

SUBSIDIARY LEGISLATION 318.01

OLD AGE PENSIONS REGULATIONS

2nd August, 1948

GOVERNMENT NOTICE 443 of 1948, as amended by Emergency Ordinance VI of 1958, Ordinance XXV of 1962, and Act XLIV of 1965.

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| <p>1. The title of these regulations is the Old Age Pensions Regulations.</p> | <p>Title.</p> |
| <p>2. In these regulations, unless the context otherwise requires -</p> <p>"the Act" means the Social Security Act;</p> <p>"claim" means a claim to a pension;</p> <p>"claimant" means a person by whom or on whose behalf a claim has been made;</p> <p>"pension" means an old age pension under the Act;</p> <p>"pensioner" means a person in receipt of a pension.</p> | <p>Interpretation.</p> <p>Cap. 318.</p> |
| <p>3. (1) Any notice or other intimation requires or authorised to be sent for the purposes of these regulations shall be in writing.</p> <p>(2) Any notice or other intimation and any document required or authorised to be sent to any person for the purposes of these regulations shall be deemed to have been duly sent if transmited by post, addressed to that person at his last known ordinary address.</p> | <p>Notice to be in writing.</p> |
| <p>4. For the purpose of the Act and of these regulations, such forms shall be used as the Minister may from time to time direct.</p> | <p>Forms.</p> <p><i>Amended by:</i>
<i>Em. Ord. VI of 1958;</i>
<i>Ord. XXV of 1962.</i></p> |
| <p>5. (1) Every person who desires to make a claim must fill in and sign a form of claim and deliver or send it to the Director of Social Services or to such other officer as may be designated by the Minister for the purpose. Where a claim is not duly completed and signed when so received it shall none the less be treated as a valid claim, if it is returned duly completed and signed within one month of the date on which it was returned to the claimant for completion.</p> <p>(2) An illiterate person or a person who through physical causes is unable to write shall cause the form of claim to be filled in, and he shall then mark the form of claim so filled in, or, if physically unable to do so, shall cause it to be marked on his behalf.</p> <p>(3) The Minister shall furnish to every Police station and office of the Ministry printed forms of claim, and every officer in charge of such station or office shall, on application being made to him for the purpose, supply a form of claim <i>gratis</i> to any person who desires to make a claim.</p> <p>(4) Every such officer shall, if any person who desires to make a claim request him so to do, give to that person such information</p> | <p>Making of claims.</p> <p><i>Em. Ord. VI of 1958;</i>
<i>Ord. XXV of 1962;</i>
<i>Act XLIV of 1965.</i></p> |

and such assistance in filling in the form of claim as is in his power to give and as may be necessary to enable that person to fill in the form properly.

Investigation and determination of claims.
Em. Ord. VI of 1958;
Ord. XXV of 1962;
Act XLIV of 1965.

6. (1) The Director of Social Services shall keep a register of all claims referred to him, and forthwith on receiving any claim shall, subject to these regulations, cause the claim to be registered. He shall cause each claim to be numbered in such manner as may be directed by the Minister from time to time.

(2) The Director of Social Services shall also keep proper records of every decision on or in reference to any claim entered in his register, or on or in reference to any question raised in connection with any pension allowed on any such claim, or on or in reference to any application made for the revocation or alteration of the provisional allowance of a claim.

Investigation.
Amended by:
Act XLIV of 1965.

7. As soon as may be after receiving any claim, the Director of Social Services shall take all necessary steps for investigating and ascertaining whether the claimant is entitled to a pension, and, if so, at what rate:

Provided that -

- (a) where a claim made by the claimant within the previous six months has been disallowed and the claimant does not show *prima facie* to the satisfaction of the Director of Social Services that the grounds for that disallowance are no longer tenable; or
- (b) where a claim on the face of it discloses that the claimant does not fulfill the statutory conditions,

the Director of Social Services shall not be bound to investigate the claim.

Determination of age.

8. For the purposes of determining the age of any person, regard may be had to any of the following, namely:

- certificate of birth;
- certificate of baptism;
- any other evidence which appears sufficient for the purpose.

Decision.
Amended by:
Act XLIV of 1965.

9. (1) The Director of Social Services shall give his decision on each claim as soon as may be, and on having done so shall forthwith send notice thereof to the claimant.

(2) In each case of disallowance of a claim, the notice of the decision to be sent to the claimant shall state the grounds of the disallowance.

Allowance of claim.
Amended by:
Act XLIV of 1965.

10. In each case of allowance of a claim, the Director of Social Services shall establish the weekly rate of pension to which the claimant is entitled and shall specify that rate in the notice of his decision.

Making of claim for future date.
Amended by:
Act XLIV of 1965.

11. (1) If it appears to any person that although for the time being he is not entitled to any pension he will nevertheless become entitled to a pension at some future date, he may make a claim at any time not longer than three months before that future date.

(2) If the Director of Social Services is satisfied that the claimant is likely to be entitled to a pension at any time within three months of the date on which the claim has been received by the Director of Social Services, he may allow the claim provisionally so that it will take effect on a stated future date not later than three months from the date of the receipt of the claim by the Director of Social Services.

12. (1) If a person desires to raise any question as to the fulfillment or the continued fulfillment of the statutory conditions, or as to the disqualification of a pensioner, or as to the rate or a pension, or as to the receipt at any time by a person of a pension when that person was not entitled to receive a pension, or a pension at that rate, or to make an application for the alteration or revocation of the provisional allowance of a claim for a pension, that person may do so by sending to the Director of Social Services a written statement of the question or written application as the case may be, together with a summary of any evidence in support of his allegations, and the Director of Social Services shall investigate, and, subject to the provisions of this regulation, treat the question or application in the same manner, *mutatis mutandis*, as he is by these regulations required to treat a claim:

Provisions as to questions and applications.
Amended by:
Act XLIV of 1965.

Provided that the Director of Social Services shall not be bound to investigate the question or the application in any case in which -

- (a) the evidence adduced by the person in support of the allegations made is not, in the opinion of the Director of Social Services, substantial; or
- (b) less than six months have elapsed since the pension was granted or since a similar question was determined.

(2) Where under the provisions of the Act, payment of a pension is discontinued upon the raising of a question as to the disqualification of the pensioner, the Director of Social Services shall notify the pensioner of the alleged reasons for disqualification and that payment of the pension will be suspended pending the decision of the question.

(3) If it appears at any time that a pensioner who is in receipt of a pension at a certain rate will at some future date become entitled to a pension at a higher or at a lower rate, a question as to the rate at which the pension should be paid as from that future date may be raised at any time not longer than three months before that future date, and if the Director of Social Services is satisfied that the pension will become payable at a different rate at any time within three months from the date on which the question is raised, the Director of Social Services may provisionally determine that the pension shall, as from a stated date, not being more than three months later than the date on which the question is raised, be paid at a stated different rate, and any such provisional determination shall as from the stated date unless previously revoked or altered take effect according to the terms thereof.

Evidence or information.
Amended by:
Act XLIV of 1965.

13. For the purpose of determining any claim, question, or application which is to be determined by him, the Director of Social Services may have regard to any such evidence or information as in his opinion is sufficient for the purpose, and is, in his opinion, the best evidence or information which it is reasonably possible to obtain.

Returns.
Amended by:
Em. Ord. VI of 1958;
Ord. XXV of 1962;
Act XLIV of 1965.

14. The Director of the Public Registry shall, once in every week, send to the Director of Social Services a return, in such form as the Minister may decide, of all deaths of persons of the age of sixty years or upwards which have been registered by him in the week immediately preceding that to which the return relates.

Payment of pensions.
Amended by:
Act XLIV of 1965.

15. (1) Subject as hereinafter provided, pensions shall be paid to the pensioner at such office of the Ministry as the Director of Social Services may from time to time determine.

(2) In respect of every decision under which a pension becomes or continues to be payable, the Director of Social Services shall cause to be sent to the pensioner written authority to draw the pension, and an intimation of the arrangements for the payment of that pension in so far as they affect the pensioner.

(3) The pensioner shall furnish periodically a written statement, in such form and at such times as the Director of Social Services may determine, with respect to the pension continuing to be payable to him; the provisions contained in regulation 5 shall, in so far as applicable, apply to such statements.

(4) Notwithstanding anything in this regulation, the Director of Social Services may in any particular case arrange for the payment of the pension otherwise than through an office of the Ministry.

Death of person entitled to a pension.
Amended by:
Act XLIV of 1965.

16. Upon the death of a person entitled to a pension, any person having possession or thereafter obtaining possession of a written authority to draw that pension shall deliver to the Director of Social Services the authority issued under regulation 15(2).

Sum payable on death.
Amended by:
Act XLIV of 1965.

17. (1) In this regulation and in regulation 18, unless the context otherwise requires, "sum payable on death" means -

- (a) in the case of the death of a pensioner, any sum which became payable on account of the pension within the three months preceding the date of death but has not been paid; or
- (b) in the case of the death of a claimant of a pension, any sum which, if the claim had been allowed immediately before his death, would have become payable on account of the pension up to the date of death.

(2) Notwithstanding anything contained in the Act but subject to the provisions of these regulations, the Director of Social Services may, if a claim to a sum payable on death is made to him within three months of the death of the pensioner or, as the case may be, of the claimant of the pension, make payment of the sum payable on death.

18. (1) On the death of any pensioner or, as the case may be, of any claimant to a pension, any sum payable on death in respect of that person may be paid or distributed by the Director of Social Services even if judicial declaration of the opening of succession or other proof of the title of the beneficiaries under the succession of the deceased is not available, but nothing herein contained shall authorise the Director of Social Services, where he has not already made payment of the sum payable on death, to refuse payment of such sum to any person entitled thereto who produces proof of title.

How sum payable
on death is paid.
Amended by:
Act XLIV of 1965.

(2) Where the sum payable on death is payable to persons appearing to the Director of Social Services to be beneficially entitled thereto under any will or other testamentary instrument, the sum payable on death may be paid to or distributed among such of the persons aforesaid as the Director of Social Services thinks proper and such payment or distribution shall be to the exclusion of payment to all others but without prejudice to any remedy which such others may have for recovery in whole or in part of the sums so paid or distributed as aforesaid against the person or persons who received payment.

(3) If a pensioner or, as the case may be, a claimant of a pension dies intestate, any sum payable on death in respect of that person may be paid or distributed by the Director of Social Services to or among such persons as appear to him, upon such evidence submitted to him as he may deem satisfactory, to be beneficially entitled to receive that sum, whether as next of kin or otherwise according to law or as creditors of the funeral expenses or death-bed expenses of the deceased person, or may be paid to or distributed among such of the persons aforesaid as the Director of Social Services thinks proper and such payment or distribution shall be to the exclusion of payment to all others:

Provided that, in the case of illegitimacy of the pensioner or, as the case may be, of the claimant of the pension or of any child of his, such person as in the opinion of the Director of Social Services would have been entitled to the sum payable on death if the deceased person or any child of his had been legitimate, may for the purposes of this proviso be treated as a person beneficially entitled thereto.

(4) Where any person who is a minor is entitled to receive any sum payable on death in accordance with the provisions of this regulation and it is shown to the satisfaction of the Director of Social Services that that sum is needed for the benefit of such child, the Director of Social Services may pay that sum or any part thereof to any person who may satisfy him that the recipient will apply such money for the benefit of such child, and the receipt of such recipient shall be a good discharge to the Director of Social Services for the sum so paid.

(5) Upon making any payment in accordance with the provisions contained in this regulation, the Director of Social Services shall be discharged from all liability in respect of any sum or sums so paid.

Repayment of sums.
Amended by:
Em. Ord. VI of 1958;
Ord. XXV of 1962;
Act XLIV of 1965.

19. When a pensioner is liable to repay any sums due under the provisions of the Act, and the Minister directs that those sums or any part of them be deducted from the sums to which that person will become entitled on account of a pension, the deduction shall be made by withholding, as the Director of Social Services shall deem fit, either the whole or a part of the payments on account of the pension until the total of the sums withheld amounts to the total of the sums so directed to be deducted.

Appointment of administrator.
Amended by:
Act XLIV of 1965.

20. (1) Where any person, being either a person who is alleged to be entitled to a pension or a claimant of a pension or a pensioner, is by reason of any mental or other incapacity unable to act and his estate is not being administered by any tutor, curator, or other guardian acting or appointed in terms of law, an application to the Director of Social Services may be made in accordance with the provisions of this regulation for the appointment of an administrator (whether he be the applicant or some other person) to exercise on behalf of the person unable to act any right to which that person may be entitled under the Act, and to receive on behalf and for the benefit of that person any sum which may become payable to that person by way or on account of a pension.

(2) On receipt of any such application as aforesaid, if the Director of Social Services is satisfied that the person proposed to be appointed is a fit and proper person to act for the purposes of this regulation on behalf of the person unable to act and is willing so to act the Director of Social Services may appoint the person proposed accordingly:

Provided that -

- (a) no person being an officer or servant of the Ministry and no person under eighteen years of age shall be capable of being appointed to act under this regulation; and
- (b) the Director of Social Services may at any time in his absolute discretion revoke any appointment made under this regulation; and
- (c) any person appointed under this regulation, may, on giving the Director of Social Services one month's notice of his intention so to do, resign his office.

Oath.
Amended by:
Act XLIV of 1965.

21. For the purpose of these regulations and in connection with the lawful discharge of his duties under the regulations, the Director of Social Services shall have the power to administer an oath to any person.

State-owned or state-subsidized hospitals.
Amended by:
Em. Ord. VI of 1958;
Ord. XXV of 1962;
Act XLIV of 1965.

22. The Superintendent or other person in charge of a state-owned or state-subsidized hospital or institution for old persons shall render to the Director of Social Services a return, in such form as the Minister may decide, in respect of each person who has attained the age of sixty years who is admitted as an inmate to the hospital or institution or discharged therefrom, and in respect of each inmate who attains the age of sixty years whilst an inmate a return shall similarly be rendered by the Director of Prisons in respect of any such person detained in prison in pursuance of an order made on his conviction for an offence and

directing him to be imprisoned without the option of a fine or to suffer any greater punishment.
