

## **The National Pensions (Claims and Payment) Regulations 1977**

**GN 117/1977**

### **Regulations made by the Minister under section 46 of the National Pensions Act 1976**

1. These regulations may be cited as the National Pensions (Claims and Payment) Regulations 1977.

2. In these regulations-

"Act" means the National Pensions Act 1976;

"approved form" means a form approved by the Minister,

"beneficiary" means a person in receipt of a benefit;

"claim" means a claim for a benefit.

"Medical Board" means the Medical Board appointed under section 34(2) of the Act;

"Medical Officer" means the Medical Officer appointed under section 34(2) of the Act.

**Amended by [\[GN No. 220 of 1980\]](#)**

3. (1) Every claim shall be submitted to the National Pensions Officer for determination.

(2) A claim shall be made on an approved form at such place and in such manner as the Minister may determine.

(3) The National Pensions Officer may require a claimant to furnish such additional information and produce such documents as would enable him to determine the claim.

(4) Subject to the provisions of the Act, the National Pensions Officer may, where appropriate and pending final determination of the claim, award to a claimant the benefit to which he may be eligible.

(5) The decision of the National Pensions Officer under paragraph (1) shall be communicated to the claimant in writing.

(6) Where a claim has been disallowed no fresh claim may be made by the claimant until after the expiry of six months from the date on which the original claim was disallowed, unless the National Pensions Officer is satisfied that there is good ground for the fresh claim.

(7) Where the National Pensions Officer is at any time satisfied that there has been-

(a) a material change in the circumstances of the claim; or

(b) a mistake relating to a material fact,

he may amend the decision, and any amended decision together with the reasons therefor shall be communicated, in writing to the claimant or beneficiary, as the case may be.

(8) Where by reason of an amended decision under paragraph (7) any claim is disallowed, no further payment of the benefit relating thereto shall continue to be paid.

**4.** (1) Subject to paragraph (2), where a claim is made after the date on which the claimant first became entitled to it, the claimant shall be entitled to arrears of benefit under Part II or section 21, 22 or 23 of the Act for a period not exceeding six months prior to the month during which the claim was made.

(1A) (a) The contributory retirement pension referred to in section 20(1)(a) of the Act shall be payable as from the month in which the insured person attains the retiring age.

(b) Where an insured person opts to receive a reduced contributory pension

under section 20(1)(b) of the Act, the pension shall be payable as from the month in which the insured person exercises his option.

(2) No arrears of benefit shall be paid in respect of any month before the date on which the claimant became entitled to a benefit.

**Amended by** [\[GN No. 220 of 1980\]](#); [\[GN No. 199 of 2020\]](#)

5. (1) Except where good cause is shown to the satisfaction of the National Pensions Officer, no benefit shall be paid after the lapse of three months from the day on which it became due.

(2) Subject to paragraph 3 and regulation 8(5) of the National Pensions (Non – Contributory Benefits) Regulations 1977, no benefit shall be paid in respect of any period during which a beneficiary is –

- (a) serving a term of imprisonment; or
- (b) detained in legal custody.

(3) Arrears of benefit shall be paid for a period in legal custody which is not followed by sentence to imprisonment.

(4) (a) Subject to the other provisions of this paragraph and regulation 8(5) of the National Pensions (Non – contributory Benefits) Regulations 1977, a basic benefit in respect of a period during which the beneficiary is absent from Mauritius shall be paid for only a period not exceeding 6 months in aggregate in any period of 12 consecutive months.

(aa) Notwithstanding subparagraph (a) and subject to subparagraph (ab), where —

- (A) a beneficiary has, on account of the closure of borders, not been able to travel back to Mauritius; and
- (B) the beneficiary's absence from Mauritius exceeds more than 6 months in the aggregate during a period of 12 consecutive months,

the beneficiary shall be paid his basic benefit.

(ab) A beneficiary referred to in subparagraph (aa) shall not be paid his basic benefit where —

(A) he is still absent from Mauritius on or after 1 February 2021;  
or

(B) the period of 6 months in the aggregate expired on or before  
18 March 2020.

(b) Subject to subparagraph (c), where a basic benefit is payable under subparagraphs (a) and (aa), the benefit shall be paid, at the option of the beneficiary, for the period of absence-

(i) immediately following the month during which he leaves Mauritius; or

(ii) immediately prior to the month during which he returns to Mauritius.

(c) (i) payment of a benefit under subparagraph (b)(i) may be made by proxy in accordance with regulation 7(4) or in arrears when the beneficiary returns to Mauritius.

(ii) Payment of a benefit under subparagraph (b)(ii) shall be made in arrears when the beneficiary returns to Mauritius.

(d) Where the beneficiary has received payment of a benefit for the period specified in subparagraph (a), no further basic benefit shall be payable in respect of further absence from Mauritius until the beneficiary has resided in Mauritius for a period of less than 6 consecutive months.

(e) In this paragraph —

“closure of borders” means, on account of the COVID-19 pandemic, the prohibition of entry of aircrafts and ships into Mauritius since 19 March 2020, and published by Orders under the Public Health Act and the Quarantine Act 2020.

**Amended by [\[GN No. 255 of 2020\]](#)**

**6.** The Minister shall issue to each person whose claim has been allowed an identity card which-

(a) shall remain the property of the Government; and

(b) shall, on demand, be produced or surrendered to the Minister,

**7. (1)** Where a benefit is to be paid, the Minister shall specify-

(a) the place at which,-

(b) the time and the day of the month on which; and

(c) the manner in which, the payment of the benefit shall be made.

(2) No benefit shall be paid otherwise than in accordance with paragraph (1).

(3) Any beneficiary shall, before payment of the benefit is made to him, produce to the paying officer the identity card issued to him in accordance with regulation 6.

(4) Where a beneficiary is unable to receive payment of a benefit in person, the payment may be made to any person not below the age of eighteen whom the paying officer is satisfied has been duly authorised by the beneficiary to receive the payment and upon production by that person of the identity card issued to the beneficiary.

**8. (1)** Where a decision awarding a benefit is amended under regulation 3(7) or on appeal and by reason of that amendment, a person has received sums to which he is not entitled, the National Pensions Officer shall, unless he is satisfied that the person acted in good faith in receiving that benefit, require repayment of those sums and may direct that they may be recovered in such manner as he thinks fit from any subsequent benefit payable to that person.

(2) (a) Where a person has received under the Family Allowance Ordinance 1961 or the Public Assistance Ordinance, sums to which he is not entitled, the National Pensions Officer may, unless he is satisfied that the person acted in good faith in receiving those sums, direct that -

(i) where there is no entitlement by reason of an award of benefit, those sums be treated as paid on account of the benefit awarded; and

- (ii) in any other case, those sums, including any balance outstanding after the deduction under subparagraph (1), be deducted in such manner as he thinks fit from subsequent payment of benefit.

(3) Any deduction from benefit under this regulation shall be made in such manner as not to reduce the current monthly payment of that benefit by more than one third.

**Amended by [\[GN No. 220 of 1980\]](#)**

**9.** (1) Subject to the other provisions of this regulation, the Medical Officer or Medical Board shall, for the purposes of a claim to an invalidity pension under sections 8 and 21 of the Act—

- (a) assess whether the disablement is substantial; and
- (b) where the disablement is substantial but not permanent, indicate the period to which the assessment shall relate and whether the insured person should be further medically examined by the Medical Officer or Medical Board at the end of that period.

(2) Where the Medical Board or the Medical Officer decide that the claimant is suffering from a disablement which is specified as an injury in the first column of the Third Schedule to the National Pensions (Industrial Injuries) Regulations 1979 he shall be deemed to be suffering from—

- (a) the corresponding degree of disablement specified in the second column of that Schedule; or
- (b) where the disablement includes any other disablement so specified, the degree of disablement specified in respect of the disablement carrying the greatest degree of disablement.

(3) In assessing whether an insured person is disabled, the Medical Officer or Medical Board shall consider the disablement which he is expected to suffer during the period of the assessment by comparison with a person of the same age and sex whose body and mind are normal.

(4) Where the National Pensions Officer has at any time to determine whether a pension under sections 8 or 21 of the Act is properly payable, he may refer the beneficiary to the Medical Officer or Medical Board.

(5) (a) Subject to the other provisions of this paragraph, where a claimant or beneficiary—

(i) fails to comply with a reasonable request to attend for medical examination; or

(ii) fails to produce information or documents required of him by the National Pensions Officer, the Medical Officer or Medical Board; or

(iii) acts in a manner likely to retard his recovery, the National Pensions Officer may—

(A) defer further consideration of the claim; or

(B) determine the claim on the information available; or

(C) withhold further payment of the benefit.

(b) No benefit shall be payable for the period during which consideration of a claim has been deferred under subparagraph (a).

(c) The National Pensions Officer shall communicate in writing to the claimant or beneficiary any decision taken under subparagraph (a).

(d) The claimant or beneficiary may appeal to the Appeal Tribunal in accordance with the National Pensions (Tribunal) Regulations 1979 against any decision made under subparagraph (a).

**10.** These regulations shall-

- (a) in their application to a benefit under Part 11 of the Act, be deemed to have come into operation on the 1st December 1976;
- (b) in their application to a benefit under Parts IV and V of the Act come into operation on the day Parts IV and V of the Act are respectively brought into operation.