

eSwatini

## Pensions (Increases) Act, 1968

Act 6 of 1968

Legislation as at 1 December 1998

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## eSwatini

# Pensions (Increases) Act, 1968

## Act 6 of 1968

Assented to on 15 July 1968

There are multiple commencements

Provisions	Status
Part I (section 1(2)); Part II (section 3(6)); Part IV (section 11(16))	commenced on 1 January 1963.
Part III (section 7(10bis))	commenced on 1 November 1967.

*[This is the version of this document at 1 December 1998.]*

An Act to make provision for increases of certain pensions payable in respect of public service.

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Pensions (Increases) Act, 1968.

#### 2. Interpretation (First Schedule)

In this Act, unless the context otherwise requires—

“**adjusted rate**”, in relation to a pension, means the basic rate together with the amount of increase authorized by the provisions of Part II other than sections 3(3), 4(3), 5(2) and 6(2), a part of a lilangeni of which amount being deemed to be a lilangeni;

“**authorized increase**” means the increase of pension authorized by this Act;

“**basic rate**”, in relation to a pension, means the annual rate of such pension apart from any increase authorized by this Act or another law;

“**designated officer**” has the same meaning as in the Overseas Service Act, [No. 55 of 1964](#);

“**Minister**” means the Minister for Finance;

“**pension**” means a pension or annual allowance payable under a specified law but does not include a gratuity or sum payable otherwise than by way of periodical payments and, accordingly—

- (a) this Act shall not apply to a pension which has been commuted; and
- (b) where a part of a pension has been commuted, this Act shall not apply to that part;

“**scheduled administration**” has the same meaning as in regulation 8 of the Pensions Regulations, scheduled to the Pensions Act, [No. 3 of 1968](#);

“**specified law**” means a law specified in the First Schedule;

“**Widows’ and Orphans’ Pensions Act**” means, depending upon which law was applicable at the relevant time

- (a) the Widows’ and Orphans’ Pensions Act, [No. 35 of 1966](#); or
- (b) the former Widows’ and Orphans’ Pensions Proclamation (Cap. 58) repealed by that Act.

## **Part II – Increases of basic rate of pension of officers retiring before 1st December, 1961**

### **3. Increase of pension of officer retiring before 1st January, 1947**

- (1) If an officer retired from service of the Government or a scheduled administration before the first day of January, 1947, his pension may, in respect of a period beginning on or after the commencement of this Part, be increased in accordance with the scale set out in subsection (2).
- (2) The scale for the purposes of subsection (1) shall be as follows—
  - (a) if the basic rate of pension does not exceed one hundred and twenty emalangeni, the authorized increase is one hundred and eighty *per centum*;
  - (b) if the basic rate of pension exceeds one hundred and twenty emalangeni but does not exceed two hundred emalangeni, the authorized increase is two hundred and sixteen emalangeni plus one hundred *per centum* of the amount by which the basic rate exceeds one hundred and twenty emalangeni;
  - (c) if the basic rate of pension exceeds two hundred emalangeni but does not exceed three hundred emalangeni, the authorized increase is two hundred and ninety-six emalangeni plus twenty *per centum* of the amount by which the basic rate exceeds two hundred emalangeni;
  - (d) if the basic rate of pension exceeds three hundred emalangeni but does not exceed four hundred emalangeni, the authorized increase is three hundred and sixteen emalangeni plus fifty *per centum* of the amount by which the basic rate exceeds three hundred emalangeni;
  - (e) if the basic rate of pension exceeds four hundred emalangeni but does not exceed one thousand emalangeni, the authorized increase is three hundred and sixty-six emalangeni plus forty *per centum* of the amount by which the basic rate exceeds four hundred emalangeni;
  - (f) if the basic rate of pension exceeds one thousand emalangeni but does not exceed two thousand emalangeni, the authorized increase is six hundred and six emalangeni plus thirty-eight *per centum* of the amount by which the basic rate exceeds one thousand emalangeni; and
  - (g) if the basic rate of pension exceeds two thousand emalangeni, the authorized increase is nine hundred and eighty-six emalangeni plus twenty *per centum* of the amount by which the basic rate exceeds two thousand emalangeni.
- (3) In addition, the pension of such officer who has attained the age of seventy years may, in respect of such period, be increased by an amount of forty emalangeni a year.

### **4. Increase of pension of officer retiring before 1st July, 1954**

- (1) If an officer retired from service of the Government or a scheduled administration on or after the first day of January, 1947, and before the first day of July, 1954, his pension may, in respect of a period beginning on or after the commencement of this Part, be increased in accordance with the scale set out in subsection (2).

- (2) The scale for the purposes of subsection (1) shall be as follows—
  - (a) if the basic rate of pension does not exceed one hundred and sixty emalangeni, the authorized increase is sixty-five *per centum*;
  - (b) if the basic rate of pension exceeds one hundred and sixty emalangeni but does not exceed two hundred and sixty emalangeni, the authorized increase is one hundred and four emalangeni plus thirty *per centum* of the amount by which the basic rate exceeds one hundred and sixty emalangeni; and,
  - (c) if the basic rate of pension exceeds two hundred and sixty emalangeni, the authorized increase is one hundred and thirty-four emalangeni plus twenty-five *per centum* of the amount by which the basic rate exceeds two hundred and sixty emalangeni.
- (3) In addition, the pension of such officer who has attained the age of Seventy years may, in respect of such period, be increased by an amount of forty emalangeni a year.

#### **5. Increase of pension of officer retiring before 1st August, 1958**

- (1) If an officer retired from service of the Government or a scheduled administration on or after the first day of July, 1954, and before the first day of August, 1958, his pension may, in respect of a period beginning on or after the commencement of this Part, be increased by twenty *per centum* of the basic rate.
- (2) In addition, the pension of such officer who has attained the age of seventy years may, in respect of such period, be increased by an amount of forty emalangeni a year.

#### **6. Increase of pension of officer retiring before 1st December, 1961**

- (1) If an officer retired from service of the Government or a scheduled administration on or after the first day of August, 1958, and before the first day of December, 1961, his pension may, in respect of a period beginning on or after the commencement of this Part, be increased by six *per centum* of the basic rate.
- (2) In addition, the pension of such officer who has attained the age of seventy years may, in respect of such period, be increased by an amount of twenty emalangeni a year.

### **Part III – Increases of adjusted rate of pension of officers retiring before 1st October, 1964**

#### **7. Increase of adjusted pension of officer retiring before 1st August, 1958**

If an officer retired from service of the Government or a scheduled administration before the first day of August, 1958, his adjusted rate of pension may, in respect of a period beginning on or after the commencement of this Part, be increased by fifteen *per centum*.

#### **8. Increase of adjusted pension of designated officer retiring before 1st December, 1961**

If a designated officer retired from service of the Government or a scheduled administration on or after the first day of August, 1958, and before the first day of December, 1961, his adjusted rate of pension may, in respect of a period beginning on or after the commencement of this Part, be increased by five *per centum*.

#### **9. Increase of adjusted pension of non-designated officer retiring before 1st December, 1961**

If an officer, other than a designated officer, retired from service of the Government or a scheduled administration on or after the first day of August, 1958, and before the first day of December, 1961, his

adjusted rate of pension may, in respect of a period beginning on or after the commencement of this Part, be increased by ten *per centum*.

#### 10. Increase of adjusted pension of officer retiring before 1st October, 1964

If an officer retired from service of the Government or a scheduled administration on or after the first day of December, 1961, and before the first day of October, 1964, his adjusted rate of pension may, in respect of a period beginning on or after the commencement of this Part, be increased by four *per centum*.

#### 10bis. Increase of adjusted pensions of officers retiring before the 1st April, 1974 and between the 13th April, 1974 and the 31st March 1975

- (1) In the case of any officer, retired before the 1st April, 1974, his adjusted rate of pension, payable under this Part, may be increased by thirty *per centum* with effect from the 1st April, 1975.
- (2) In the case of any officer, retired on or after the 1st April, 1974 but before the 31st March, 1975, his adjusted rate of pension may be increased by twenty *per centum*.

[Added K.O-I-C 33/1977]

### Part IV – General

#### 11. Restriction as to increase of pension

Except as provided in sections 3(3) and 4(3) and sections 5(2) and 6(2) and section 14, an increase shall not be payable under this Act unless—

- (a) the pensioner has attained the age of fifty-five years; or
- (b) the pensioner has retired from the public service on grounds of ill-health; or
- (c) the Minister is satisfied that the pensioner is permanently incapacitated from engaging in full-time employment.

#### 12. Increase of pension where service was not wholly under the Government

If a pensioner is, in addition to a pension under a specified law, in receipt of a pension from one or more scheduled administrations (other than the Government of the United Kingdom and Northern Ireland, or the Crown Agents), then, for the purpose of calculating the authorized increase, all those pensions shall be aggregated with the Swaziland pension and the amount of increase calculated with reference to the aggregated pensions shall be reduced in the same proportion as the proportion of the Swaziland pension bears to the aggregated pensions.

#### 13. Date of retirement

For the purposes of this Act, an officer shall be deemed to have retired from the public service on the under-mentioned day, whether or not his pension accrues on that day, that is to say—

- (a) if on the last day of such service, the amount of pension—
  - (i) is calculated by reference to emoluments received, during a period of service under a scheduled administration from service under that administration; or
  - (ii) would apart from a provision specifying a fixed sum as the maximum rate of pension be so calculated; and,
- (b) in any other case, on the last day of service in respect of which the pension is payable.

**14. Increase of pensions payable to widows and orphans of certain officers (Second Schedule)**

*[Repealed A.16/1971]*

**15. Exclusion of law as to maximum amount of pension**

The amount of an authorized increase shall not be taken into account for the purpose of any specified law, which limits the amount of pension that may be granted to an officer.

**16. Saving of rights**

If it is to his advantage, a pensioner shall, in lieu of any authorized increase, continue to receive the amount of pension he was receiving immediately prior to the commencement of the appropriate Part and the conditions under which such amount is payable shall continue to apply.

**First Schedule (Section 2)**

1. The Pensions Act, [No. 3 of 1968](#).
2. The Nursing Sisters (Retiring Allowances) Act, [No. 2 of 1944](#).