

Statutory Instrument 23 of 2005.

Ex-Political Prisoners, Detainees and Restricttees (Pension Scheme) Regulations, 2005

IT is hereby notified that the Minister of Public Service, Labour and Social Welfare, with the approval of the Minister of Finance and Economic Development, has, in terms of section 7 of the Ex-Political Prisoners, Detainees and Restricttees Act [Chapter 17:10], made the following regulations:—

1. Title

These regulations may be cited as the Ex-Political Prisoners, Detainees and Restricttees (Pension Scheme) Regulations, 2005.

2. Interpretation

(1) In these regulations—

“dependant child” includes a step-child, legally adopted child or child born posthumously, who has not attained the age of eighteen years and is or was, at the date of death of the ex-political prisoner, detainee or restricttee, dependent upon him or her for support;

“surviving spouse” means—

- (a) a widow or widower of an ex-political prisoner, detainee or restricttee; or
- (b) any person with whom an ex-political prisoner, detainee or restricttee, was, in the opinion of the Director, living as man and wife at the death of the ex-political prisoner, detainee or restricttee and for a reasonable period before that date was wholly or partly maintained by the ex-political prisoner, detainee or restricttee.

3. Ex-political prisoners, detainees and restricttees pension

(1) An ex-political prisoner, detainee or restricttee shall, with effect from the 1st February 2005, be entitled to a monthly pension at a rate of one million three hundred and twenty-six thousand six hundred and eighty dollars which shall, subject to these regulations, be payable until the death of the ex-political prisoner, detainee or restricttee, as the case may be.

(2) Where at the time of his death a registered ex-prisoner, detainee or restricttee was in receipt of a pension in terms of this section or would, but for his death, have been entitled to a pension in terms of this section, a pension shall be payable to— (a) the surviving spouse; and

(b) any dependant child; of the deceased ex-political prisoner, detainee or restricttee.

4. Rate of pension for surviving spouse and children

(1) A surviving spouse shall be entitled to a pension equal to fifty-five per centum of the pension to which the deceased ex-political prisoner, detainee or restricttee was or would have been entitled.

(2) If a deceased ex-political prisoner, detainee or restricttee is survived by a spouse and dependant children, there shall be paid in respect of the children a pension equal to the following percentages of the pension payable to the surviving spouse—

- (a) in respect of one child, twenty-five *per centum*;
- (b) in respect of two children, forty *per centum*;
- (c) in respect of three children, fifty *per centum*;
- (d) in respect of four children, sixty *per centum*;
- (e) in respect of five or more children, sixty-six and two thirds *per centum*.

(3) If a deceased ex-political prisoner, detainee or restricttee leaves no surviving spouse but is survived by one or more dependant children, a pension equal to the following percentages of the pension which would have been payable to the surviving spouse shall be payable—

- (a) in respect of one child, fifty *per centum*;
- (b) in respect of two children, eighty *per centum*;
- (c) in respect of three children, one hundred *per centum*;
- (d) in respect of four children, one hundred and twenty *per centum*;
- (e) in respect of five or more children, one hundred and thirty-three and one-third *per centum*.

(4) A pension payable in terms of subsections (2) and (3) shall be paid to such person or persons as shall in each case be determined by the Director and shall, in accordance with his or her determination, be paid in respect of one child or apportioned between two or more of the children.

(5) If a child dies or ceases to be a dependant child, the pension payable in terms of subsection (2) or (3) shall cease or, if there are other children, shall be adjusted accordingly.

5. Supplementary benefits

If a deceased ex-political prisoner, detainee or restrictee is survived by a spouse there shall be paid to that surviving spouse for each month for a period of twelve months after the death of the ex-political prisoner, detainee or restrictee an amount equal to the difference between the monthly rate of the pension of the deceased ex-political prisoner, detainee or restrictee immediately before his death and the monthly rate of the aggregate of—

- (a) any pension payable to that surviving spouse and any additional pension payable to the surviving spouse;
and
- (b) any pension payable in respect of any child of that deceased ex-political prisoner, detainee or restrictee and any additional pension payable in respect of any child.