

CAP. 33
PENSIONS (INCREASE) ACT, 1948

ARRANGEMENT OF SECTIONS

1. Increase in certain pensions.
 2. Increases charged on the Consolidated Fund.
 3. Penalty for false statements.
 4. Application of certain provisions.
 5. Interpretation.
- Schedule

CAP. 33
PENSIONS (INCREASE) ACT¹(1)

AN ACT to provide for the increase of certain pensions granted under the Pensions (European Officers) Ordinance and the Pensions (Non-European Officers) Ordinance, or payable under the Pensions (Widows and Orphans) Ordinance.

1. Increase in certain pensions

(1) Subject to the provisions of this Act, a pension granted under the Pensions (European Officers) Ordinance or the Pensions (Non-European Officers) Ordinance²(2) or payable under the Pensions (Widows and Orphans) Ordinance or granted or payable under any Ordinance or Ordinances amending or replacing any of these Ordinances shall be increased by an amount calculated in accordance with the provisions of the Schedule.

(2) A pension payable under the Pensions (European Officers) Ordinance or the Pensions (Non-European Officers) Ordinance, or an enactment replacing either of those Ordinances, and awarded under the revised conditions of service shall be increased only by minimum increase provided under this Act except where the amount of the pension plus the minimum increase is less than the amount which the pensioner would have received under the pre-revision conditions of service, taking into account the increase provided for by this Act, and that pension shall be increased by an amount representing the difference between the increased pre-revision pension and the pension awarded under the revised conditions.

(3) For the purposes of subsection (2), the expression “**revised conditions of service**” means the conditions of pension and service under the Gold Coast Government provided for in Sessional Paper No. 1 of 1947, and the expression “**pre-revision conditions of service**” means the conditions of pension and service under that Government in force when such Sessional Paper was issued.³(3)

(4) Where a pension is payable under the Pensions (Widows and Orphans) Ordinance, that pension shall not be increased in accordance with this Act unless,

- (a) the pensioner has attained the age of forty years, or
- (b) the pensioner is under the age of sixteen or, being sixteen or more years of age, is receiving full-time instruction at an educational establishment or is undergoing training for a trade, profession or vocation, or
- (c) the pensioner has at least one dependant, or
- (d) the pension authority is satisfied that the pensioner is disabled by physical or mental infirmity.

(5) For the purposes of this section and of the Schedule, the expression “**dependant**” means, in relation to a pensioner, a person, other than the pensioner, with respect to whom the pension authority is satisfied that that person is wholly or mainly supported by the pensioner and that the total income from any other source does not exceed fifty-two pounds per annum, being

- (a) a person who has not attained the age of sixteen years, or who, having attained that age, is receiving full-time instruction at an educational establishment or is undergoing training for a trade, profession, or vocation, or
- (b) the father, mother, brother, sister, child, uncle or aunt of the pensioner, or of the husband or wife of the pensioner, or of the deceased husband or wife of the pensioner, or
- (c) the child of the person mentioned in paragraph (b), or
- (d) the stepfather or stepmother of the pensioner.

(6) For the purposes of subsection (5), the expression “**child**” includes, in relation to a person, a stepchild; and in calculating, for the purposes of subsection (5), the income of a person mentioned in paragraph (a) of subsection (5), an account shall not be taken of the income accruing to that person as the holder of a scholarship or any other educational endowment.

(7) For the purposes of this section, a pensioner is disabled by physical or mental infirmity if the pensioner is permanently incapacitated by the infirmity from engaging in regular full-time employment.

2. Increases charged on the Consolidated Fund

There shall be charged on and paid out of the Consolidated Fund the sums of money required for the purpose of paying the increases of pension authorised to be paid by this Act.

3. Penalty for false statements

A person who, for the purpose of obtaining, personally or for any other person, a sum of money payable by virtue of this Act, knowingly makes a false statement or false representation, commits an offence and is liable on summary conviction to imprisonment for three months or to a fine not exceeding one hundred and fifty penalty units or to both the imprisonment and the fine.

4. Application of certain provisions

The provisions of sections 13, 14, 15 and 16 of the Pensions (European Officers) Ordinance and the provisions of sections 13, 14, 15 and 16 of the Pensions (Non-European Officers) Ordinance shall have effect in relation to an increase payable under this Act as they have effect in relation to the pension in respect of which the increase is payable.

5. Interpretation

For the purposes of the Act, “**pension authority**” means, in relation to a person, the authority by whom the pension is payable.

Schedule

1. In this Schedule the expression “**authorised increase**” means an increase of a pension authorised by section 3 of the Act.

2. (1) In the case of a pension payable either under the Pensions (European Officers) Ordinance or under the Pensions (Non-European Officers) Ordinance by reason of a grant of a pension consequent upon the death or retirement of an officer immediately prior to the 1st day of April, 1952, and where the pensioner is married or has at least one dependant, then subject to the provisions of this Schedule,

- (a) if the pension does not exceed sixty pounds a year, the authorised increase shall be eighty per cent of the amount of the pension;
- (b) if the pension exceeds sixty pounds a year but does not exceed seventy pounds a year, the authorised increase shall be forty-eight pounds a year;
- (c) if the pension exceeds seventy pounds a year but does not exceed eighty pounds a year, the authorised increase shall be fifty-two pounds a year;
- (d) if the pension exceeds eighty pounds a year but does not exceed ninety pounds a year, the authorised increase shall be fifty-six pounds a year;
- (e) if the pension exceeds ninety pounds a year but does not exceed one hundred pounds a year, the authorised increase shall be sixty pounds a year;
- (f) if the pension exceeds one hundred pounds a year but does not exceed one hundred and ten pounds a year, the authorised increase shall be sixty-four pounds a year;
- (g) if the pension exceeds one hundred and ten pounds a year but does not exceed one hundred and twenty pounds a year, the authorised increase shall be sixty-eight pounds a year;
- (h) if the pension exceeds one hundred and twenty pounds a year but does not exceed one hundred and thirty pounds a year, the authorised increase shall be seventy-two pounds a year;
- (i) if the pension exceeds one hundred and thirty pounds a year but does not exceed one hundred and forty pounds a year, the authorised increase shall be seventy-six pounds a year;
- (j) if the pension exceeds one hundred and forty pounds a year but does not exceed eight hundred and twenty pounds a year, the authorised increase shall be eighty pounds a year;
- (k) if the pension exceeds eight hundred and twenty pounds a year but does not exceed nine hundred pounds a year, the authorised increase shall be such amount as is necessary to increase the pension to nine hundred pounds a year.

(2) Except as otherwise provided, the authorised increase of the aggregate of a pension and an increase thereof payable immediately prior to the 1st day of April, 1952, shall not be less than twenty-six pounds a year.

(3) In no case shall the authorised increase result in the increased pension exceeding nine hundred pounds a year.4(4)

3. (1) In the case of a pension payable either under the Pensions (European Officers) Ordinance or under the Pensions (Non-European Officers) Ordinance, by reason of a grant of a pension consequent upon the death or retirement of an officer immediately prior to the 1st day of April, 1952, and where the pensioner is unmarried and has no dependants, and in the case of a pension payable under the Pensions (Widows and Orphans) Ordinance, by reason of the death of an officer, immediately prior to the 1st day of April, 1952, then subject to the provisions of this Schedule,

- (a) if the pension does not exceed fifty pounds a year, the authorised increase shall be eighty per cent of the amount of the pension;
- (b) if the pension exceeds fifty pounds a year but does not exceed sixty pounds a year, the authorised increase shall be forty pounds a year;
- (c) if the pension exceeds sixty pounds a year but does not exceed seventy pounds a year, the authorised increase shall be forty-five pounds a year;
- (d) if the pension exceeds seventy pounds a year but does not exceed five hundred and fifty pounds a year, the authorised increase shall be fifty pounds a year;
- (e) if the pension exceeds five hundred and fifty pounds a year but does not exceed six hundred pounds a year, the authorised increase shall be such amount as is necessary to increase the pension to six hundred pounds a year.

(2) Except as otherwise provided, the authorised increase of the amount of the aggregate of a pension and an increase thereof payable immediately prior to 1st day of April, 1952, shall not be less than twenty pounds a year.

(3) In no case shall the authorised increase result in the increased pension exceeding six hundred pounds a year.⁵⁽⁵⁾

4. (1) Where a pension is payable under the Pensions (Widows and Orphans) Ordinance by reason of the death of an officer on or after the first day of April, 1952, and the registered pension, which under the provisions of that Ordinance is payable is less than the pension, as increased by the provisions of the Act, which would have been payable had the officer died in similar circumstances on the 31st March, 1952, the pension payable shall be increased by the amount that will render the total pension payable equal to that, as so increased, payable had the officer so died on the 31st March, 1952.

(2) Where an officer continued to contribute after the first April, 1952, the pension which is payable under the provisions of the Pensions (Widows and Orphans) Ordinance shall, for the purposes of this paragraph, be deemed to be the registered pension which would have been payable under that Ordinance had the officer contributed after 1st April, 1952, the full contribution which under the provisions of that Ordinance he was eligible to contribute.⁶⁽⁶⁾

5. Where a person is in receipt of a pension under the Pensions (European Officers) Ordinance, the Pensions (Non-European Officers) Ordinance or the Pensions (Widows and Orphans) Ordinance, and is also in receipt of a pension from the funds of any other Colonial Government, the pensions shall be aggregated for the purpose of determining the percentage by reference to which the authorised increase of a pension is to be calculated, but the authorised increase payable under this Act shall not exceed a sum which bears to the increase calculated on the aggregated pensions the same proportion as the pension payable under the Pensions (European Officers) Ordinance, the Pensions (Non-European Officers) Ordinance or the Pensions (Widows and Orphans) Ordinance bears to the aggregate of the pensions of which that person is in receipt.⁷⁽⁷⁾

6. Where a person is in receipt of a pension under the Pensions (European Officers) Ordinance or the

Pensions (Non-European Officers) Ordinance, and the husband or wife of that person is also in receipt of a pension under that Ordinance, such pensions shall not be aggregated for the purpose of determining the percentage by reference to which the authorised increase is to be calculated.

7. Where there are more persons than one receiving pensions under the Pensions (Widows and Orphans) Ordinance in respect of the same contributor, then each of the pensions shall, for the purpose of determining the percentage by reference to which the authorised increase is to be calculated, be deemed to be of an amount equal to the aggregate amount of those pensions.

8. Where under a law for the time being in force a pension is not payable to the pensioner, but is payable to some other person, the pensioner shall, for the purposes of this Schedule, be deemed to be in receipt of that pension.

Endnotes

1 (Popup - Footnote)

1. This Act was enacted as the Pensions (Increase) Ordinance, 1948 (No. 2 of 1948). It came into force on 1st April, 1948 and re-issued as [Cap. 33](#) of the 1951 Edition of the Laws of the Gold Coast.

2 (Popup - Footnote)

2. The Pensions (European Officers) and The Pensions (Non-European Officers) Ordinances were respectively Caps, 29 and 30 in the 1936 Revised Edition. These Ordinances were replaced by [Cap. 30](#) in the 1951 Revised Edition.

3 (Popup - Footnote)

3. Substituted by section 2 of No. 43 of 1950, and amended by [section 2](#) of the Pensions (Increase) (Amendment) Ordinance, 1952.

4 (Popup - Footnote)

4. Substituted by [section 3](#) of the Pensions (Increase) (Amendment) Ordinance, 1952.

5 (Popup - Footnote)

5. Substituted by [section 3](#) of the Pensions (Increase) (Amendment) Ordinance, 1952.

6 (Popup - Footnote)

6. Substituted by [section 3](#) of the Pensions (Increase) (Amendment) Ordinance 1952.

7 (Popup - Footnote)

7. Amended by section 2 of No. 43 of 1950 and amended by the Pensions (Increase) (Amendment) Ordinance, 1952.