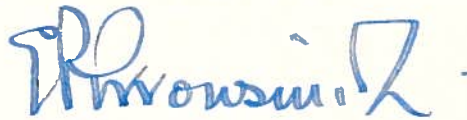
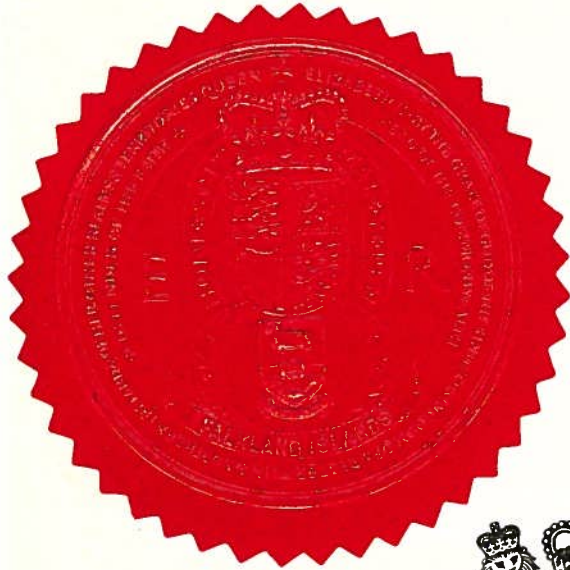


Assented to in Her Majesty's name this 11th day of
May, 1959.


Governor.



No. 12



1959.

Colony of the Falkland Islands.

IN THE EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II.

EDWIN PORTER ARROWSMITH, C.M.G.,
Governor.

An Ordinance

To provide for the increase of pensions payable in respect of public service in pensionable offices in the Colony. Title.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows:— Enacting clause.

1. This Ordinance may be cited as the Pensions (Increase) Ordinance, 1959. Short title.

2. (1) In this Ordinance, unless the context otherwise requires — Interpretation.

“authorised increase” means an increase of pension authorised by this Ordinance;

“basic rate” in relation to any pension means the annual rate of that pension apart from any increase granted under this Ordinance;

“Scheduled Government” shall have the same meaning as in the Pensions Regulations, 1949.

“pension” means a pension payable under the Pensions Ordinances, 1906, 1927, 1937 and 1949 or any of them, but does not include any gratuity or any sum payable otherwise than by way of periodical payments and accordingly, the provisions of this Ordinance shall not apply to any pension which has been commuted, and where a part of a pension has been commuted these provisions shall not apply to that part;

“dependant” means, in relation to any pensioner, any person other than the pensioner who is wholly or mainly supported by the pensioner and whose total income from any other source does not exceed £52 a year for the purpose of section 3 or 4 of this Ordinance or £104 a year for the purpose of section 5 of this Ordinance being either –

- (a) a person who has not attained the age of 16 years, or who, if he has attained that age, is receiving full time instruction at any educational establishment or is undergoing training for any trade, profession or vocation; or
- (b) the father, mother, brother, sister, child, uncle or aunt of the pensioner, or of the deceased husband or wife of the pensioner; or
- (c) the child of any such person as is mentioned in the foregoing paragraph; or
- (d) the stepfather or stepmother of the pensioner.

(2) For the purposes of this Ordinance the income of a married pensioner shall be deemed to include the income of the husband or wife of the pensioner.

Increase of pensions as from the 1st January, 1944 to the 30th November, 1946.

3. (1) Subject to the provisions of this Ordinance any pension payable before the 1st January, 1944 may in respect of any period on or after the 1st January, 1944, and before the 1st December, 1946, be increased by an amount calculated in accordance with the provisions of the First Schedule.

(2) No increase shall be payable under this section unless the Governor is satisfied that the total income (disregarding the first £52 thereof accruing otherwise than in respect of a Colonial Service pension) does not exceed in the case of a pensioner who is married or has at least one dependant £300 a year and in the case of any other pensioner £225 a year.

Increase of pensions as from 1st December, 1946.

4. (1) Subject to the provisions of this Ordinance where an officer has retired –

- (a) from the service of the Falkland Islands before the 1st December, 1946 or
- (b) from the service of a Scheduled Government before the effective date of the first general revision of salaries by that Government after the 31st December, 1944,

his pension may in respect of any period beginning on or after the 1st day of December, 1946, be increased by an amount calculated in accordance with the provisions of the Second Schedule, and may in respect of any period beginning on or after the 1st day of January, 1957, be further increased in the case of a pensioner who is unmarried by the difference between the amount prescribed by the said Schedule in the case of a pensioner who is married and that prescribed in the case of one who is unmarried.

(2) No increase shall be payable under this section in respect of any period before the 1st day of January, 1957, unless the Governor is satisfied that the total income (disregarding the first £52 thereof accruing otherwise than in respect of a Colonial Service pension) does not exceed in the case of a pensioner who is married or has at least one dependant £450 a year and in the case of any other pensioner £350 a year, but on and after the 1st January, 1957, any restriction on the making of such an increase, or on the amount of the increase, by reference to the income or pension of the pensioner shall cease to have effect :

Increase of pensions as from 1st April, 1953.

5. (1) Subject to the provisions of this Ordinance where an officer has retired –

- (a) from the service of the Falkland Islands before the 1st April, 1953, or

- (b) from the service of a Scheduled Government before the effective date of the second general revision of salaries by that Government after the 31st December, 1944,

his pension may in respect of any period beginning on or after the 1st day of April, 1953, be increased to the extent prescribed by the Third Schedule, and may in respect of any period beginning on or after the 1st day of January, 1957, be further increased in the case of a pensioner who is unmarried by the difference between the amount so prescribed in the case of a pensioner who is married and that prescribed in the case of one who is unmarried.

(2) No increase shall be payable under this section in respect of any period before the 1st day of January, 1957, unless the Governor is satisfied that the total income (disregarding the first £104 thereof accruing otherwise than in respect of a Colonial or Service pension) does not exceed in the case of a pensioner who is married or has at least one dependant £550 a year and in the case of any other pensioner £425 a year, but on and after the 1st January, 1957, any restriction on the making of such an increase, or on the amount of the increase, by reference to the income of the pensioner shall cease to have effect.

6. Subject to the provisions of this Ordinance where an officer has retired –

Increase of pensions as from 1st January, 1957.

- (a) from the service of the Falkland Islands before the 1st January, 1957, or
- (b) from the service of a Scheduled Government before the effective date of the second general revision of salaries by that Government after the 31st December, 1944,

his pension may in respect of any period on or after the 1st January, 1957 be increased by ten per cent of the basic rate thereof or one hundred pounds a year whichever is the less.

7. No increase shall be payable under this Ordinance unless the pensioner –

Restriction on increase of pensions.

- (a) has attained the age of 55 years; or
- (b) has not attained the age of 16 years; or
- (c) has retired on account of physical or mental infirmity; or
- (d) is to the satisfaction of the Governor-in-Council incapacitated from engaging in full-time employment; or
- (e) is a woman with at least one dependant; or
- (f) is a woman whose pension is payable in respect of her deceased husband and has attained the age of 40 years.

8. Where a pensioner, in addition to a pension to which this Ordinance applies is in receipt of a pension from one or more Scheduled Governments, other than the Government of the United Kingdom, the Overseas Audit Department (Home Establishment) or the Crown Agents for Oversea Governments and Administrations, then for the purposes of this Ordinance all those pensions shall be aggregated and the amount which would have been the authorised increase of a single pension equal to that aggregate shall be apportioned between all the pensions in the proportions which they bear to one another, and the amount so apportioned to any pension to which this Ordinance applies shall be the authorised increase of that pension.

Increases of pensions where service was not wholly in the Colony.

9. The Governor in Council may, by notice in the Gazette vary from time to time the rates of increase under the provisions of this Ordinance.

Variations of rates of increases.

10. The provisions of this Ordinance shall have effect notwithstanding anything contained in subsections (1) and (2) of section 9 of the Pensions Ordinance (Chapter 49).

Limitation in Pensions Ordinance on maximum pension not to apply.

FIRST SCHEDULE

1. Where a pensioner is married, or is unmarried with at least one dependant then –
 - (a) if the pension does not exceed £100 a year, the authorised increase shall be 30 per cent of the total amount of the pension;
 - (b) if the pension exceeds £100 a year but does not exceed £200 a year the increase shall be 25 per cent of the amount of the pension; and
 - (c) if the pension exceeds £200 a year the authorised increase shall be 20 per cent of the amount of the pension.
2. Where the pensioner is unmarried, then –
 - (a) if the pension does not exceed £75 a year the authorised increase shall be 30 per cent of the amount of the pension;
 - (b) if the pension exceeds £75 a year but does not exceed £150 a year, the authorised increase shall be 25 per cent of the amount of the pension; and
 - (c) if the pension exceeds £150 a year, the authorised increase shall be 20 per cent of the amount of the pension.

SECOND SCHEDULE

1. Where a pensioner is married, or is unmarried with at least one dependant then –
 - (a) if the pension does not exceed £100 a year, the authorised increase shall be 40 per cent of the amount of the pension;
 - (b) if the pension exceeds £100 a year but does not exceed £133 : 6 : 8 a year, the authorised increase shall be the amount of £40 a year;
 - (c) if the pension exceeds £133 : 6 : 8 a year but does not exceed £200 a year, the authorised increase shall be 30 per cent of the amount of the pension;
 - (d) if the pension exceeds £200 a year but does not exceed £390 a year, the authorised increase shall be the amount of £60 a year; and
 - (e) if the pension exceeds £390 a year, the authorised increase shall be the amount which is necessary to increase the pension to £450 a year.
2. Where a pensioner is unmarried –
 - (a) if the pension does not exceed £75 a year, the authorised increase shall be 40 per cent of the amount of the pension;
 - (b) if the pension exceeds £75 a year but does not exceed £100 a year, the authorised increase shall be the amount of £30 a year;
 - (c) if the pension exceeds £100 a year but does not exceed £150 a year, the authorised increase shall be 30 per cent of the amount of the pension;
 - (d) if the pension exceeds £150 a year but does not exceed £305 a year, the authorised increase shall be the amount of £45 a year;
 - (e) if the pension exceeds £305 a year, the authorised increase shall be the amount which is necessary to increase the pension to £350.

THIRD SCHEDULE

The authorised increase shall be –

- (a) where a pensioner is married, or is unmarried with at least one dependant, £26 a year;
- (b) where a pensioner is unmarried, £20 a year;

Provided that the authorised increase shall not in any case exceed one third of the annual rate of pension together with any authorised increase payable under section 4 of this Ordinance.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.


Clerk of the Legislative Council.