

National Pensions (Non-Contributory Benefits) Regulations 1977

GN 116/1977

Up-to-date as at 25.05.2020 – SEE REVISED for further amendments

2nd July

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

1. These regulations may be cited as the **National Pensions (Non-Contributory Benefits) Regulations 1977**.

2. In these regulations-

"Act" means the National Pensions Act 1976;

"beneficiary" means a person receiving a benefit; citizen" means a citizen of Mauritius;

'claim" means a claim to a benefit

"pension" means a pension payable under Part II of the Act.

Amended by [\[GN No. 202 of 1978\]](#); [\[GN No. 221 of 1980\]](#)

3. (1) No claim shall be entertained unless the claimant is residing in Mauritius.

(2) No person shall be paid a benefit unless he satisfies the appropriate residence qualifications.

Amended by [\[GN No. 202 of 1978\]](#)

4. (1) The residence qualifications shall be-

(a) in respect of an retirement a citizen under the age of seventy must have resided in Mauritius for at least twelve years in aggregate since his eighteenth birthday;

(i) a non-citizen must have resided in Mauritius for at least fifteen years in aggregate since his fortieth birthday, three of those fifteen years being immediately before his claim;

(b) in respect of a widow's pension, where the widow is a non citizen and the late husband was a non-citizen, the widow must have resided in Mauritius for at least five years in aggregate in the ten years immediately before the claim, one of those five years being immediately before the claim;

(c) in respect of an invalidity pension or guardian's allowance, a non-citizen must have resided in Mauritius for at least five years in aggregate in the ten years immediately before the claim, one of those five years being immediately before the claim;

(d) in respect of an orphan's pension, where the orphan is not a citizen, either he or one of his parents must have resided in Mauritius for at least five years in aggregate in the ten years immediately before the claim, one of those five years being immediately before the claim.

(2) Where a person is entitled to receive a widow's or invalidity pension in the month immediately his sixtieth birthday, the residence qualifications in respect of a retirement pension shall be deemed to be satisfied.

(3) Where a citizen is temporarily absent from Mauritius for a continuous period not exceeding six months, such absence shall be disregarded.

(4) Where a citizen-

(a) is employed outside Mauritius in continuation of his employment in Mauritius; or

(b) is employed on board a vessel, the period of his employment outside Mauritius or on board the vessel, as the case may be, shall be deemed to be a period of residence in Mauritius.

Amended by [\[GN No. 208 of 1977\]](#); [\[GN No. 202 of 1978\]](#); [\[GN No. 221 of 1980\]](#)

5. Subject to regulation 6(i) and to the National Pensions (Claims and Payment) Regulations 1977, payment of a benefit shall-

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

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

6. (1) Where a person has reached the age of sixty, he shall as from the end of the month immediately preceding his sixtieth birthday, cease to be paid the widow's pension or invalidity pension, as the case may be.

(2) The cessation of the payment of a benefit under paragraph (1) shall not affect the payment of a child's allowance for the month during which the beneficiary reaches the age of sixty.

7. (1) For the purposes of sections 9 and 10(l) of the Act, the first month spent in a charitable institution shall be disregarded.

(2) Where-

(a) a beneficiary enters hospital and the cost of his maintenance either in part or in full is met from Government funds; and

(b) the stay in hospital is in excess of three consecutive months the benefit payable shall in respect of any month following the three months be reduced by three-quarters.

(3) For the purposes of paragraph (2), where not later than one month following his discharge, a beneficiary is re-admitted to hospital, his stay in hospital shall, notwithstanding the break, be deemed to have been continuous.

8. (1) Where a person is entitled to receive a basic retirement pension, widow's pension or invalidity pension".

she shall be paid only one benefit at her option.

(2) A child's allowance and an orphan's pension shall not be paid in respect of the same child.

(3) Subject to the other provisions of this regulation, no child's allowance in respect of a period in excess of three months shall be payable to the dependent child in respect of whom the allowance is payable if the child is not residing with the claimant.

(4) Where it is shown to the satisfaction of the National Pensions Officer that the claimant is contributing to the maintenance of a dependent child in an amount which is not less than the allowance payable in respect of the child, the National Pensions Officer may disregard any period during which a child does not reside with the claimant.

(5) Subject to paragraph (6) where a child's allowance has ceased to be paid under paragraph (3) or under regulation 5(2) and 4 of the National Pensions (Claims and Payment) Regulations 1977, or but for section 10(l) of the Act, would have been payable, the child allowance may be paid to such person as the National Pensions Officer may determine Subs GN 202/78 Sec 6.

(6) No child's allowance shall be paid under paragraph (5) unless the National Pensions Officer is satisfied that the child in respect of whom the allowance is payable is maintained by the person to whom the allowance is payable.

(7) Where an orphan is entitled to an invalidity pension, no orphan's pension shall be paid in respect of that person.

(8) Subject to paragraphs (2) and (7), a guardian's allowance or an orphan's pension shall be paid notwithstanding that the beneficiary is entitled to any other benefit.

Amended by [\[GN No. 202 of 1978\]](#)

(9) Revoked by [\[GN No. 202 of 2020\]](#)

(10) No child's allowance shall be payable in respect of a child to whom a basic invalidity pension or a contributory invalidity pension is paid.

(11) (a) Where a man dies on or after the 21st August 1978 and leaves two or more widows, the total amount of widow's pension awarded shall not exceed the amount which would have been payable had there been only one claimant to the pension.

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

(12) **Revoked by** [\[GN No. 202 of 2020\]](#)

(13) No child's allowance or orphan's pension shall be payable in respect of a person to whom a widow's basic pension, a widow's or widower's contributory pension, as the case may be, or a survivor's pension is payable.

(14) **Revoked by** [\[GN No. 202 of 2020\]](#)

(15) **Revoked by** [\[GN No. 202 of 2020\]](#)

Amended by [\[GN No. 202 of 1978\]](#); [\[GN No. 221 of 1980\]](#); [\[GN No. 55 of 2020\]](#); [\[GN No. 202 of 2020\]](#)

9. Repealed by [\[GN No. 221 of 1980\]](#)

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

Amended by [\[GN No. 202 of 1978\]](#)

11. These regulations shall be deemed to have come into operation on the 1st December 1976.