 of the principal Act is repealed and replaced by the following section -

#### **Minimum rates of pensions**

- 30. Subject to the provisions of section 32 of this Act, where a contributor dies while still in the public service and has made contributions for a period of less than two hundred and forty months, the period to be taken into account for the computation of his basic unreduced pension for the purposes of this Act shall be -
  - (i) if he had lived until the age of fifty five years and the total period during which he has or could have made contributions is two hundred and forty months or more - two hundred and forty months;
  - (ii) if he had lived until the age of fifty five years and the period during which he has or could have made contributions is less than two hundred and forty months - the number of completed months during which he has or could have made contributions.

### **Section 32 of the principal Act repealed and replaced**

8. Section 32 of the principal Act is repealed and replaced by the following section -

**Restriction on minimum rates of pensions**

32. (1) Where

- (a) a contributor has elected not pay the adjustment contribution; or
- (b) part of the adjustment contribution payable by him has remained unpaid,

the period to be taken into account in the computation of his basic unreduced pension for the purposes of this Act shall be reduced by-

- (i) the non-contributory period; or
- (ii) the period represented by the unpaid part of the adjustment contribution,

as the case may be.

- (2) Where a contributor has failed to make any contributions required to be made by him under section 16 of this Act, the period to be taken into account in the computation of his basic unreduced pension for the purposes of this Act shall be reduced by the period represented by the unpaid contributions.

**Section 45 of the principal Act amended**

9. Section 45 of the principal Act shall have effect as if paragraph (b) were deleted, the existing paragraphs (c) and (d) being relettered (b) and (c).

**Consequential amendments    Cap. 342**

10. Sections 8, 11, 24 and 35 of the Widows' and Orphans' Pension Fund Ordinance are repealed.

**Commencement**

11. The amendments made by this Act, other than that made by paragraph (b) of section 2, shall be deemed to have had effect as from the day of July one thousand nine hundred and sixty nine.