



I assent.

[L.S.]

P. K. GANILAU

Governor-General

7th August 1986

AN ACT

TO AMEND THE PENSIONS ACT, 1983

ENACTED by the Parliament of Fiji—

Short title

1. This Act may be cited as the Pensions (Amendment) Act, 1986.

Commencement

2. This Act shall come into force or be deemed to have come into force on a date to be appointed by the Minister in the *Gazette*, and different dates may be appointed by him for different provisions of this Act.

Interpretation

3. In this Act, "principal Act" means the Pensions Act, 1983.

Repeal and replacement of Part IV

4. Part IV of the principal Act is repealed and the following substituted—

"PART IV—ROYAL FIJI MILITARY FORCES

Application of Part IV

30A. This Part (other than section 37 and so much of this Part as relates to section 37) does not apply to a person who joins the Forces, either as an officer or a soldier, after a date declared by the Minister by Order.

Interpretation

31.—(1) In this Part, and in the Fifth and Sixth Schedules, unless the context otherwise requires—

“Active List” means the Active List referred to in section 5(2) of the Royal Fiji Military Forces Act;

“active operations” means operations notified by the Minister to be active operations in accordance with—

(a) section 37(1); or

(b) section 2 of the Pensions (Royal Fiji Military Forces) (Active Operations) Act, 1980 (Repealed),

and includes operations in which any contingent of the Forces assigned for any of the services described in the Seventh Schedule is or has been engaged;

“child” includes—

(a) a posthumous child;

(b) a step child or illegitimate child; and

(c) an adopted child adopted in a manner recognised by law;

“Commander” means the Commander of the Forces appointed under the Royal Fiji Military Forces Act;

“current pay”, in respect of an officer or soldier, means the annual pay for the time being of the rank held at the material time by the officer or soldier having regard to the officer's or soldier's number of years' service in that rank, and does not include any allowances;

“dependent child”, in relation to an officer or a soldier, means a child of that officer or soldier who is or, in the case of a deceased officer or soldier, was at the time of his death, wholly or mainly dependent upon that officer or soldier, where the child—

(a) is receiving full time secondary education; or

(b) if not receiving full time secondary education—is under the age of 16 years;

“Forces” means the Royal Fiji Military Forces established by section 3(1) of the Royal Fiji Military Forces Act;

“normal retiring age”, in relation to an officer, means the age prescribed by regulations made under section 67 of the Royal Fiji Military Forces Act for the retirement of officers of the rank held by that officer;

“officer” means a commissioned officer appointed to the Forces by the Governor-General;

“officer on the Active List” means an officer during such time as he is not posted to the Reserve of Officers or the Retired List;

“pay”, in respect of an officer or a soldier, means the basic pay for the time being for the rank held at the material time by that officer or soldier having regard to his number of years service in that rank;

“qualifying service” means—

(a) in relation to an officer—service specified in section 34; and

(b) in relation to a soldier—service specified in section 36;

“rank”, in relation to an officer or a soldier, means the rank held by that officer or soldier at the material time, except that where the officer or soldier held a higher temporary rank at that time it means that temporary rank;

“Regular Force” means the Regular Force established by section 4(2) of the Royal Fiji Military Forces Act;

“Reserve of Officers” means the Reserve of Officers constituted by section 4(4) of the Royal Fiji Military Forces Act;

“Retired List” means the Retired List referred to in section 5(3) of the Royal Fiji Military Forces Act;

“soldier” means a warrant officer, non-commissioned officer or man enlisted in or belonging to the Forces and includes a rating in any naval unit of the Forces;

“standard period of qualifying service”, in relation to an officer, means the period of qualifying service prescribed for the rank of that officer in the Table in regulation 1 of the regulations set out in the Fifth Schedule.

(2) In this Part, and in the Fifth and Sixth Schedules—a reference to retirement is a reference.

(a) in relation to an officer, to the officer ceasing to be an officer in the Regular Force; and

(b) in relation to a soldier—to his discharge from the Regular Force.

Grant of pensions and gratuities to officers

32. Subject to this Act, the Minister may grant in respect of an officer's service in the Regular Force pensions and gratuities in accordance with Part I of the regulations set out in the Fifth Schedule.

Circumstances in which a pension may be granted to an officer

33.—(1) Subject to subsections (2) and (3) and regulation 2 of the Fifth Schedule, and to section 37, the Minister shall not grant a pension to an officer unless the officer has completed the standard period of qualifying service and has reached normal retiring age.

(2) Notwithstanding subsection (1) the Minister may grant a pension to an officer where the officer has not completed the standard period of qualifying service and has not reached normal retiring age in the following cases, namely—

(a) if the officer has completed 20 years or more of qualifying service and the Minister determines after consultation with the Commander that—

- (i) the officer is not suitable for promotion; or
- (ii) there is no further employment available to the officer in the Regular Force, and that he should be retired;
- (b) if the officer has completed 10 years or more of qualifying service and it is shown upon medical evidence to the satisfaction of the Minister that—
 - (i) the officer is incapable by reason of some infirmity of mind or body of discharging his duties as an officer; and
 - (ii) the infirmity is likely to be permanent, and the Minister determines that he should be retired;
- (c) if the office held by the officer is abolished;
- (d) if the officer has completed 20 years or more qualifying service and is released from the Regular Force at his own request.

(3) Notwithstanding subsections (1) and (2), the Minister may grant a pension to an officer who has not completed the standard period of qualifying service if he is an officer who in the interests of the Forces was appointed at an age greater than that of a normal entrant and retires on or after attaining normal retiring age.

Qualifying service in respect of an officer

34.—(1) Subject to the remaining provisions of this section, the service to be taken into account as qualifying service by an officer is continuous commissioned service in the Regular Force.

(2) In computing an officer's qualifying service the following periods of that service are to be excluded, namely—

- (a) service by the officer whilst under the age of 18 years;
- (b) service by the officer whilst temporarily posted back to the Active List from the Reserve of Officers or the Retired List;
- (c) any period of leave without pay which exceeds 28 consecutive days;
- (d) service which has been taken into account in computing pension, gratuity or bonus under Part II of this Act, the Fiji National Provident Fund Act or any other written law.

(3) Service as a soldier in the Regular Force after the age of 18 years is qualifying service under subsection (1).

(4) Where an officer has had a period of service (in this section referred to as "other service") in the Royal Fiji Police, the Fiji Prison Service or as a Forest Guard or a period of service after the age of 18 years in any other civil capacity under the Government of Fiji, whether or not preceded by a period of service in the Regular Force, and—

- (a) that period of service was immediately followed by service in the Regular Force; and
 - (b) he forgoes or refunds any gratuity or lump sum payable or paid to him in respect of that other service (except a war service gratuity),
- that period of other service is, subject to subsection (5), qualifying service for the purposes of subsection (1).

(5) A break in service which can be disregarded under regulation 12 of the regulations set out in the Second Schedule can likewise be disregarded for the purposes of determining under subsection (4)(a) whether a period of service was followed by another period of service.

(6) Other service which terminated in dismissal or discharge as a result of disciplinary action is not qualifying service under this section.

Grant of pensions, gratuities and benefits to soldiers

35. Subject to this Act, the Minister may grant in respect of a soldier of the Regular Force pensions, gratuities and benefits in accordance with Part II of the regulations set out in the Fifth Schedule.

Qualifying service in respect of a soldier

36.—(1) Subject to the remaining provisions of this section, the service to be taken into account as qualifying service by a soldier is continuous full time service after the age of 18 years—

- (a) in the Regular Force; or
- (b) in any unit established under the Military Forces Ordinance (now repealed).

(2) In computing a soldier's qualifying service the following periods of that service are to be excluded, namely—

- (a) any period of leave without pay;
- (b) any period of absence without leave;
- (c) any period of imprisonment; or
- (d) any period of detention,

which exceeds 28 consecutive days.

(3) Where a soldier has had a period of service (in this section referred to as "other service") in the Royal Fiji Police, the Fiji Prisons Service or as a Forest Guard, or a period of service after the age of 18 years in any other civil capacity under the Government of Fiji, whether or not preceded by a period of service in the Regular Force, and—

- (a) that period of other service was immediately followed by service in the Regular Force; and
- (b) he forgoes or refunds any gratuity or lump sum payable or paid to him in respect of that other service (except a war service gratuity), that period of other service is, subject to

subsection (5), qualifying service for the purposes of subsection (1).

(4) A break in service which can be disregarded under regulation 12 of the regulations set out in the Second Schedule can likewise be disregarded for the purposes of determining under subsection (3)(a) whether a period of service was immediately followed by another period of service.

(5) Other service which terminated in dismissal or discharge as a result of disciplinary action is not qualifying service under this section.

Benefits in respect of injury or death whilst on active operations

37.—(1) The Minister may, by notice in the *Gazette*, declare any operations in which a contingent of the Forces is or has been engaged, being operations in an area in or near which a state of war, revolution, armed conflict or serious widespread internal disturbance exists or has existed, to be active operations.

(2) Where an officer or soldier whilst engaged in active operations—

(a) is injured in circumstances specifically attributable to the nature of his service by an injury which is not wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct; or

(b) contracts a disease to which he is exposed by the nature of his service, not being a disease wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct,

and that officer or soldier dies as a direct result of the injury or disease the Minister may grant to the persons specified in Part I of the Regulations contained in the Sixth Schedule pensions in accordance with and subject to those Regulations.

(3) Where an officer or soldier referred to in subsection (1) does not die but is disabled as a direct result of the injury or disease the Minister may grant him a pension (or reduced pension and gratuity), in accordance with, and subject to Part II of the Regulations contained in the Sixth Schedule in accordance with and subject to those Regulations.

(4) A pension granted under this section is in addition to any pension, gratuity or other payment payable under this Part or any other written law except that where any such other pension, gratuity or payment is payable, a pension granted under this section shall not exceed $66\frac{2}{3}$ per cent of the pay on which the pension under this Part is computed.

Pension where an officer dies in the Forces or after retirement

37A.—(1) Subject to subsection (3), where an officer who has completed 10 years or more of qualifying service but less than the standard period of qualifying service dies while in the Forces leaving a widow the Minister may grant to that widow a pension of an amount equivalent to 40 per cent of the reduced pension which the officer would have received if he had retired immediately before his death in the circumstances described in section 33(2)(b) and had opted to receive a reduced pension and gratuity.

(2) Subject to subsection (3), where an officer who has retired from the Forces and is in receipt of a pension under this Part (other than a pension granted under section 37) dies leaving a widow the Minister may grant to that widow a pension of an amount equivalent to 40 per cent of the pension that officer would have been entitled to receive had he continued to live.

(3) This section does not apply where an officer dies in circumstances to which section 37 applies.

Pension where a soldier dies in the Forces or after retirement

37B.—(1) Subject to subsection (3), where a soldier who has completed 10 years or more of qualifying service but less than 21 years qualifying service dies whilst in the Forces leaving a widow the Minister may grant to that widow a pension of an amount equivalent to 1/2000th of the soldier's current pay for each complete month of the soldier's qualifying service.

(2) Subject to subsection (3), where a soldier who has retired from the Force and is in receipt of a pension under this Part (other than a pension granted under section 37) dies leaving a widow the Minister may grant to that widow a pension of an amount equivalent to 40 per cent of the pension that soldier would have been entitled to receive had he continued to live.

(3) This section does not apply where a soldier dies in circumstances to which section 37 applies.

Payment of pension under sections 37A and 37B

37C.—(1) Subject to subsection (5), a pension payable to a widow under section 37A or 37B commences upon the death of the officer or soldier, as the case may be, in respect of whom it is granted.

(2) A pension granted under section 37A or 37B accrues daily, is payable fortnightly and ceases upon the death or remarriage of the widow.

(3) If a widow in receipt of a pension granted under section 37A or 37B remarries she shall inform the Minister of the marriage within 30 days after the marriage.

(4) The Minister may require a person granted or claiming a pension under section 37A or 37B to produce to the Minister such proof as the Minister considers necessary to prove that that person is entitled to the pension, and the Minister may refuse to grant or to continue to pay the pension until he receives that proof.

(5) Sections 37A and 37B have effect in respect of an officer or a soldier, or a retired officer or a retired soldier, as the case may be, whether he died or dies before or after the commencement of this Act, but where an officer or soldier, or a retired officer or soldier, died on or before 17 May 1982 a pension payable in respect of that officer or soldier or retired officer or soldier is not payable in respect of any period prior to 17 May 1982.

Pension, etc., not to pass to Trustee in Bankruptcy, etc.

38. A pension, gratuity or other allowance granted under this Part does not pass to the Trustee in Bankruptcy or other person acting on behalf of creditors on the bankruptcy of a person to whom it has been granted.

Pension, etc., to cease on imprisonment

39.—(1) Subject to subsection (2), if an officer, soldier or other person to whom a pension or other allowance has been granted under this Part is imprisoned following a conviction, that pension or other allowance ceases, if the Minister so directs, from such date as the Minister determines.

(2) Where under subsection (1) the Minister may direct a pension or other allowance to cease he may instead direct that the whole or any part of the pension or allowance be paid to or applied for the maintenance or benefit of that person to whom it was granted or to that person's wife or dependent children, or any one or more of them, in such proportion and manner, and upon such conditions as the Minister may direct, and the pension or allowance is to be paid or applied accordingly.

Regulations

40.—(1) The Minister may make regulations amending, adding to, or revoking a regulation contained in the Fifth and Sixth Schedules.

(2) Without prejudice to subsection (1), the Minister may make regulations for carrying the purposes of section 37 into effect and for amending, adding to or revoking the regulations contained in the Sixth Schedule so as to authorise, in the circumstances of any particular active operations, the making of awards which, or the amount of which, would not be authorised apart from this subsection.

Government, etc., of Forces not affected

41. Nothing in this Part restricts the Royal Fiji Military Forces Act in relation to the general government, control and management of, and the enforcement of discipline in, the Forces, including, without prejudice to the generality of the foregoing, the power to dismiss any member of the Forces without compensation.

Right of an officer or a soldier to elect to contribute to the Fiji National Provident Fund

41A.—(1) An officer or soldier may, before a date specified by the Minister by notice in the Gazette or such later date as the Minister may in any special case allow, elect to contribute to the Fiji National Provident Fund established under the Fiji National Provident Fund Act.

(2) Where an officer or soldier elects under subsection (1) to contribute to the Fiji National Provident Fund the following provisions have effect—

- (a) the election of the officer or soldier is to be taken to be exercised upon receipt by the Commander of a written notice signed by the officer or soldier indicating his desire to become a contributor to the Fiji National Provident Fund;
- (b) the election of the officer or soldier once exercised is irrevocable;
- (c) the officer or soldier shall in the written notice of his election state which of the following options he selects, namely—
 - (i) that a gratuity be computed in accordance with section 41B(1) and forthwith paid to his credit in the Fiji National Provident Fund in accordance with the Fiji National Provident Fund Act; or
 - (ii) that a pension be computed in accordance with section 41B(2) and paid to him upon his retirement.

(3) Upon receipt by the Commander of the written notice of election by an officer or soldier under this section—

- (a) if the officer or soldier has selected the option mentioned in subsection (2)(c)(i) the Commander shall—
 - (i) compute the gratuity to be paid in accordance with section 41B(1); and
 - (ii) pay to the officer's or soldier's credit in the Fiji National Provident Fund the amount so computed, and thereafter this Part and the Fifth and Sixth Schedules (other than the provisions of section 37, so much of this Part and the Fifth and Sixth Schedules as relate to section 37, and regulation 7 set out in the Fifth Schedule) cease to apply to that officer or soldier.
- (b) if the officer or soldier has selected the option mentioned in subsection (2)(c)(ii), the Commander shall—

- (i) compute in accordance with section 41B(2) the pension which may be paid under subsection (4); and
 - (ii) record the amount of the pension computed in accordance with subparagraph (i).
- (4) An officer or soldier is not entitled to receive a pension computed and recorded in accordance with subsection (3)(b) unless—
- (a) in the case of an officer, he retires in any of the circumstances referred to in section 33(1), (2) or (3); or
 - (b) in the case of a soldier, he retires having completed 21 years of qualifying service.
- (5) If an officer or soldier becomes entitled to receive the pension computed and recorded in accordance with subsection (3)(b) he shall be entitled to exercise the option referred to in regulation 3(1) or 8(2), as the case may be, of the regulations set out in the Fifth Schedule, but, except as provided in this subsection and in subsection (6), this Part (other than the provisions of section 37, so much of this Part and the Fifth and Sixth Schedules as relates to section 37, and regulation 7 set out in the Fifth Schedule) cease to apply to an officer or soldier who has selected the option mentioned in subsection (2)(c)(ii) as from the exercise of his election, but the provisions of section 37A or 37B, and section 37C, shall apply, *mutatis mutandis*, to a pension, calculated by reference to the pension computed and recorded in accordance with subsection 3(b), awarded to the widow of an officer or soldier who dies in any circumstance specified in section 37A or 37B, as the case may be.
- (6) Subject to subsection (7), section 45 applies to an officer or soldier in relation to his pension computed and recorded in accordance with subsection (3)(b) as it would have applied had the officer or soldier retired on the date of the exercise of his election and commenced to receive that pension.
- (7) An officer or soldier is not entitled to the benefit of any allowance under section 45 unless and until he retires in the circumstances described in subsection (4) and receives the pension computed and recorded in accordance with subsection (3)(b).

Computation where an officer or soldier elects to contribute to the Fiji National Provident Fund

41B.—(1) Where an officer or a soldier elects under section 41A to contribute to the Fiji National Provident Fund and selects the option that a gratuity be computed under this subsection and paid to his credit in that Fund, that gratuity is to be an amount equal to 3.125 times the pension computed in accordance with subsection (2).

(2) Where an officer or a soldier elects under section 41A that a pension be computed under this subsection and paid to him in the

circumstances referred to in section 41A(4), the pension is to be at the rate of 1/600th of his pay at the date of his election for each complete month of his qualifying service.”.

*Allowances to meet inflation
(Amendment of section 45)*

5. Section 45 of the principal Act is amended by deleting—
“pursuant to Part II or section 37 of this Act”,
and by substituting—
“pursuant to Part II or Part IV of this Act”.

Service in Royal Fiji Military Forces or Fiji Royal Naval Volunteer Reserve (Amendment of regulation 19(1) of the Second Schedule)

- 6.—(1) Regulation 19(1) of the Second Schedule to the principal Act is amended by deleting—

“the whole of the officer’s service in a civil capacity shall be taken into account as pensionable service in an office in the First Schedule to the Act.”,

- and by substituting—

“the whole of the officer’s service in the Royal Fiji Military Forces or on the permanent staff of the Fiji Royal Naval Volunteer Reserve shall be taken into account as pensionable service in an office in the First Schedule to the Act.”.

- (2) This section shall be deemed to have come into force on 28 March 1984.

Repeal and replacement of the Fifth and Sixth Schedules

7. The Fifth and Sixth Schedules to the principal Act are repealed and the following substituted—

“FIFTH SCHEDULE (Sections 31, 32, 33 and 34)

PENSIONS (ROYAL FIJI MILITARY FORCES)
(NORMAL BENEFITS) REGULATIONS

PART I—OFFICERS

Pensions

1. The Minister may grant an officer—
(a) who has completed not less than the standard period of qualifying service for his rank as shown in the following Table; and
(b) who retires on or after reaching the normal retiring age, a pension at the annual rate of the proportion of his current pay set out in the Table.

TABLE		
Rank	Standard period of qualifying service Years	Proportion of current pay
Lieutenant	25	300
Captain		600
Major		
Lieutenant Colonel	28	336
		600
Colonel	33	396
		600

Early retirement

2. The Minister may grant an officer who retires in the circumstances specified in subsections (2) or (3), of section 33 of the Act a pension computed in accordance with regulation 1 reduced by 1/600th for every month that his service falls short of the standard period of qualifying service for his rank.

Gratuity and reduced pension

3.—(1) An officer who is granted a pension under these Regulations may opt to receive, in lieu of that pension, a pension at the rate of $\frac{3}{4}$ of that pension and a gratuity equal to $12\frac{1}{2}$ times the amount of the annual reduction so made in the pension.

(2) Subject to paragraph (3), the option referred to in paragraph (1) is exercisable by the officer and, if exercised, is revocable by the officer not later than the day immediately preceding the date of his retirement.

(3) The Minister may allow an officer to exercise the option referred to in paragraph (1) or revoke an option previously exercised at any time between the date referred to in paragraph (2) and the commencement of payment of the pension to the officer.

(4) If an officer who has not exercised his option under paragraph (1) dies (otherwise than in circumstances to which section 37 of the Act applies)—

- (a) whilst he is still serving but has qualified by service for the grant of a pension; or
- (b) after he has retired but before the commencement of payment of the pension,

the Minister may grant a gratuity and reduced pension as provided for in paragraph (1) to his widow, or if there is no widow to his personal representatives for the benefit of any dependent child or children, as if he had exercised the option immediately before his death.

Gratuity

4. The Minister may grant to an officer who retires having completed 5 years or more qualifying service for his rank a gratuity not exceeding one month's pay for each complete year of his service.

Gratuity where officer dies

5. When an officer dies whilst serving in the Regular Force (otherwise than in circumstances to which section 37 of the Act applies) the Minister may grant to the personal representatives of the officer a gratuity in respect of any period of leave accrued to but not taken by that officer of an amount equal to the amount the officer would have received during that period at the current rate of pay for the rank the officer held at the time of his death.

PART II—SOLDIERS

Gratuities to soldiers

6.—(1) Subject to paragraph (2), the Minister may grant to a soldier who retires having completed a minimum period of 12 years continuous service in the Regular Force a gratuity equal to one year's pay for the rank the soldier held at the time of his retirement.

(2) Service counted towards a pension or benefit under this Part or Part I of these Regulations does not count as service towards a gratuity under paragraph (1).

Re-engagement benefits

7.—(1) Subject to paragraphs (2) and (3), the Minister may grant to a soldier who has completed a minimum period of 12 years' continuous service in the Regular Force, and is without break re-engaged for a further period of such service, on each successive re-engagement, benefit at the rate of one month's pay for the rank he held immediately prior to his re-engagement for each complete year of such intended re-engagement.

(2) If a soldier who has accepted a re-engagement benefit under paragraph (1) retires from the Regular Force prior to the completion of his current engagement, he shall refund the whole or such portion of that re-engagement benefit as the Minister determines.

(3) A break in continuous service which can be disregarded under regulation 12 of the regulations contained in the Second Schedule to the Act may likewise be disregarded for the purpose of paragraph (1).

Gratuity and reduced pension

8.—(1) The Minister may grant to a soldier who retires having completed a minimum period of 21 years qualifying service a pension at the annual rate of $\frac{1}{600}$ th of the current pay for the rank the soldier held at the time of his retirement for each complete month of service, with a maximum pension of two-thirds of that current pay.

(2) A soldier who is granted a pension under paragraph (1) may opt to receive, in lieu of that pension, a pension at the rate of $\frac{3}{4}$ of that pension and a gratuity equal to $12\frac{1}{2}$ times the amount of the annual reduction so made in the pension.

(3) Subject to paragraph (4), the option referred to in paragraph (2) is exercisable and, if exercised by the soldier, is revocable by the soldier, not later than the day immediately preceding the date of his retirement.

(4) The Minister may allow a soldier to exercise the option referred to in paragraph (2) or revoke an option previously exercised at any time between the date referred to in paragraph (3) and the commencement of payment of the pension to the soldier.

(5) If a soldier who has not exercised his option under paragraph (2) dies (otherwise than in circumstances to which section 37 of the Act applies)—

(a) whilst he is still serving in the Regular Force but has qualified by service for the grant of a pension; or

(b) after he has retired but before the commencement of payment of the pension.

the Minister may grant a gratuity and reduced pension as provided in paragraph (2) to the soldier's widow, or if there is no widow, to his personal representatives for the benefit of any dependent child or children, as if he had exercised the option immediately before his death.

Gratuity in case of death whilst serving

9.—(1) Where a soldier who has completed 12 or more years of qualifying service dies whilst serving as a soldier (otherwise than in the circumstances to which section 37 of the Act applies) the Minister may grant to his personal representatives a gratuity of an amount equal to one year's pay for the rank he held at the time of his death.

(2) Where a soldier who has not completed 12 years qualifying service dies whilst serving as a soldier (otherwise than in the circumstances to which section 37 of the Act applies) the Minister may grant to his personal representatives a gratuity not exceeding such number of months pay, at the rate thereof at the date of his death, as he had completed years of continuous regular service.

Gratuity in case of death after discharge

10. Where a soldier dies (otherwise than by reason of injury sustained or disease contracted in circumstances to which section 37 of the Act applies) after having been granted or having become eligible for a pension or a pension and gratuity under regulation (8), and the total of the sums paid to him between his retirement and his death is less than the amount of the gratuity provided for by regulation 9(1), the Minister may grant to his personal representatives a gratuity equal to the difference.

SIXTH SCHEDULE

(Section 37)

PENSIONS (ROYAL FIJI MILITARY FORCES)
(ACTIVE OPERATIONS) REGULATIONS

PART I—DEATH

Pensions on death of an officer or soldier

1. Where an officer or soldier dies as a direct result of injury sustained or disease contracted in the circumstances specified in section 37 of the Act the Minister may grant—

- (a) if the deceased officer or soldier leaves a widow but no dependent child or children, a pension to the widow for her lifetime but if she remarries until her marriage of an amount equal to $33\frac{1}{3}$ of the officer's or soldier's current pay at the time of his death;
- (b) if the deceased officer or soldier leaves a widow and a dependent child or children who are in the widow's custody, a further pension to the widow in respect of each such child of amount equal to—
 - (i) 6 per cent of the officer's or soldier's current pay at the time of his death in respect of each child up to a maximum of 3; and
 - (ii) 3 per cent of the officer's or soldier's current pay at the time of his death in respect of each additional child;
- (c) if the deceased officer or soldier leaves a dependent child or children but does not leave a widow, or if survived by a widow she does not have the custody of such child or children, a pension at the rates specified in paragraph (b) payable to the person having the custody of such child or children;
- (d) if the deceased officer or soldier leaves a parent or parents who were wholly or mainly dependent upon him for support at the time of his death—a pension to each such surviving parent of an amount equal to $12\frac{1}{2}$ per cent of the current pay for the rank held by the officer or soldier at the time of his death.

Reduction or cessation of pension

2. A pension granted under paragraph (b) or paragraph (c) of regulation 1 in respect of a child, ceases if that child dies before ceasing to be a dependent child.

PART II—DISABILITY

Pension on disability of officer or soldier

3.—(1) Where an officer or soldier is disabled as a direct result of injury sustained or disease contracted in the circumstances specified in section 37 of the Act the Minister may grant to him on or after his retirement a pension at the annual rate appropriate to his case as provided in this regulation.

(2) In the case of an unmarried officer or soldier whose capacity to contribute to his own support is totally impaired the Minister may grant him a pension (hereinafter referred to as a "total impairment pension") of an amount equal to 40 per cent of the current pay for the rank he held at the time when he sustained such injury or contracted such disease.

(3) In the case of an unmarried officer or soldier whose capacity to contribute to his own support is not totally impaired but is impaired to the extent (expressed as a percentage) shown in column 1 of the following Table he may be granted a pension at the annual rate of the percentage of his total impairment pension shown in column 2 of that Table—

TABLE	
Column 1	Column 2
99% to 75%	75%
74% to 50%	50%
49% to 20%	25%

except that an officer or soldier can not be granted a pension under this paragraph if the impairment of his capacity is less than 20 per cent.

(4) In the case of an officer or soldier who is married and whose wife lives with him the pension appropriate to his case under paragraphs (2) or (3) may be increased by 31.25 per cent of that pension.

(5) In the case of an officer or soldier who has a dependent child or children the pension appropriate to his case under paragraphs (2) or (3) may be increased (in addition to any increase under paragraph (4)) by 15 per cent of that pension in respect of each such dependent child up to a maximum of 3 and by 7.5 per cent of that pension in respect of each additional dependent child.

(6) In the case of an officer or soldier who has a parent or parents wholly or mainly dependent upon him the pension appropriate to his case under paragraphs (2) or (3) may be increased (in addition to any increases under paragraph (4) or (5)) by 31.25 per cent of that pension in respect of each such parent.

Conditions on the grant of pension

4. The Minister may impose such conditions as he may think fit in respect of a pension granted by him under regulation 3 including, but not limited to, a condition that the officer or soldier whilst in receipt of the pension is to undergo medical examination in such manner and at such times as the Minister specifies.

Variation of amount of pension

5.—(1) Where upon medical examination pursuant to regulation 4 it is determined that the degree of impairment of the officer's or soldier's capacity to contribute to his own support is different from that on which the amount of the pension was computed, the amount of the pension shall be varied by the Minister as appropriate to the case as from the date of that determination, but the officer or soldier is not

liable to repay or entitled to receive any sum in respect of pension paid prior to that determination in consequence of the determination.

(2) Where—

- (a) the wife of an officer or soldier in respect of whom an increase of pension was granted to him under regulation 3(4) dies; or
- (b) any dependent child in respect of whom an increase in pension was granted to him dies before ceasing to be a dependent child; or
- (c) a parent of an officer or soldier in respect of whom an increase of pension was granted to him under regulation 3(6) dies,

the pension of that officer or soldier may be reduced in consequence thereof by such amount as the Minister may determine, not exceeding the amount by which the pension was originally increased.”.

Seventh Schedule added

8. The principal Act is amended by adding the following Schedule immediately after the Sixth Schedule—

“SEVENTH SCHEDULE (Section 31(1))

Areas of active operations

1. Lebanon (United Nations Interim Forces in Lebanon)
2. Zimbabwe-Rhodesia (Cease Fire Monitoring Force)
3. Egypt (Multinational Force & Observers)”.

Miscellaneous minor amendments

9.—(1) Section 16 of the principal Act is amended by deleting from subsection (3) the words “A person payable” and substituting the words “A pension payable”.

(2) Section 46 of the principal Act is amended—

- (a) by deleting subsection (3)(b)(iii) and by substituting—
“(iii) the officer shall be entitled to receive the pension so computed and recorded;” and
- (b) by deleting the proviso to subsection (4), and by substituting—

“Provided, however, that an officer shall not be entitled to the benefit of any allowance under section 45 unless and until he retires from public service and receives the pension computed and recorded in accordance with subsection (3)(b).”.

Passed by the House of Representatives this 1st day of July, in the year of our Lord one thousand, nine hundred and eighty-six.

Passed by the Senate this twenty-fourth day of July, in the year of our Lord one thousand, nine hundred and eighty-six.