



ANALYSIS

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1965, No. 2

An Act to Provide For the Payment of Pensions to
Persons of Sixty-Five Years or Over

(13 December 1965)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Cook Islands Old Age Pension Act 1965.
2. Administration - This Act shall be administered under the general direction and control of the Minister of Finance hereinafter referred to as the Minister.
3. Interpretation - In this Act unless the context otherwise requires -

"Applicant" means a person by whom or on whose behalf an application is made for a pension under this Act:

"Income" in respect of an applicant for a pension under this Act includes all moneys and the value of all benefits derived or received by the applicant from any source for his own use and advantage but does not include:

- (a) any capital moneys received from any source
- (b) any payment or benefit received by a married applicant from his or her husband or wife provided that any married applicant living apart from his or her husband or wife pursuant to a separation agreement or an order of any Court shall be deemed or unmarried applicant.

4. Persons over sixty-five years of age entitled to a pension - (1) Every person residing in the Cook Islands of the age of sixty-five years or more who is qualified by the provisions of this Section shall be entitled to a pension as provided in this Act.

(2) No person shall be qualified to receive a pension unless he satisfied the following conditions:

(a) In the case of a person who was not born in the Cook Islands, or though born in the Cook Islands neither of whose parents is or was a Cook Islands Maori that he has actually resided whether continuously or intermittently in the Cook Islands for a total of twenty years during his life.

(b) In the case of a person either of whose parents is or was a Cook Islands Maori that he has actually resided whether continuously or intermittently in the Cook Islands for a total of ten years during his life.

(3) For the purpose of the last preceding subsection.

(a) Actual residence in the Cook Islands shall not be deemed to have been interrupted by absence therefrom if the applicant satisfies the Minister that during the whole of such absence his family or his home was in the Cook Islands.

(b) Actual residence in the Cook Islands shall not be deemed to have been interrupted.

(i) In any case where absence from the Cook Islands was in respect of service by the applicant of any of Her Majesty's Naval, Military or Air Forces, or was in respect of service in connection with any war as a member of any organisation attached to any of the said forces.

(ii) In any case where absence from the Cook Islands was for the purposes of medical or surgical treatment and the Minister is satisfied that there were good and sufficient reasons for leaving the Cook Islands to obtain that special treatment.

(c) In computing for the purposes of this section the period of actual residence of an applicant in the Cook Islands any period of absence allowed under subsection (2) shall be counted as a period of actual residence and not as a period of absence therefrom.

5. Rate of old age pension - Old age pensions shall be paid at the rate of twenty six pounds per year as from the 4th day of August, 1965.
6. Deduction from pension in respect of income - Where any person who is entitled to an old age pension in accordance with the provisions of this Act is in receipt of income the pension shall be at the rate prescribed by Section five reduced by one pound for every complete pound of such income in excess of one hundred and sixty nine pounds each year in which the pension is paid.
7. Age of applicants - The age of any applicant for a pension under this Act shall be verified by and certified to by the Registrar of the High Court and Registrars of Births whose decisions shall be final.
8. Moneys payable out of the Cook Islands Government Account - There shall from time to time be paid out of the Cook Islands Government account from money appropriated by the Legislative Assembly for the purpose
 - (a) All money required to be expended in providing pensions pursuant to the Act.
 - (b) All other money that may be appropriated by the Legislative Assembly for the purposes of this Act or that may be appropriated for any purpose incidental or related to the purposes of this Act.
9. Review of pension - (1) In the event of any change in the circumstances of a person to whom a pension has been granted during the period for which the pension has been granted the Minister may in his discretion review the pension and may thereupon terminate or suspend the pension or may vary the amount thereof.
 - (2) Every person to whom a pension has been granted shall advise the Minister without delay of any material change in his circumstances that may affect the amount of pension payable.
 - (3) If a person to whom a pension has been granted fails so to advise the Minister, the Minister may in his discretion recover from such person the amount of any pension paid in excess of the amount that would have been paid had such person so advised the Minister.
10. Offences - Every person commits an offence and shall be liable on summary conviction to a fine of twenty pounds or to imprisonment for three months who, for the purpose of obtaining any pension under this Act for himself or for any other person makes any false statement to or otherwise misleads or attempts to mislead any officer concerned in the administration of this Act or any other person, howsoever.

11. Regulations - The High Commissioner may from time to time by order of the Executive Council and upon notice in the Cook Islands Gazette make regulations providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof. Such notice shall be sufficient if it states that the regulations have been made and gives the place where copies of them can be purchased.
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