

ACT 234
ARMED FORCES (SPECIAL PROVISIONS) ACT, 1964

ARRANGEMENT OF SECTIONS

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ACT 234
ARMED FORCES (SPECIAL PROVISIONS) ACT, 1964(1)

AN ACT to enable the disposal of the service estate of officers and men dying intestate to nominees previously specified by them and to provide for related matters.

1. Nomination by officers and men

(1) Every officer or man in the Armed Forces may nominate in writing the person or persons to whom, in the event of the officer or man dying intestate, the service estate should be given.

(2) Where the service estate includes money and the officer or man has nominated more than one person under subsection (1), the officer or man shall specify in the instrument of nomination the share of the money that is to be given to each of those persons.

(3) Where the service estate includes movable property, other than money, and the officer or man has nominated more than one person under subsection (1), the officer or man shall specify in the instrument of nomination, the property that is to be given to each of those persons.

(4) The instrument of nomination referred to in this section shall

- (a) if the officer or man is in the Army of Ghana, be transmitted to an officer specified for the purpose by the Army Chief of Staff;
- (b) if the officer or man is in the Navy of Ghana, be transmitted to an officer specified for the purpose by the Chief of Naval Staff; and
- (c) if the officer or man is in the Air Force of Ghana, be transmitted to an officer specified for the purpose by the Chief of Air Staff.

(5) Any officer or a man may alter any of the particulars in the instrument of nomination made under this section and notify that fact in writing to the appropriate person specified in subsection (4).

(6) Where the alterations are made and notified, the instrument as so altered shall be the instrument

that shall be taken into account for the purposes of this Act.

2. Payment and delivery to nominee

The Chief Paymaster and Financial Adviser of the Armed Forces shall pay the money, or deliver any other movable property, included in the service estate of an officer or man who has died intestate, to the person or persons nominated under section 1 in accordance with the terms of the instrument of nomination.

3. Payment of debts

Despite anything to the contrary, where the Chief Paymaster and Financial Adviser of the Armed Forces has notice of the debt of an officer or man who has died intestate before the Advisor has disposed of the service estate of the officer or man in terms of the instrument of nomination, the Advisor shall apply the estate towards the payment of the debt, subject to the following conditions:

- (a) if the debt accrued within three years before the death of the officer or man;
- (b) if the claim is made the Advisor;
- (c) if the claim is made within one year of the death; and
- (d) if the claimant proves the debt to the satisfaction of the Advisor.

4. Property distributed subject to rights of creditors

Where money or any other movable property included in the service estate of a deceased officer or man has been paid or delivered to any person in accordance with the terms of the instrument of nomination of the officer or man, any of the creditors shall have the same rights and remedies against that person as if that person had received the property as a legal personal representative of the officer or man.

5. Exclusion of service estate from grant of letters of administration

Despite anything to the contrary in any other enactment, the service estate of an officer or man dying intestate shall be deemed, except as otherwise expressly specified, not to be part of the property of the officer or man for the purpose of the application for or the grant of letters of administration in respect of the property or for any other purpose connected with the disposal of property.

6. Interpretation

In this Act, unless the context otherwise requires,

“**officer or man**” means an officer or a man in the Armed Forces of Ghana;

“**service estate**” has the same meaning as in the Armed Forces Act, 1962 (Act 105).

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 6th April, 1964.