

CHAPTER 184.

WAR PENSIONS.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.
3. Power to make rules for grant of pensions, etc., to members of Her Majesty's Forces, etc.
4. Entitlement.
5. Power to make rules for grant of pensions, etc., to war workers.
6. Source of payment of awards.
7. Pensions, etc., not of right.
8. Appeal from decision of Pensions Board.
9. Pensions, etc. not to be assignable.
10. Forfeiture of pensions, etc.
11. Payment of public claims out of pensions, etc.

CHAPTER 184.

WAR PENSIONS.

An Ordinance to provide for the payment of pensions, gratuities and other allowances in respect of the death or disablement of members of His Majesty's Forces or of Services Auxiliary thereto or of Services engaged in Civil Defence or of a class or category of persons engaged in war work.

2 of 1943.
2 of 1945.

[3RD SEPTEMBER, 1939.]

1. This Ordinance may be cited as the War Pensions Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires— Interpreta-
tion.

“disablement” means physical or mental injury or damage, or loss of physical or mental capacity;

“war service” in relation to a member of one of the forces or services mentioned in sub-section (1) of section 3 of this Ordinance, means service as such a member during the whole or any part of the period beginning on the 3rd day of September, 1939, and ending on such date as the Governor in Council may by order appoint for the purposes of this Ordinance either generally or in relation to any particular class of case which includes the case of that member. *

* The 2nd January, 1952, was appointed (P.N. 57 of 1952).

Power to make rules for grant of pensions, etc., to members of Her Majesty's Forces, etc.

3. (1) The Governor in Council, with the sanction of the Secretary of State, may make rules for the assessment and award of pensions, gratuities and other allowances in respect of the death or disablement due to war service of members of—

(a) Her Majesty's Forces;

(b) any nursing service or any other auxiliary service of any of Her Majesty's Forces;

(c) any civil defence service; or

(d) any force or service declared by order of the Governor in Council to be a force or service for the purposes of this Ordinance; and

(e) generally for the better carrying into effect of any of the purposes or provisions of this Ordinance.

(2) Without prejudice to the generality of sub-section (1), the rules thereby authorised to be made may make provision for—

(a) the amounts of such pensions, gratuities and other allowances;

(b) the manner in which pensions and gratuities may be paid, the time at which pensions may be paid, the administration of pensions and gratuities awarded in respect of a person who is a minor or incapable of managing his own affairs or is detained in a public institution, the disposal of unclaimed pensions, and the conditions under which, and the manner in which, such pensions, gratuities and other allowances may be granted, varied, revoked, forfeited, withheld or re-granted;

(c) the appointment of Pensions Boards for the purpose of determining claims to pensions, gratuities and other allowances under such rules and the powers, duties and procedure of such Pensions Boards;

(d) the procedure to be followed in relation to applications for pensions and gratuities and the notification to applicants of the grant of pensions or gratuities as well as the procedure to be followed in drawing pensions;

(e) the registration of pensions and gratuities and the issue of pension cards; and

(f) the medical examination of applicants and pensioners by a Government Medical Officer.

4. (1) The disablement or death of a member of one of the forces or services mentioned in sub-section (1) of section 3 shall be accepted as due to war service for the purposes of this Ordinance if any Pensions Board, or any other person or authority appointed in that behalf by rules made under section 3 of this Ordinance, is satisfied that—

Entitlement.

(a) the disablement is due to a wound, injury or disease which—

- (i) is attributable to war service; or
- (ii) existed before or arose during war service and has been and remains aggravated thereby; or

(b) the death was due to or hastened by—

(i) a wound, injury or disease which was attributable to war service; or

(ii) the aggravation by war service of a wound, injury or disease which existed before or arose during war service.

(2) In no case shall there be an onus on any claimant to prove the fulfilment of the conditions set forth in sub-section (1) of this section and the benefit of any reasonable doubt shall be given to the claimant.

(3) Where an injury or disease which has led to the discharge or death during war service of a member of one of the forces or services mentioned in sub-section (1) of section 3 was not noted in a medical report made on that member on the commencement of his service, such injury or disease shall be accepted as due to war service unless the evidence shows that the conditions set out in sub-section (1) of this section are not fulfilled.

(4) Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of that fact may be accepted.

5. (1) The Governor in Council may make rules prescribing the conditions under which and the manner in which pensions, gratuities or other allowances may be granted in respect of the death or disablement of any persons engaged on work declared by Order of the Governor in Council to be work essential to the successful prosecution of any war in which Her Majesty may be engaged who dies or suffers disablement as the result of war injuries suffered after the 3rd day of September, 1939, in the course of such work.

Power to
make rules
for grant of
pensions, etc.,
to war
workers.

(2) For the purposes of this Ordinance the expression " war injuries " means physical injuries—

(a) caused by—

(i) the discharge of any missile (including liquids and gas); or

(ii) the use of any weapon, explosive or other noxious thing; or

(iii) the doing of any other injurious act;

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, Her Majesty or any Allied Power, or any part of, or any thing dropped from, any such aircraft.

Source of payment of awards.

6. Subject to such financial arrangements as may from time to time be made between Her Majesty's Government in Great Britain and the Government of Sierra Leone with respect to the provision of moneys required for the payment of awards in pursuance of regulations made under section 3 of this Ordinance, the sums of money required from time to time for the payment of such awards shall be charged on and paid out of the general revenue of Sierra Leone.

Pensions, etc., not of right.

7. No person shall have an absolute right to any pension, gratuity or other allowance granted under this Ordinance.

Appeal from decision of Pensions Board.

8. Any person aggrieved by a decision of a Pensions Board may appeal to the Governor whose decision in the matter shall be final.

Pensions, etc., not to be assignable.

9. No pension, gratuity or other allowance granted under this Ordinance shall be assignable or transferable, or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Crown.

Forfeiture of pensions, etc.

10. (1) Where a person to or in respect of whom a pension, gratuity or other allowance may be or has been awarded—

(a) is, in pursuance of a sentence of a Court upon his being found guilty of an offence, serving a term of imprisonment; or

(b) is under any enactment deported from, required to leave, or prohibited from entering Sierra Leone or is a person

whose certificate of naturalisation has been revoked; or

(c) being a person to whom an award in respect of the death of a member of one of the forces or services mentioned in sub-section (1) of section 3 of this Ordinance may be or has been made, is in the opinion of the Governor, unworthy of a grant from public funds;

the Governor may withhold the award of the pension, gratuity or other allowance, or, if it has been awarded, may direct that it shall be forfeited as from such date (including any past date) as he may think fit.

(2) The Governor may, in his discretion, and upon such terms and as from such date (including any past date) as he thinks fit, restore, either in whole or in part, a pension, gratuity or other allowance forfeited under this section.

(3) Where a pension, gratuity or other allowance is forfeited under this section, the Governor, in his discretion, may from time to time direct that all or any part of the pension, gratuity or other allowance so forfeited be paid to or applied for the maintenance or benefit of all or any, exclusive of the other or others, of the following persons, namely, any wife, child or children of the person who would have been entitled thereto but for the forfeiture, in such proportions and manner as the Governor thinks proper; and the moneys so directed to be paid or applied shall be paid or applied accordingly.

11. Where the Governor is satisfied that a sum is due to the Crown from a person to or in respect of whom a pension, gratuity or other allowance may be or has been awarded, or that an overpayment has been made to or in respect of any such person by the Crown the Governor may direct the Accountant General to deduct from the pension, gratuity or other allowance in respect of that sum or overpayment such amounts at such times as he may think fit, and thereupon the Accountant General shall make the deductions in accordance with the directions of the Governor and shall apply the amounts so deducted in or towards paying or repaying that sum or overpayment.

Payment
of public
claims out of
pensions, etc.