

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

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CHAPTER XXII

SOCIAL WELFARE BENEFITS ORDINANCE

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Ordinance Nos:
1 of 1970,
3 of 1983,
1 of 1997,
3 of 2009,
2 of 2013.

An ordinance to provide for the grant of social welfare benefits to certain persons and for matters incidental thereto.

[2nd September, 1970]

PART I—PRELIMINARY PROVISIONS

Short title.

1. This ordinance may be cited as the Social Welfare Benefits Ordinance.

Interpretation.

2. In this ordinance unless the context otherwise requires—

“benefit” means a pension or a widow’s benefit or a child benefit granted under the provisions of this ordinance;

“child benefit” means a child benefit granted under section 6;

cap. 11

“Council” means the Island Council constituted under the provisions of the Local Government Ordinance;

“Island Secretary” means the person from time to time appointed by the Governor to hold the public office of Island Secretary;

cap. 11

“Mayor” means the person for the time being holding the office of Mayor under the provisions of the Local Government Ordinance;

cap. 11

“official office” means and includes any public office and any office to which any person is elected or appointed under the provisions of the Local Government Ordinance;

cap. 12

“permanent resident” means a person entitled under the provisions of the [Immigration Control Ordinance 2006] permanently to reside in the Islands;

(Amended by Ordinance No. 2 of 2013)

“pension” means a pension granted under section 3;

“widow’s benefit” means a widow’s benefit granted under section 5.

PART II—PENSIONS

Pensions to be charged on revenue of the Islands.

3.—(1) Subject to any directions of the Governor, pensions may be granted by the Council in accordance with the provisions of this ordinance to persons who are permanent residents.

(2) There shall be charged on and paid out of the revenues of the Islands all such sums of money as may from time to time be granted by way of pension under the provisions of this ordinance.

Circumstances in which pension may be granted.

4.—(1) No pension shall be granted to any person under the

provisions of this ordinance unless such person is ordinarily resident on Pitcairn Island and—

- (a) if such person has so resided on Pitcairn Island for a period or periods amounting in all to more than five years during the immediately preceding twenty years, has been continuously resident on Pitcairn Island during the immediately preceding twelve months; or
 - (b) if such person has so resided on Pitcairn Island for a period or periods amounting in all to less than five years during the immediately preceding twenty years, has been continuously resident on Pitcairn Island during the immediately preceding three years.
- (2) No pension shall be granted to any person under the provisions of this ordinance unless such person has attained the age of sixty-five years:

Provided that the requirements of this subsection may be waived at the direction of the Governor on medical evidence to his satisfaction that such person is incapable, by reason of some infirmity of mind or body, of providing himself or herself with the necessaries of life.

PART III—WIDOW’S BENEFITS

5.—(1) Subject to any directions of the Governor, widow’s benefits may be granted by the Council in accordance with the provisions of this ordinance to persons who are widows of inhabitants of the Islands and who are permanent residents.

Grant of widow’s benefits.

(2) Every widow shall be eligible for the grant of a widow’s benefit who is—

- (a) over the age of forty years; or
 - (b) under the age of forty years and has any dependent child residing with and supported by her,
- and in either such case who has lived in the Islands for a continuous period of not less than three years immediately prior to the death of her husband.

(3) Every widow’s benefit granted under the provisions of this ordinance shall be automatically cancelled on the re-marriage of the beneficiary or upon her qualifying for a pension granted under subsection (2) of section 4.

PART IV—CHILD BENEFITS

6.—(1) Subject to any directions of the Governor, child benefits may be granted by the Council in accordance with the provisions of this ordinance to the parents or guardians of every child under the age of 16 years residing with the said parents or guardians and normally resident in the Islands:

Grant of child benefit.

(2) Provided that the parents or guardians of any child of

the age of 16 years and under the age of 18 years attending a fulltime course of education [in Pitcairn or elsewhere] may be eligible for the grant of a child benefit.

**(Repealed and substituted by Ordinance No. 3 of 2009)
(Amended by Ordinance No. 2 of 2013)**

[(3) For the purposes of subsection (1), a child who attends a fulltime course of education outside of Pitcairn resides with a person if they are normally resident with that person when not attending the fulltime course of education.]

(Inserted by Ordinance No. 2 of 2013)

PART V—SUPPLEMENTARY PROVISIONS

Benefits to be charge
on revenue.

7. There shall be charged on and paid out of the revenues of the island all such sums of money as may from time to time be granted by way of any benefit under the provisions of this ordinance.

Rates of benefits.

8. Every benefit granted under the provisions of this ordinance shall be at such rate as the Governor may from time to time direct.

Benefit may be
affected by election
or appointment to
official office.

9. If any person to whom a widow's benefit or pension has been granted under the provisions of this ordinance is elected or appointed to any official office the payment of the said benefit may upon the direction of the Governor be suspended or reduced by such amount as is specified in the direction and for so long as the person continues to hold such office.

Absence from Islands.

[10.—(1) For the purposes of this section, “beneficiary” means any person to whom a pension or widow's benefit has been granted or any child in respect of whom a child benefit has been granted under the provisions of this Ordinance.

(2) This section does not apply to any child in respect of whom a child benefit has been granted if that child is attending a fulltime course of education.

(3) Except as provided by this section, if any beneficiary is temporarily absent from the Islands for a continuous period of seven months, the payment of such benefit shall at that time be suspended until the return of that person to reside in the Islands.

(4) Except as provided by this section, if any beneficiary is temporarily absent from the Islands for a continuous period of two years, such benefit shall automatically cease.

(5) Notwithstanding subsections (3) and (4), the Governor may in his or her discretion continue to pay any benefit under this Ordinance to any beneficiary who is absent from the

Islands and who, but for the operation of this section, would be receiving a benefit under this Ordinance.]

(Repealed and replaced by Ordinance No. 2 of 2013)

11. Pensions granted prior to the date of commencement of this ordinance shall be deemed to have been granted under the provisions of this ordinance.

Saving existing pensions.

12. Nothing in this ordinance contained shall affect any pension, gratuity or other allowance granted or paid to any person in respect of his or her service in any official office and any pension granted under the provisions of this ordinance shall be in addition to any other such pension, gratuity or allowance.

Other pensions etc. not affected.

13. The Governor may from time to time make regulations for the purpose of carrying out the provisions of this ordinance.

Regulations.