

**CHAPTER 36:03**

**OLD AGE PENSIONS ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
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**An Act to make provision for the payment of Old Age Pensions.**

1953 Ed.  
c. 63

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17 of 1944

[1ST JULY, 1944]

1. This Act may be cited as the Old Age Pensions Act.
2. In this Act—  
“appropriate authority” means—

Short title.

Interpretation.  
[42 of 1944  
4 of 1972]

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c. 36:02

(a) in respect of Georgetown, the Board of Poor Law Commissioners established under section 3 of the Poor Relief Act;

(b) in respect of any part of Guyana other than Georgetown, the local board established under section 11(4) of the Poor Relief Act which officiate in the district where the person concerned resides;

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“district” means a district declared and established under section 11(1) of the Poor Relief Act;

“pension” means an old age pension payable under this Act.

Provision for  
the payment of  
old age  
pensions.

**3.** Every person in whose case the conditions set out in section 4 as qualification for the receipt of an old age pension (hereinafter referred to as “the statutory conditions”) are fulfilled, shall be entitled to receive such pension so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Act for the receipt of the pension.

Statutory  
conditions for  
receipt of an  
old age  
pension.  
[13 of 1953]

4. The statutory conditions which shall be fulfilled by every person before he is entitled to receive a pension and which shall continue to be fulfilled while he is in receipt of a pension are—

(a) the person must have attained the age of sixty-five years;

(b) the person must satisfy the appropriate authority that he has been a Citizen of Guyana for at least ten years immediately preceding his claim for a pension;

(c) the person must have been ordinarily resident in Guyana during the twenty years immediately preceding the claim for a pension:

Provided that a person shall not be deemed to have ceased to be resident in Guyana merely by reason of any temporary absence therefrom if the aggregate period of absence does not exceed two years during the said period of twenty years; and

(d) the person must satisfy the appropriate authority that

his monthly income as calculated under this Act does not exceed such amount as may, by order, be prescribed by the Minister.

**5.** (1) In calculating the means of any person for the purposes of this Act account shall be taken of— Calculation of means.

(a) the income which that person may reasonably expect to receive in cash excluding any sum receivable as pension under this Act;

(b) the value of any property belonging to that person, not being property personally used or enjoyed by him, which is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him;

(c) the value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him, except furniture and personal effects;

(d) the value of any benefit or privilege enjoyed by that person.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall be taken to be one half of the total means of the couple and where either of the couple is, or the couple jointly are, entitled to any property, each of them shall be deemed to be entitled to one half of that property.

(3) Where a husband is separated from his wife, any sum paid to her by way of maintenance shall be deducted when calculating the husband's means.

(4) If it appears that any person has, either directly or indirectly, deprived himself of any income or property in order to qualify himself for the receipt of a pension that income, or the value of that property, shall, for the purposes of this section, be taken to be part of the means of that person.

Determination  
of claims.

**6.** (1) All claims for pension and all questions whether the statutory conditions are fulfilled in the case of any person claiming such pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such pension, or whether a person is disqualified for continuing to receive a pension, shall be considered and determined as follows:

(a) every such claim or question shall be submitted in writing by, or on behalf of, the claimant to the chairman of the appropriate authority and shall contain such particulars as may be prescribed by rules made by the Minister;

(b) it shall be the duty of every such chairman to place before the appropriate authority without delay all such claims or questions together with all such information as may be available, but it shall be incumbent on the claimant to substantiate his claim to the satisfaction of the appropriate authority;

(c) the appropriate authority shall consider as soon as possible all such claims or questions and are, for that purpose, hereby empowered to take into account all such information as may come to their knowledge, concerning the means of any person and shall thereupon decide whether or not the pension shall be paid and shall notify the claimant of the decision;

(d) in any case where the appropriate authority refuses the claim of any person for a pension they shall cause that person to be informed in writing of the ground upon which his claim was refused and they shall, if the person so requests, submit the claim for the decision of an Appeal Board constituted as hereinafter provided.

(2) The Minister may, by order, establish one or more Appeal Boards for the purposes of this section and such Board, or each such Board, as the case may be, shall consist of such number of fit and proper persons as the Minister may deem necessary.

(3) The Minister shall appoint the Chairman of the Appeal Board and may make rules to regulate the procedure of the said Board and generally to give effect to this section.

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7. Subject to section 15, where a pension is first allowed the pension shall commence to accrue at the end of the month after the date on which the claim for pension or the notice of the question as the case may be, is received by the appropriate authority or at the end of the month after the date on which the claimant first becomes entitled to the pension, whichever date is the later.

Date on which pensions commence to accrue.

8. (1) The amount of pension payable to any person under and in accordance with this Act shall be—

Amount of pension and method of payment.  
[42 of 1944  
11 of 1949  
9 of 1968  
4 of 1972]

- (a) in the case of a person ordinarily resident in Georgetown, twelve dollars per month;
- (b) in the case of a person ordinarily resident elsewhere in Guyana than in Georgetown, ten dollars per month.

(2) The National Assembly may, from time to time, by resolution (which shall be published in the *Gazette*), vary the amounts and any residential qualification prescribed by subsection (1) with effect from the date of the resolution or such earlier or later date as is specified in that behalf in the resolution.

(3) The Minister may, by regulation, prescribe—

- (a) the times or intervals of time at which the pensions shall be paid;
- (b) the manner in which the pensions shall be paid;
- (c) the places at which pensions shall be paid; and
- (d) generally, any matter which may be necessary to give effect to the intention of this section.

(4) Any regulation made under the preceding subsection may be made applicable either to the whole of Guyana or to any part of Guyana and different regulations may be made applicable to different parts of Guyana.

9. A person shall be disqualified for receiving or continuing to receive a pension, notwithstanding the fulfilment of the statutory conditions—

Persons disqualified for receiving pension.  
[14 of 1980]

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- (a) while he is an inmate of any public or charitable institution which provides him with board and lodging without charge except that while he is in a public hospital other than the Mental Hospital, only after he has been in the hospital for a period of three months; or
- (b) while he is absent from Guyana; or
- (c) while he is undergoing imprisonment.

Pensions not payable if unclaimed for three months except in special cases.  
[29 of 1961  
9 of 1968]

**10.** (1) Subject to this section, no payment of any sum on account of pension shall be made if such payment is not obtained within three months after the date on which it became payable.

(2) The Minister may direct that the time prescribed in the preceding subsection, in respect of persons resident in any specified area, or in respect of any specified class of persons or, for good reason shown, in respect of any specified person, shall be extended.

(3) A direction may be given under subsection (2) notwithstanding that the period of three months prescribed in subsection (1) has expired before the direction is given.

Pensions not assignable.

**11.** Every assignment of, or charge on, a pension and every agreement to assign or charge a pension shall be void and on the bankruptcy of a person entitled to a pension such pension shall not pass to any trustee or other person acting on behalf of the creditors.

Penalty for false statements.  
[6 of 1997]

**12.** If for the purpose of obtaining or continuing a pension, either for himself or for any other person, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction, to a fine of thirteen thousand dollars or to imprisonment for three months.

Liability to refund sums paid when pensioner was not entitled to pension.

**13.** If at any time it is found that a person has been in receipt of a pension while the statutory conditions were not fulfilled in his case such person or, in the case of his death, his personal representative, shall be liable to repay to the Accountant General any sums paid to him in respect of the pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension and the amount of those sums may be recovered as a debt due to the State.

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**14.** (1) The Minister may make regulations for the purpose of giving effect to this Act. Regulations.

(2) Without prejudice to the generality of the preceding subsection the Minister may make regulations—

- (a) prescribing the evidence required as to the fulfilment of the statutory conditions;
- (b) prescribing for the purposes of this Act the meaning of ordinary residence; and
- (c) prescribing any form required.

**15.** No person shall be entitled to receive a pension under this Act until such date as may be fixed by the Minister by notice published in the *Gazette*.

Power of Minister to fix date when payment of pensions shall commence.