

REPRINT

PENSIONS (INCREASE) ACT (CAP. 108)

As in force at: 1 March 1996

STATUS: HISTORICAL

This version is that published in the Revised Edition of the Laws in force in Solomon Islands on 1st March 1996 [LN 24/96]. It does not include amendments made since that date.

AN ACT TO PROVIDE FOR AN INCREASE IN PENSIONS

PENSIONS (INCREASE) ACT (CAP. 108)

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PENSIONS (INCREASE) ACT (Cap. 108)

As in force at: 1 March 1996

1 Short title

This Act may be cited as the *Pensions (Increase) Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“adjusted rate” of any pension means the basic rate thereof plus any authorised increase or increases thereof;

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

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

“pension” means a pension payable under the provisions of the *Pensions Act* or under the provisions of any law relating to the granting of pensions to public officers which was in force before the date of commencement of the *Pensions Act* and which was repealed and replaced by that Act, but does not include any gratuity or any sum payable otherwise than by way of periodical payments, and accordingly the provisions of this Act 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;

“Scheduled Administration” shall have the same meaning as in the Pensions Rules made under section 4 of the *Pensions Act*.

3 Increase of pensions of officers retiring before the 1st January, 1946

Subject to the provisions of this Act, where an officer has retired:

- (a) from the service of the Protectorate before the 1st January, 1946; or

- (b) from the service of a Scheduled Administration 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 January, 1960, be increased in accordance with the following scale:

- (i) if the pension does not exceed two hundred and fifty dollars a year, the authorised increase shall be forty *per centum* of the amount of the pension;
- (ii) if the pension exceeds two hundred and fifty dollars a year but does not exceed three hundred and thirty-three dollars and thirty-three cents a year, the authorised increase shall be the amount of one hundred dollars a year;
- (iii) if the pension exceeds three hundred and thirty-three dollars and thirty-three cents a year but does not exceed five hundred dollars a year, the authorised increase shall be thirty *per centum* of the amount of the pension;
- (iv) if the pension exceeds five hundred dollars a year, the authorised increase shall be the amount of one hundred and fifty dollars a year.

4 Increase of pensions of officers retiring before the 1st January, 1950

Subject to the provisions of this Act, where an officer has retired:

- (a) from the service of the Protectorate before the 1st January, 1950; or
- (b) from the service of a Scheduled Administration 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 January, 1960, be increased by:

- (i) sixty-five dollars a year, subject to a maximum of one-third

of the annual rate of pension calculated by taking into account any authorised increase payable under section 3 of this Act; and

- (ii) ten *per centum* of the basic rate of the pension or two hundred and fifty dollars a year whichever is the less.

5 Increase of pensions of officers retiring before the 1st April, 1958

Subject to the provisions of this Act, where an officer has retired:

- (a) from the service of the Protectorate before the 1st April, 1958

his pension may in respect of any period beginning on or after the 1st January, 1960, be increased by an amount equal to the following percentage of the adjusted rate of that pension, that is to say:

- (i) if the pension began not later than the 31st December, 1953, twelve *per centum*;
- (ii) if the pension began after the last-mentioned date but not later than the 31st March, 1958, six *per centum*; or

- (b) from the service of a Scheduled Administration,

his pension may in respect of any period beginning on or after the 1st January, 1960, be increased by an amount equal to the following percentage of the adjusted rate of that pension, that is to say:

- (i) if the pension began before the effective date of the third general revision of salaries by that Government after the 31st December, 1944, twelve *per centum*;
- (ii) if the pension began before the effective date of the fourth general revision of salaries by that Government after the 31st December, 1944, six *per centum*.

6 Further increase of pensions with effect from 1st October, 1964

- (1) Subject to the provisions of this Act, an officer's pension may, in respect of any period beginning on or after the 1st October, 1964, be

increased by:

- (a) an amount equal to twelve *per centum* of the adjusted rate of that pension, if he retired before the 1st April, 1958;
- (b) fifty dollars a year, if he retired before the 1st April, 1958, and has attained the age of seventy years:

Provided that no increase under this paragraph shall exceed twenty-five *per centum* of the adjusted rate of that pension prior to any increase thereof under paragraph (a);

- (c) an amount equal to six *per centum* of the adjusted rate of that pension, if he retired on or after 1st April, 1958, but before 1st April, 1961;
- (d) twenty-five dollars a year, if he retired on or after the 1st April, 1958, but before the 1st April, 1961, and has attained the age of seventy years:

Provided that no increase under this paragraph shall exceed twenty-five *per centum* of the adjusted rate of that pension prior to any increase thereof under paragraph (c).

- (2) In this section "adjusted rate" in relation to a pension shall not include any increase thereof under paragraphs (b) or (d) of subsection (1).
- (3) This section shall be deemed to have come into operation on the 1st October, 1964.

7 Further increase of pensions with effect from 1st January, 1967

- (1) Subject to the provisions of this Act, an officer's pension may, in respect of any period beginning on or after the 1st January, 1967, be increased by an amount equal to:
 - (a) sixteen *per centum* of the adjusted rate of that pension, if he retired before the 1st April, 1958;
 - (b) twelve *per centum* of the adjusted rate of that pension, if he retired on or after the 1st April, 1958, but before the 1st April, 1961;

- (c) six *per centum* of the adjusted rate of that pension, if he retired on or after the 1st April, 1961, but before the 1st October, 1965.
- (2) In this section “adjusted rate” in relation to a pension shall include any increase thereof under paragraphs (b) or (d) of section 6(1) whether or not the officer became eligible for such increase before the 1st January, 1967.
- (3) This section shall be deemed to have come into operation on the 1st January, 1967.

8 Further increase of pensions

Subject to the provisions of this Act, an officer’s pension may, in respect of any period beginning on or after the 1st April, 1977, be increased in accordance with the Schedule to this Act.

9 Restriction on increase of pensions

No increase shall be payable under this Act unless the pensioner:

- (a) has attained the age of fifty-five years; or
- (b) has not attained the age of sixteen years; or
- (c) has retired on account of physical or mental infirmity; or
- (d) is to the satisfaction of the Governor-General 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 forty years.

10 Increases of pensions where service was not wholly under the Government of the Protectorate

Where a pensioner, in addition to a pension to which this Act applies, is in receipt of a pension from one or more Scheduled Administrations, 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

purpose of computing an increase under section 3 or section 4 or section 6 or section 7 or section 8 or section 13 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 Act applies shall be the authorised increase of that pension.

11 Limitation in Pensions Ordinance on maximum pension not to apply

The amount of any increase awarded in accordance with this Act shall not be taken into account for the purposes of section 12 of the *Pensions Act*.

12 Savings of rights

Where it would be to his advantage a person shall, in lieu of any increase payable under this Act, continue to be paid such increase as he was receiving immediately prior to the commencement of this Act and the conditions upon which such increase became payable shall continue to apply.

13 Future reviews and increases

- (1) Subject to the provisions of this section, the Governor-General, as soon as may be after 31st March in the year 1979 and every year thereafter, shall cause to be reviewed the rates of officers' pensions against any rise there may have been in the Salary Increase index during the review period; and if it is found that in the review period the Salary Increase index has risen by four per cent or more then the Minister of Finance may make Rules providing that the annual rate of officers' pensions be increased in accordance with such Rules in respect of any period beginning on or after 1st April next following the review period and such increase shall be statutory expenditure for the purposes of section 101 of the *Constitution*.
- (2) Any Rules made by the Minister of Finance shall be laid before Parliament at its meeting next following the date of the making of such Rules.

(3) In this section:

“the review period” shall mean the two years ending on 31st March 1979, and thereafter each year ending on 31st March;

“Salary Increase index” shall mean the index of salaries in Government service prepared from time to time by the Government Statistician.

14 Increases to be paid from the Consolidated Fund

The cost of the increases authorised by this Act shall be met from the Consolidate Fund.

SCHEDULE

(Section 8)

A. PENSIONABLE OFFICERS IN FIRST SCHEDULE TO CAP 107

Date before which officer's pension commenced	Percentage increase in pension payable
1 April 1967	79
1 April 1969	67
1 April 1973	50
1 April 1974	45
1 April 1975	41
1 April 1976	10

B. PENSIONABLE OFFICERS IN SECOND SCHEDULE TO CAP 107

Date before which officer's	Percentage increase in
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pension commenced	pension payable
1 April 1967	138
1 April 1969	128
1 April 1973	106
1 April 1974	58
1 April 1975	40
1 April 1976	11

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 108 of the Revised Edition of the Laws of Solomon Islands.

2

LIST OF LEGISLATION

Pensions (Increase) Act (Cap. 108)

Constituent legislation: 7 of 1961 (Commenced 1 January 1960)
12 of 1967
23 of 1978

3

LIST OF AMENDMENTS