

# THE NATIONAL PENSIONS (AMENDMENT) ACT 1990

Act No. 7 of 1990

I assent

10 May 1990

V. RINGADOO  
Governor-General

## ARRANGEMENT OF SECTIONS

### Section

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| 1. Short title.                              | 7. Section 25 of the principal Act            |
| 2. Interpretation.                           | amended.                                      |
| 3. Section 2 of the principal Act amended.   | 8. Section 36 of the principal Act amended.   |
| 4. Section 5 of the principal Act amended.   | 9. Section 37 of the principal Act amended.   |
| 5. Section 17 of the principal Act amended.  | 10. Section 38 of the principal Act amended.  |
| 6. Section 23A of the principal Act amended. | 11. Section 45D of the principal Act amended. |

### **An Act To amend the National Pensions Act.**

ENACTED by the Parliament of Mauritius, as follows—

#### **1. Short title.**

This Act may be cited as the National Pensions (Amendment) Act 1990.

#### **2. Interpretation.**

In this Act—

“principal Act” means the National Pensions Act.

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

Section 2 of the principal Act is amended—

- (a) in the definition of "child", by deleting the figure "18" and replacing it by the figure "20";
- (b) in the definition of "dependent child", by adding after the words "person concerned" the following words "but, does not include a child born 300 days or more from the date of death of the husband".

**4. Section 5 of the principal Act amended.**

Section 5 of the principal Act is amended in subsection (1)(a)(ii) by deleting the figure "18" and replacing it by the figure "20".

**5. Section 17 of the principal Act amended.**

Section 17 of the principal Act is amended in subsection (1) by deleting paragraph (a) and replacing it by the following-

- (a) pay to the Minister, in such manner as may be prescribed-
  - (i) where he employs one insured person, the amount of the contribution at the appropriate rate specified in the second and third columns of the First Schedule in respect of any remuneration paid to that insured person;
  - (ii) where he employs more than one insured person, the total amount of contributions payable at the appropriate rate specified in the second and third columns of the First Schedule in respect of the remuneration paid to all his insured persons;

**6. Section 23A of the principal Act amended.**

Section 23A of the principal Act is amended-

- (a) by deleting subsection (2) and replacing it by the following subsection-
  - (2) The lump sum shall be paid to the legal personal representatives of the deceased person.
- (b) by adding the following new subsection-
  - (3) In this section-
    - "legal personal representative" includes a dependent;
    - "dependent" has the same meaning as in section 29;

**7. Section 25 of the principal Act amended.**

Section 25 of the principal Act is amended by adding immediately after subsection (6), the following new subsections--

- (7) (a) The industrial injury allowance shall cease to be payable as from the date the employee is found to be disabled by a Medical Officer or Medical Board appointed under section 34 or the Medical Tribunal established under section 36, as the case may be.
- (b) Paragraph (a) shall not apply where the Medical Officer, the Medical Board or the Medical Tribunal, is satisfied that there has been a deterioration of the medical condition of the employee.
- (8) Notwithstanding subsection (5), no industrial injury allowance shall be payable in any circumstances after a period of 36 months, from the date on which the industrial injury occurred, except where a surgical intervention has to be performed after this period.

**8. Section 36 of the principal Act amended.**

Section 36 of the principal Act is amended by deleting sub-section (3) and replacing it by the following-

- (3) (a) The Medical Tribunal may sit in one or more divisions.
- (b) Every division of the Medical Tribunal shall consist of-
  - (i) a Chairman, who shall be legally qualified, to be appointed by the Attorney-General;
  - (ii) 2 other members, who shall be qualified medical practitioners, to be appointed by the Minister.

**9. Section 37 of the principal Act amended.**

Section 37 of the principal Act is amended in subsection (1) by deleting the words "Minister of Finance" and replacing them by the word "Minister".

**10. Section 38 of the principal Act amended.**

Section 38 of the principal Act is amended in subsection (1) by deleting the words "Minister of Finance" and replacing them by the word "Minister".

**11. Section 45D of the principal Act amended.**

Section 45D of the principal Act is amended in subsection (2) by inserting after the words "under this Act shall" the following words in the Island of Mauritius".

Passed by the Legislative Assembly on the eighth day of May, one thousand nine hundred and ninety.

L. RIVALTZ QUENETTE  
Clerk of the Legislative Assembly