

**LAWS OF GUYANA**

**PUBLIC OFFICERS (INSURANCE) ACT**

**CHAPTER 27:10**

**Act**

**41 of 1902**

Amended by

41 of 1903  
12 of 1923  
14 of 1925  
31 of 1928  
2 of 1933  
4 of 1972  
19 of 1990

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**CHAPTER 27:10**  
**PUBLIC OFFICERS (INSURANCE) ACT**  
**ARRANGEMENT OF SECTIONS**

## SECTION

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**CHAPTER 27:10**

**PUBLIC OFFICERS (INSURANCE) ACT**

1929 Ed.  
c. 201  
1953 Ed.  
c. 71

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41 of 1902

**An Act to make provision for the Widows and Orphans of Public Officers by requiring such Officers to insure their own lives.**

[31<sup>ST</sup> DECEMBER, 1902]

Short title.

1. This Act may be cited as the Public Officers (Insurance) Act.

Interpretation.  
[4 of 1972]

2. For the purposes of this Act—

“Public officer” or “officer” means any person not a contributor to the Widows and Orphans fund of Guyana, appointed to any public office which—

- (a) is for the time being of a permanent character; and
- (b) has attached to it a salary at the rate of not less than one thousand dollars per annum derived from the Consolidated Fund, or from the fees of his department.

Obligation on officers to insure their lives.

3. (1) Save as hereinbefore provided every public officer shall, in accordance with this Act, insure and keep insured his life.

(2) Where the Minister is satisfied that sufficient provision has been already made for the wife and children (if any) of an officer, he may in his discretion and subject to any conditions prescribed by him dispense that officer from all or any of the provisions of this Act.

Addition to previous insurances on promotion.

4. Every public officer whose life is insured under this Act, as often as he is promoted to an office in a higher class or to an office which, not being in any class specified in the annual estimates, is of a higher salary than that previously held by him, shall effect an additional insurance of his life.

Terms of insurance.

5. Every insurance under this Act shall be effected in the manner and on the terms approved by the Minister, who shall have power to make rules for that purpose.

Sum to be assured.

6. The whole of the sum available under this Act shall be applied as nearly as may be in payment of the annual premiums on the insurance to be so effected.

Moneys for payment of premium.

7. (1) A sum equal to four per cent on his annual salary at the time when the obligation to insure first arises, or if his annual salary be one increasing by regular increments, then a sum of four per cent on the maximum salary he will attain by length of service, shall in each and every year after the obligation arises be deducted by the Accountant- General by equal monthly instalments from the salary of every public officer obliged to insure under this Act, and, whenever the obligation to effect an additional insurance arises under section 4, the sum to be thereafter deducted shall be increased so as to equal four per cent of the annual salary received by the officer at the time the obligation arises.

(2) Every officer shall effect his insurance at the end of the first year after the liability to insure first arises, and the amount so deducted as aforesaid from the officer's salary shall be applied by the Accountant-General in payment of the first premium payable in respect of the officer's insurance; and the amount so deducted as aforesaid from the officer's salary in each succeeding year shall be in like manner applied in payment of the second and succeeding premiums payable in respect of the insurance:

Provided that any officer, if he so pleases, may effect his insurance at any time before the end of the first year as aforesaid, and in that case he shall pay to the Accountant-General such sum as, with the amount of any deductions already made as aforesaid from his salary, is required to pay the first premium on his insurance, and the Accountant-General shall apply the sum, together with the amount of the deductions in payment of the first premium; and the amount so deducted as aforesaid from the officer's salary in that and succeeding years shall be applied in like manner in payment of the second and succeeding premiums payable in respect of the insurance.

Policy to be effected in favour of Accountant-General.

8. (1) In every case the policy of an insurance effected under this Act shall be effected in favour of the Accountant-General and his successors in office, and shall so continue until the policy moneys secured thereby have been received by him and are absolutely free and discharged from any liability of the officer in respect of whom the insurance is effected.

(2) On any change in the officer discharging the duties of Accountant-General no assignment shall be necessary to transfer the policy to and vest it in his successor.

Public officer retiring on pension to have option of continuing to pay premiums or have a fully paid-up policy.

9. (1) Any public officer whose life is insured under this Act, and who retires from the public service on a pension, shall have the option—

- (a) of continuing to pay the premiums on his policy, the Accountant-General for that purpose deducting or causing to be deducted from his pension the amounts necessary for paying those premiums; or
- (b) of having the policy converted by the Accountant-General into a fully paid-

up policy in respect of the premiums paid up to the date of his retirement from the public service.

(2) The option must be declared in writing within six months of the officer's retirement from the public service, and in default of the option being so declared, the public officer shall be taken to have elected to have his policy converted into a fully paid-up policy under paragraph (b) of the last subsection, and the Accountant-General shall forthwith take the necessary steps thereon.

Act to cease to apply to any insurance of an officer after retirement under certain circumstances. [2 of 1933 4 of 1972 19 of 1990]

**10.** (1) Where a public officer, whose life is insured under this Act, has retired on pension from the public service without children, his wife being alive at the date of his retirement, if it shall at any time appear to the Minister on the application in writing of the officer and his said wife that, having regard to the circumstances of the officer and his wife, it would be in their interests that this Act should cease to apply to any insurance on the life of the officer, the Minister may direct the Accountant-General to transfer to the officer and his wife any policy of insurance on his life and to pay over to them the proceeds of any such policy and any increase thereon.

(2) In this section the expression "children" means children who are under eighteen years of age.

When public officer may exercise option of having policy assigned to him, or having a fully paid-up policy.

**11.** (1) Any public officer whose life is insured under this Act and who is promoted from the public service of Guyana to any other employment in the public service of any other Commonwealth country, or who retires from the public service of Guyana without a pension, or who ceases from any other cause whatsoever (except as in the last preceding section provided) to be a public officer in Guyana, shall have the option—

(a) of having his policy transferred to

him by the Accountant-General or any other person nominated by him, freed from all liability or restrictions imposed by this Act; or

- (b) of having the policy converted by the Accountant-General into a fully paid-up policy in respect of the premiums paid up to the date of his retirement from the service of Guyana.

(2) The option must be declared in writing within six months of the officer's retirement from the service of Guyana, and in default of the option being declared as aforesaid the public officer shall be taken to have elected to have his policy converted into a fully paid-up policy under paragraph (b) of the preceding subsection, and the Accountant-General shall take the necessary steps thereon.

Receipt and application of policy moneys. [2 of 1933]

12. (1) The sum assured on the life of an officer under this Act and any accumulations thereon by way of bonus or otherwise shall, on the death of the officer, be received and held by the Accountant-General, and anyone to whom it may be paid under subsection (2), absolutely free and discharged from any claim whatsoever of any creditor of the deceased officer.

(2) All moneys received by the Accountant-General under any policy of insurance on the life of a deceased officer shall, after payment there out of any costs of recovering the moneys, or of disposing thereof as hereinafter mentioned, be paid by him or any agent appointed by him in writing according as the Minister in his uncontrolled discretion may think fit, either to the widow of the deceased officer for the benefit of herself and of his children (if any), or to the guardian of such children (if any) for their benefit, or to such person as the Minister may in his uncontrolled discretion select for the benefit of the widow and children or



the widow or children, as he may deem desirable; and, if the deceased officer leaves no widow or child surviving him, the moneys shall be paid to his personal representatives.

(3) The receipt of anyone to whom any moneys aforesaid are paid by the Accountant-General or his agent shall be an absolute discharge therefor, and neither the Accountant-General nor the agent shall be bound to see to the application thereof, or liable for the misapplication or non-application thereof.

When officer is unable to insure his life.

**13.** (1) If any public officer is unable to insure his life as required by this Act, owing to his being unable at the time of his appointment or promotion (as the case may be) to pass the necessary medical examination, the monthly deductions from his salary shall be deposited in the savings bank in the name of the Accountant-General, as "insurance on the life of.....," and the amount of deposits and the accumulations thereon at compound interest shall be subject in all respects to, and be treated and dealt with under this Act as if they were the sum or sums assured by an assurance or insurances effected under this Act.

(2) If a public officer dies before he has effected an insurance under this Act, or dies before the date when the premium on his insurance is due, the sums deducted from his salary under section 7 and not applied in the payment of premiums shall be dealt with as if they were the sum assured by an insurance effected under this Act.

Surplus moneys after payment of premium to be refunded to officer.

**14.** Any money remaining in the hands of the Accountant-General from the sums deducted in any year from the salary of an officer under this Act, after paying thereout the premium on the insurance of the officer and the cost, if any, of remittance thereof, shall be returned to the officer at the end of the year.

Provision for officers assured

**15.** (1) Notwithstanding any of the provisions of this

otherwise than under this Act. Act, no public officer shall be obliged to insure his life under this Act if and so long as—

- (a) the Accountant-General is satisfied that the officer's life is insured for a sum not less than that for which he would be bound to insure under this Act by some company, society, or association, of which the Accountant-General approves, and that the insurance moneys have been or are duly secured for the benefit of his wife and children and protected from his debts (if any); and
- (b) the officer duly pays and exhibits to the Accountant- General the receipt for each premium as and when the same becomes payable and is paid.

(2) If any officer not insured under this Act fails to exhibit any such receipt as aforesaid, he shall forthwith be obliged to insure his life under this Act.

Vacation of office through failing to insure.

16. If an officer who is obliged to effect an insurance or an additional insurance on his life under this Act fails, for any cause other than his inability to pass the necessary medical examination, to effect the insurance within six months after the obligation arises, his office shall, at the expiration of that period, become vacant and he shall for all purposes be deemed to have resigned his office.

Freedom of Government from liability.

17. Nothing in this Act contained and nothing done or left undone by the Accountant-General shall impose any liability on the Government:

Provided that this section shall not apply if the Accountant- General fails or neglects to pay any premium

required to be paid by him under this Act.

Public officer  
may insure for  
a larger sum  
than is  
required under  
previous  
sections of  
Act.

18. (1) If a public officer desires to effect an insurance on his life under this Act for a larger sum than is required under the preceding sections, the Accountant-General, on the application in writing of that officer, may deduct a larger sum from his annual salary than the sum required to be deducted from his salary under section 7.

(2) The larger sum so to be deducted as aforesaid shall be the sum specified by the officer in his application.

(3) The larger sum so deducted as aforesaid shall be applied and dealt with in all respects as sums deducted under section 7 are hereinbefore directed to be applied and dealt with, and the policy of insurance on the life of the public officer and any moneys payable under it shall be dealt with and applied in the manner hereinbefore provided, and that insurance shall be deemed to be in all respects an insurance effected under this Act.

(4) No public officer who insures his life under this section shall be liable to effect an additional insurance on his life under section 4 on promotion to any other office, if the sum deducted from his salary under this section is not less than four per cent of the annual salary of the office to which he is promoted, or, if the salary of that office be one increasing by regular increments, not less than four per cent of the maximum salary he will attain by length of service.

(5) The Minister may refuse to allow any public officer to insure his life under this section.

This Act not to  
apply to  
persons on  
unfixed  
establishment.

19. From and after the 18th May, 1925, this Act shall not apply to anyone in the public service of Guyana on the unfixed establishment who has not effected insurance under this Act.

Officers on unfixed establishment not to effect insurance. c. 27:08

20. Any officer in the public service of Guyana on the unfixed establishment who was, subsequent to the commencement of the Widows and Orphans Pension Act, required to effect and did not effect insurance under and in accordance with this Act shall not do so.

When unmarried public officer may have policy transferred to him. [19 of 1990]

21. (1) Any public officer whose life is insured under this Act and who retires from the public service on a pension, at the time of retirement or any later time being unmarried and having no children, shall be entitled to have his policy transferred by the Accountant- General to him or to anyone nominated by him, free from all liability or restrictions imposed by this Act.

(2) Application for a transfer of his policy shall be made in writing by a public officer within six months of his becoming entitled to do so, or from the 12th January, 1928, in the case of an officer who, having retired on pension before that date is at that time unmarried and has no children.

(3) For the purposes of this section the term "children" means children who are under eighteen years of age.

Divorced officer to be considered unmarried.

(4) An officer who has divorced his wife or against whom a decree of divorce has been obtained by his wife in a court of competent jurisdiction within the Commonwealth shall be considered for the purposes of this section to be unmarried.

(5) Where an officer, having no children, has been separated from his wife either by a decree of judicial separation or by a deed of separation, the Minister may, having regard to the grounds of the separation and the subsequent conduct of both parties, authorise the transfer to that officer of his policy of insurance upon his retirement on pension as if he were unmarried.

Act not to  
apply to female  
public officers.

**22.** (1) From and after the 23rd October, 1920, this Act shall not apply to female public officers.

c. 38:01

(2) From the commencement of the Equal Rights Act no male public officer who is not already insured under this Act will be required to be insured under this Act.

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SUBSIDIARY LEGISLATION

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R. 31/3/1934  
2/8/1934

**PUBLIC OFFICERS (INSURANCE) RULES**

*made under section 5*

Citation.

**1.** These Rules may be cited as the Public Officers (Insurance) Rules.

Officers may select Company, etc.

**2.** Officers may, subject to the approval of the Minister, select the Company, Society or Association in which they wish to be insured.

Type of policy.

**3.** No policy of insurance other than whole of life policies will be accepted unless the policy is taken out for an amount not less than the amount for which the officer could obtain a whole of life policy for a premium equal to 4 per cent of his salary. In the event of an endowment policy being submitted to and accepted by the Minister the officer will be required to sign an agreement in the form contained in the Schedule.

Policy must be convertible.

**4.** Every policy must contain a provision that at any time, at the request of the person in whom it is vested, it may be converted into a fully paid up policy in respect of the premiums paid up to the time of such request, in accordance with the rule as to such conversion of the said Company, Society or Association.

Bonuses to accumulate

**5.** No officer shall have the right to draw any bonus declared, or use it in reduction of premiums; such bonuses

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[Subsidiary]

*Public Officers (Insurance) Rules*

until policy matures.

shall in every case be allowed to augment the policy and become payable, together with the capital sum, at the maturity of the policy:

Provided, however, that any rebate on premiums allowed for residence in a lower rated climate may be used by the officer in payment of his premiums.

Officer allowed to substitute policies for assigned policy.

6. An officer who has assigned to the Accountant General an endowment policy of insurance may be allowed to substitute thereof during the currency of such policy and at any time before he has ceased to be a public officer of Guyana either a whole life policy or an endowment policy due to mature after he reaches the age of 60 years:

Provided that:

- (a) where the policy assigned is due to mature before the officer reaches the age of 55 years the whole of life policy or the new endowment policy shall be for not less than the sum which four per cent of his salary would have purchased in a "whole of life" policy, if such policy had been taken out on the same date and instead of the assigned endowment policy, together with the bonus additions accrued and accruing thereon;
- (b) where the policy assigned is due to mature after the officer reaches the age of 55 years and before he reaches the age of 60 years the new policy to be substituted shall, in addition to the condition in paragraph (a), have a paid-up insurance value when the officer reaches the age of 55 years

commensurate with the guaranteed or estimated paid-up insurance value of the assigned policy at the same age.

Form of proposals.

7. Proposals made under these Rules shall be made in writing to the Accountant General and be disposed of by him in pursuance of proposals, these Rules.

r. 3

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**SCHEDULE**

**AGREEMENT**

Public Officers (Insurance) Act

*(Endowment Policy)*

In consideration of the Endowment Policy of Life Assurance No        dated the        day of 20..., taken out by me in the        for the sum of payable in years and assigned by me to the Accountant General, being accepted by the Minister as an insurance under and in compliance with the requirements of the Public Officers (Insurance) Act I hereby undertake that as soon as the moneys payable under the above-mentioned policy become due and payable, I will apply the whole of the moneys received by me under the said policy in effecting a further insurance upon my life for the benefit of my wife and children, or heir, either —

- (i) by the purchase of a fully paid up policy of assurance upon my life, to be applied as directed by section 12 of the said Act; or
- (ii) by the purchase of a survivorship annuity payable to my wife or children, as the Minister may approve, and, in addition in either of the above cases, to re-insure my life



[Subsidiary]

Public Officers (Insurance) Rules

for such sum as a premium equal to four per cent upon the salary I am receiving at the time the moneys receivable under the above-mentioned policy are payable, will secure; or

- (iii) in the event of my being desirous of receiving the money payable under the said endowment policy, I undertake to reinsure for the sum which four per cent of my salary would have purchased in a "Whole of Life Policy", if such policy had been taken out on the same date and instead of the said endowment policy, together with the bonus additions during the endowment term:

Provided that if I fail to pass the necessary medical examination for the new insurance in the case of either (i), (ii) or (iii), or am unable to pay the higher premium consequent upon my insurance in terms of (iii), I agree that the money receivable under the above-mentioned endowment policy shall be invested on my behalf in the Post Office Savings Bank in the name of the Accountant General, or, in the name of the Accountant General, in some security to be recommended by me and approved by the Minister. This undertaking is to be void in the event of my having ceased to be a public officer of Guyana before the policy moneys under the first-mentioned policy become due and payable.

Witnesses—

Dated this.....day of..... 20

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