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CHAPTER 48

NATIONAL ASSISTANCE

An Act to provide for National Assistance and the payment of Old Age Pensions to the poor of Barbados.

1969-37. 1986-12.
1969-45. 1996-23.
1971-30.
1978-16.
1979-32.
1981-18.¹
1982-45.

[1st September, 1969] Commence-
ment.

PART I

Preliminary

1. This Act may be cited as the *National Assistance Act*. Short title.
 2. For the purposes of this Act Interpretation.
- "Appeal Committee" or "Committee" means an Appeal Committee appointed under section 10;
- "appointed day" means 1st September, 1969;
- "Minister" means the Minister for the time being responsible for National Assistance;
- "national assistance" means relief in any form granted to a person in accordance with this Act and any regulations, and, unless the context otherwise requires, includes old age pensions provided for under Part V;
- "National Assistance Board" or "Board" means the National Assistance Board established under section 4;
- "old age pension" means a non-contributory old age pension payment of which is provided for under section 12.

PART II

Functions of the Minister

3. The Minister shall generally be responsible for the administration of this Act, and, without limiting the generality of the foregoing, his Functions of Minister.

¹ The Administrative Appeals Tribunal Act, (1981-18) Cap. 109A has not been proclaimed.

functions shall include the provision of such assistance as may be necessary for persons in need, either by the grant of money or by non-medical assistance in kind, including the administration of old age pensions and the burial of poor persons.

PART III

Establishment of the National Assistance Board

Establish-
ment of
National
Assistance
Board.

4. (1) For the purposes of this Act there shall be established a National Assistance Board (hereinafter referred to as the Board) which shall consist of a Chairman, a Deputy Chairman and 5 other members, all of whom shall be appointed by the Minister.

(2) Members of the Board shall hold office for 3 years but shall be eligible for re-appointment.

(3) A vacancy shall be deemed to arise in the membership of the Board in the case of the death or resignation of a member or his absence from Barbados without leave of the Minister or his failure to attend 3 consecutive meetings of the Board unless such failure to attend was approved by the Minister.

(4) Four members of the Board shall form a quorum one of whom shall be the Chairman or the Deputy Chairman.

(5) At any meeting of the Board the Chairman shall, in case of an equality of votes, have a second or casting vote.

(6) Meetings of the Board shall be summoned on the initiative of the Chairman or at the written request of 2 or more members of the Board. The Chairman shall summon a meeting of the Board at least once in every 3 months.

(7) Members of the Board shall be eligible for such remuneration as the Minister may determine.

1982-45.
Cap. 1.

(8) The Board is a body corporate and section 21 of the *Interpretation Act* applies to the Board.

Functions of
Board.

5. (1) The functions of the Board shall be

- (a) to advise the Minister on any matter which he may refer to it for such advice;
- (b) to advise the Minister generally on the provision of assistance to persons in need;
- (c) to enquire generally into the condition of the poor and the needs of National Assistance in Barbados and to report thereon to the Minister;
- (d) to carry out such duties and functions in connection with assistance to poor or needy persons (medical or non-medical) as may be imposed on it by this Act or any other enactment or as the Minister may from time to time direct it to perform;
- (e) to accept and administer gifts of money or property from individuals or organisations donated to it for the benefit of poor and needy persons.

(2) The Board may

- (a) provide and maintain institutions for the care and protection of aged persons who are poor and needy;
- (b) with the approval of the Minister, provide for the terms and conditions of employment of the officers and servants; and
- (c) subject to the approval of the Minister, make bye-laws generally for the conduct and management of any institution maintained by it under paragraph (a), and without prejudice to the generality of the foregoing may make bye-laws prescribing
 - (i) the procedure for admission to and discharge from, and
 - (ii) the fees payable for admission and care of aged persons at,
 such institutions.

1971—30.
1982—45.

6. (1) The Board shall

- (a) keep proper accounts and adequate financial and other records in relation thereto; and
- (b) within 3 months after the end of each financial year

Accounts,
reports, etc.

1971—30.

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

- (i) prepare a statement of accounts in respect of that financial year;
- (ii) submit its accounts for that financial year to the Auditor-General for audit and at the same time submit a copy thereof to the Minister; and
- (iii) submit to the Minister a report on its activities in that financial year.

(2) The Auditor-General shall as soon as may be after the receipt of the accounts of the Board audit the accounts and submit a report thereon to the Minister and to the Board.

(3) Copies of every statement prepared under paragraph (b) of subsection (1) and of every report submitted under that paragraph or subsection (2) shall as soon as may be thereafter be laid before Parliament.

PART IV

Functions of Chief Welfare Officer and Appeals

Functions of
Chief
Welfare
Officer.

7. (1) Except as the Minister may otherwise direct, the Chief Welfare Officer shall discharge the functions conferred on the Minister under this Act, and every Welfare Officer or other public officer shall discharge functions under this Act as directed by the Minister or the Chief Welfare Officer and in so doing shall be deemed to be acting under the authority of this Act.

(2) Subject to subsection (1), such officers may take such steps as are necessary for the execution and administration of this Act, any regulations or any directions given by the Minister or the Chief Welfare Officer.

Functions of
Chief
Welfare
Officer in
relation to
National
Assistance.

8. (1) Without prejudice to the generality of subsection (1) of section 7, the functions of the Chief Welfare Officer in relation to the administration of National Assistance shall be

- (a) to keep such books, rolls, accounts, records and other documents as may be required by regulations made by the Minister and to maintain the same in an efficient and proper manner;
- (b) to carry out all necessary enquiries into the particular circumstances of each person applying for or receiving national assistance;

- (c) to approve the award of national assistance subject to this Act or any regulations;
- (d) to perform in accordance with any regulations made or directions given by the Minister any duties imposed upon him under this Act or any regulations;
- (e) as far as practicable to set to work any able-bodied person who is granted national assistance, other than an old age pension under Part V.

(2) The Chief Welfare Officer may delegate his duties under subsection (1) to such public officers as he may think fit.

9. (1) Any applicant for national assistance who is aggrieved by any decision of the Chief Welfare Officer, a Welfare Officer or of any public officer delegated by the Chief Welfare Officer to perform any of his duties under subsection (2) of section 8 or subsection (2) of section 14 shall have the right to appeal to an appropriate Appeal Committee.

Appeal by
aggrieved
applicants.

(2) It shall be the duty of the Chief Welfare Officer, the Welfare Officer or of any public officer delegated by him as aforesaid to inform every applicant of his right of appeal under subsection (1).

10. (1) For the purposes of hearing and determining appeals under section 9, the Minister shall, upon and in each year after the appointed day, after consultation with the Board, appoint such number of Appeal Committees as may be prescribed by regulations made by the Minister.

Appoint-
ment of
Appeal
Commit-
tees.

(2) Such Committees shall have jurisdiction over such areas as may be prescribed in such regulations.

(3) Each Committee shall consist of 3 members, 1 of whom shall be a member of the Board, but no member of the Board shall be entitled to be a member of more than 1 committee.

(4) Two members of each Committee shall form a quorum, 1 of whom shall be the member of the Board appointed to such Committee.

(5) The members of the Committees shall be eligible for such remuneration as the Minister may determine.

Committee may confirm or vary the decision appealed against.

11. (1) A Committee may confirm, vary or disallow any decision appealed against under this Act.

(2) The decision of a Committee on the determination of any appeal under this Act shall be final.

PART V

Old Age Pensions

Provision of payment of old age pension.

12. Every person in whose case the conditions laid down by this Act and in any regulations for the receipt of an old age pension are fulfilled shall be entitled to receive such a pension under this Part so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Act or any regulations for the receipt of such pension.

Assignment of pension void.

13. Every assignment of or charge on and every agreement to assign or charge a pension under this Part shall be void.

Processing of application and award of old age pension.

14. (1) The Chief Welfare Officer shall be responsible for all stages in the processing of applications for and the award of old age pensions under this Part including the payment thereof.

(2) The Chief Welfare Officer may delegate the performance of his functions and duties under this Part to such public officers as he thinks fit.

(3) An application for an old age pension under this Part shall be submitted in writing in the form and manner prescribed in regulations made under this Act to the Welfare Officer for the appropriate district.

Power to raise questions.

15. (1) It is hereby declared that a question may be raised at any time

(a) whether at any time or during any period a person has been in receipt of an old age pension when the conditions laid down by this Act or any regulations made thereunder were not fulfilled or had not continued to be fulfilled or when he was disqualified under this Act or any regulations for the receipt of the pension;

- (b) whether a person has been at any time or during any period in receipt of a pension at a certain rate, when his means exceeded the amount which justified the payment of a pension at that rate, and, if so, at what rate the pension, if any, should have been paid;
- (c) whether a person who is in receipt of a pension at a certain rate is, having regard to his means, entitled to a pension at a higher or a lower rate, and, if so, at what rate the pension, if any, should be paid, and that an application may be made at any time to alter or revoke any provisional allowance of an application for a pension.

(2) In so far as they are appropriate, the provisions of any regulations applicable to applications for old age pensions made under this Act shall apply to any questions or applications raised or made under subsection (1).

16. The receipt of an old age pension under this Part shall not deprive the pensioner of any right or privilege or subject him to any disability.

Receipt of old age pension not to constitute disability.

17. (1) Where any pensioner to whom an old age pension under this Part is due and owing dies intestate, it shall be lawful for the Chief Welfare Officer to cause such pension to be paid to the widow or widower, if any, or if there be no widow, or widower, then to the next-of-kin of such pensioner or, should such next-of-kin be under age, to his or their legally appointed guardian, and the receipt of such widow or widower or next-of-kin or guardian shall be sufficient discharge for the payment of such pension.

Disposal of pension due and owing to any pensioner dying intestate.

(2) Notwithstanding anything to the contrary contained in this section, no payment shall be made under this section

- (a) until 21 days shall have elapsed after the death of such pensioner, and
- (b) unless the pension became due to the pensioner within 3 months immediately preceding his death.

(3) To establish the fact of intestacy it shall be sufficient to show to the Chief Welfare Officer that a search has been made at the Registration Office and that no will or testamentary paper

purporting to be the last will and testament of the deceased pensioner has been found on record there.

PART VI

Miscellaneous

Regulations.

18. (1) The Minister may make regulations for the better carrying into effect of this Act and to facilitate the performance by him of his functions under this Act, and, without limiting the generality of the foregoing, may make regulations

- (a) causing the circumstances of every applicant for or recipient of national assistance to be enquired into;
- (b) determining the nature and amount of any assistance whether in cash or in kind or of old age pension, if any, to be given to every applicant under this Act and any conditions or provisions to be attached thereto;
- (c) providing for the maintenance of adequate records of applications for national assistance and of reports and the decisions thereon;
- (d) prescribing the procedure to be followed on and the forms to be used for applications for national assistance;
- (e) providing for the appointment of Appeal Committees and matters incidental thereto;
- (f) prescribing the procedure to be followed on and the forms to be used for appeals to an Appeal Committee under this Act;
- (g) prescribing the conditions for the eligibility for an old age pension under Part V;
- (h) prescribing the functions and duties of the Chief Welfare Officer and the Welfare Officers under this Act;
- (i) prescribing the method and places of payment of any assistance or old age pensions granted under this Act.

(2) Regulations made under subsection (1) shall be subject to negative resolution.

18A. (1) Subject to subsection (2) where an old age pension cheque or a national assistance grant cheque is lost or destroyed, the Chief Welfare Officer may, notwithstanding anything to the contrary contained in any law, issue to the pensioner or the person to whom that cheque was issued, a second cheque in place of the cheque that was lost or destroyed.

Lost or destroyed cheques. 1986-12.

(2) The Chief Welfare Officer may refuse to issue the second cheque referred to in subsection (1) unless

- (a) an application is made to him in the prescribed form; and
- (b) a reasonable time has elapsed since the loss or destruction of the cheque.

(3) Where subsequent to the issue of a second cheque under subsection (1) a person finds the original cheque, he shall thereupon surrender it to the Chief Welfare Officer.

19. (1) The provisions of this section shall apply notwithstanding any provision to the contrary contained in any enactment relating to pensions.

Pensions of transferred officers.

(2) The pension, gratuity or other allowance which may be granted to or in respect of an officer who pursuant to the *National Assistance Act, 1969*¹ is transferred to or becomes employed in the public service and who on the date on which he is so transferred or becomes so employed has attained the age of 60 years, shall be determined in accordance with the law applicable in respect of such officer immediately before he is so transferred or becomes so employed.

(3) Any officer who pursuant to the *National Assistance Act, 1969*¹ is transferred to or becomes employed in the public service and who on the date on which he is so transferred or becomes so employed has not attained the age of 60 years may within 12 months of the appointed day or within such further time as the Governor-General, acting in his

¹ The provisions transferring functions from the Interim Commissioner for Local Government to the Minister (1969-37, and ss. 19 and 20) are not printed.

discretion, may in a special case allow, by notice in writing to the Accountant-General elect not to come under the provisions of the *Pensions Act*, and any pension, gratuity or allowance which may be granted to or in respect of such officer shall be determined in accordance with the law applicable in respect of such office immediately before he is so transferred or becomes so employed.

Cap. 25.

Existing
appoint-
ments.
1982-45.

19A. Any person who was, immediately before 1st November, 1982, employed in the service of the Board shall, with effect from that date be deemed to have been appointed by the Board and shall continue to be employed on terms and conditions that are the same or no less favourable than those on which he was employed immediately before that date.

Savings of
pension etc.Cap. 25.
L.N. 20/
1947.

19B. Where a public officer who had pensionable service is transferred to or becomes employed in the service of the Board, his service with the Board shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pensions Act* and the *Pensions Regulations, 1947* as if all of his service was service in the public service.

Expenses.

20. The expenses of carrying out this Act shall be defrayed out of moneys voted for the purpose by Parliament.