

## **National Pensions (Contributory Benefits) Regulations 1978**

**GN 200/1978**

***Revised as per RSLM as at 26.05.2020***

21 August [section 46]

1. These regulations may be cited as the **National Pensions (Contributory Benefits) Regulations 1978**.

2. In these regulations-

"Act" means the national Pensions Act;

"aggregate number of pension points" means the total number of pension points, determined under the National Pensions (Pensions Points) Regulations 1981, accruing to an insured person from the date of entry to the end of the relevant financial year.

"approved" means approved by the Minister;

"date of entry" means for the purpose of, -

(a) regulation 6(a) and (b), the date on which contributions were first payable in respect of the insured person under section 13(1) of the Act;

(b) regulation 6(c)(i) and (ii), 1 July 1980;

(c) regulation 6(c)(iii), 1 July 1980 or the beginning of the financial year in which the insured person reaches the age of 19, whichever is later;

"higher rate of contribution" means the contributions specified in the second and third columns of Part I of the First Schedule to the Act;

"pension" means a pension payable under Part IV of the Act;

“standard rate of contribution” means the contributions specified in the second and third columns of Part II of the First Schedule to the Act.

**Amended by [\[GN No. 86 of 2002\]](#)**

**3.** (1) Subject to these regulations where a pension is payable under the Act, the amount of the pension shall be determined in accordance with the National Pensions (Pension Points) Regulations 1981 and shall be paid at the rate of one twelfth for each month.

(2) Where the amount of any pension payable under paragraph (1) is -

(a) less than 15 rupees, any fraction of a rupee shall be rounded up to the next rupee,

(b) 15 rupees or more, the pension shall be rounded up to the nearest rupee.

(3) Where the amount of any pension payable under paragraph (1) is less than 10 rupees, it shall be payable yearly in arrears or at such other interval as the Minister may approve.

**Amended by [\[GN No. 128 of 1982\]](#)**

**4.** (1) Subject to paragraph (2), regulation 5(1) and the National Pensions (Claims and Payment) Regulations 1977, payment of a pension shall-

(a) commence from the beginning of the month during which the claimant first becomes entitled to the pension; and

(b) continue to the end of the month during which the entitlement to the pension ceases.

(2) Where an insured person ceases to be employed at the age of 60, his pension shall be-

- (a) calculated on the number of pension points accrued to him up to the end of the relevant financial year; and
- (b) recalculated on the first anniversary date of his entitlement to retirement pension to take into account the pension points produced by the remuneration paid in the financial year immediately following the relevant financial year.

(3) The retirement pension of an insured person to whom section 13(3) of the Act applies shall be recalculated at the beginning of each of the benefit years next following the date he elects to receive his pension until the beginning of the benefit year following the date he ceases to be an employee or he reaches the age of 65, whichever is earlier.

(4) Each recalculation under paragraph (3) shall take into account the pension points accrued to the insured person up to the end of the financial year ending immediately before that benefit year.

(5) A pension point taken into account under this regulation shall have the value determined under the National Pensions (Pension Points) Regulations 1981 for the benefit year in which the recalculation occurs.

(6) Any increase in retirement pension payable as a result of a recalculation under this regulation shall be payable from the beginning of the benefit year in which the recalculation is made.

(7) Where a person has been awarded a contributory retirement pension under Section 20(3), (4) or (6) of the Act, he shall not be entitled to a contributory retirement pension under section 20(1) or (2) in respect of the same pension points.

(8) Subject to paragraphs (9) and (10), where contributions are paid on behalf of an insured after he has been awarded a contributory retirement pension under Section 20(3), (4) or (6) of the Act, he shall, on or after reaching the age of 60, be entitled to an additional contributory retirement pension calculated according to the Third

Schedule of the Act, but based on any additional number of pension points accruing to him.

(9) The additional number of pension points referred to in paragraph (8) shall be the aggregate number of pension points minus the projected number of pension points used for the calculation of his contributory retirement pension under section 20(3), (4) or (6) of the Act.

(10) Notwithstanding section 20(2) of the Act, the amount of additional contributory retirement pension shall –

- (a) be the actual amount calculated in accordance to the Third Schedule to the Act; but
- (b) not be subject to the minimum amount according to the Second Schedule to the Act.

(11) A pension calculated exclusively by reference to the value of the aggregate number of pension points shall be the product of that number of pension points and pension value of one pension point for the relevant benefit year.

(12) Where entitlement to a contributory retirement pension arises under section 20(3), (4) or (6) of the Act, any contributory retirement pension calculated on the basis of the aggregate number of pension points shall be multiplied by the appropriate actuarial reduction factor of the Eighth Schedule to the Act.

(13) For a widow or widower, under retirement age, having no dependent child, the widow's or widower's contributory pension, as the case may be, calculated on the basis of the aggregate number of pension points, shall, after 12 months immediately following the death of the spouse, be reduced by one third

**Amended by** [\[GN No. 128 of 1982\]](#); [\[GN No. 86 of 2002\]](#); [\[Act No. 3 of 2007\]](#); [\[GN No. 52 of 2020\]](#)

5. (1) No invalid's pension shall be payable to an insured person in respect of any month for which retirement pension is payable.

- (2) Where an insured person is entitled to a widow's or widower's pension, as the case may be, and an invalid's pension, he shall, at his option, receive
- (a) one of those pensions computed in accordance with proviso (a), (b) or (c) of paragraph 4 of the Third Schedule to the Act; and
  - (b) the other pension computed on the basis of the aggregate number of pension points accruing –
    - (i) to the late spouse, in the case of the widow's or widower's pension, as the case may be; or
    - (ii) to himself, in the case of the invalid's pension, when the pension becomes payable.

(3) (a) No invalid's contributory pension shall be payable in respect of a disablement for which compensation under the Workmen's Compensation Act or a benefit under Part V of the Act is payable.

(b) Subject to subparagraph (a) where a person is entitled to an invalid's contributory pension and an industrial injury allowance or a disablement pension for 100 per cent disablement, he shall be entitled to only one of the benefits, being the one which is most favourable to him.

(c) Subject to subparagraph (a), where a person is entitled to an invalid's contributory pension and a disablement pension for less than 100 per cent disablement, he shall receive the contributory invalidity pension and the disablement pension for less than 100 per cent disablement, provided that the total sum payable to him does not exceed the amount that would have been payable had his disablement been 100 per cent.

**Amended by [IGN No. 128 of 1982](#)**

(4) No orphan's contributory pension shall be payable in any case where the basic orphan's pension is not payable by reason of regulation 8(2), (7) and 13 of the National Pensions (Non-Contributory Benefits) Regulations 1977.

(5) (a) Where a person is entitled to receive a survivor's pension and a contributory retirement pension, he shall receive at his option either-

- (i) the survivor's pension and the contributory retirement pension, which shall be calculated by reference to the value of the aggregate number of pension points ;or
- (ii) the contributory retirement pension calculated in accordance with the Third Schedule to the Act.

(b) Where a person is entitled to receive a survivor's pension and an invalid's contributory pension, the invalid's contributory pension shall be calculated by reference to the value of the aggregate number of pension points.

(6) (a) Subject to regulation 4(11), where a widow or widower is entitled to a contributory widow's or widower's pension as the case may be and a contributory retirement pension, he shall receive at his option –

- (i) the widow's or widower's contributory pension, as the case may be, and, subject to regulation 4(12), a contributory retirement pension calculated by reference to the value of the aggregate number of pension points accruing to his; or
- (ii) the contributory retirement pension, and, subject to regulation 4(13), a widow's or widower's contributory pension, as the case may be, calculated by reference to the value of the aggregate number of pension points accruing to the late spouse.

(b) Subject to regulation 4(11), where a person is entitled to receive a contributory retirement pension, and an industrial injury allowance or a disablement pension for 100 per cent he shall receive -

- (i) the industrial injury allowance or the disablement pension, as the case may be, and a contributory retirement

calculated by reference to the value of the aggregate number of pension points accruing to him; or

- (ii) the contributory retirement pension, whichever is more favourable to him.

(c) Where a person is entitled to receive a contributory retirement pension and a disablement pension for a disablement of less than 100 per cent he shall receive -

- (i) the contributory retirement pension and the disablement pension, provided that the total sum payable to him had the disablement been 100 per cent; or
- (ii) the contributory retirement pension,

Whichever is more favourable to him.

(7) (a) Where a man dies and leaves 2 or more widows, the amount of widow's pension awarded shall not exceed the amount which would have been payable under section 22 (2) (a) of the Act had there been only one claimant. to the pension.

(b) Subject to subparagraph (c), the National Pensions Officer shall award the pension payable under subparagraph(a) in equal proportion to each of the claimants.

(c) Where section 22 (2) (b) of the Act applies to a widow or widower, the amount of the pension calculated under subparagraph (a) shall be reduced by one-third.

(d) Where a man, who is married to more than one woman, becomes a widower following the death of all his spouses, the pension payable to him shall be the highest of the widower's contributory pensions calculated on the basis of the contributions paid by any of the late spouses in accordance with paragraph 4 of the Third Schedule to the Act.

(8) No invalidity pension shall be paid in respect of an incapacity that arose before the beginning of the month during which the claimant became an insured person.

**Amended by** [\[GN No. 182 of 1982\]](#); [\[GN No. 40 of 1988\]](#); [\[GN No. 86 of 2002\]](#); [\[GN No. 52 of 2020\]](#);

**6.** For the purpose of the Third Schedule to the Act, the average rate at which pension points accrue to an insured person shall be calculated over the period -

(a) where the date of entry occurs between 1 July 1978 and 30 June 1979 and the entitlement arises -

(i) on or before 30 June 1979, from the date of entry to the day immediately before the date of entitlement;

(ii) between 1 July 1979 and 31 October 1980 from the date of entry to 30 June 1979;

(iii) on or after 1 November 1980, from the date of entry to the end of the relevant financial year;

(b) Where the date of entry occurs between 1 July 1979 and 30 June 1980 and the entitlement arises -

(i) on or before 30 June 1980, from the date of entry to the day immediately before the date of entitlement;

(ii) between 1 July 1980 and 31 October 1981, from the date of entry to 30 June 1980;

(iii) on or after 1 November 1981, from the date of entry to the end of the relevant financial year;

(c) in any other case, where the entitlement arises -

- (i) on or before 30 June 1981, from the date of entry to the day immediately before the date of entitlement;
- (ii) between 1 July 1981 and 31 October 1982, from the date of entry to 30 June 1981;
- (iii) on or after 1 November 1982 from the date of entry to the end of the relevant financial year.

**Amended by** [\[GN No. 182 of 1982\]](#); [\[GN No. 86 of 2002\]](#);

**7.** Subject to an application being made on an approved form, where a beneficiary is absent from Mauritius, the Minister may approve payment of the pension outside Mauritius.

**8.** Where a lump sum under section 41(2) of the Act has been paid, no widow's or widower's pension, as the case may be, shall be payable under section 41(3) of the Act until a period of not less than 12 months has elapsed since the date on which that pension was last payable.

**Amended by** [\[GN No. 52 of 2020\]](#)

**9. Repealed by** [\[GN No. 182 of 1982\]](#)

**10.** Where there has been a change in the circumstances of a claim which may affect the beneficiary's entitlement, the beneficiary shall notify the Minister, in writing, of such change not later than 14 days from its occurrence.

**11. -**

Made by the Minister on the 25th August 1978.