



I assent.

Edward Denham

Governor.

31st August, 1933.

BRITISH GUIANA.

ORDINANCE NO. 20 OF 1933.

AN ORDINANCE for regulating pensions, gratuities and other allowances to be granted in respect of service in offices held by Civil Servants in this Colony. A.D. 1933

BE it enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Pensions Ordinance, Short Title. 1933.

2. In this Ordinance unless the context otherwise requires, the Definitions, following expressions have the meanings hereby assigned to them :—

“ Pensionable office ” means—

- (a) In respect of service in British Guiana an office which has been declared by the Governor with the sanction of the Secretary of State and the approval of the Legislative Council by a notification published in the *Gazette* to be pensionable: Provided that any office declared to be pensionable under this section may be declared at any time by the Governor with the sanction of the Secretary of State and the approval of the Legislative Council by a notification published in the *Gazette* to be no longer pensionable due regard being had to existing rights;
- (b) In respect of other public service an office which is a pensionable office under the law or regulations in force in such service;

“ Pensionable emoluments ”—

- (a) In respect of service in the Colony includes—
- (i) salary, and
 - (ii) personal allowance,

but does not include duty entertainment or other allowance or any other emoluments whatsoever;

- (b) In respect of other public service means emoluments which count for pension in accordance with the law or regulations in force in such service;

“ Salary ” means the salary attached to an office;

“ Personal allowance ” means a special addition to such salary granted personally to the holder for the time being of the office and expressed to be pensionable;

“ Public service ” or “ Service ” means service in a civil capacity under the Government of the Colony or of a British Colony or Protectorate or a territory under a British Mandate and any such other service as the Secretary of State may determine to be “ public service ” for the purpose of any provision of this Ordinance or the regulations made thereunder. Service as a Governor or High Commissioner of a British Dominion Colony or Protectorate or a territory under British Mandate or as a Governor in India shall be deemed to be public service except for the purposes of computation of pension or gratuity and of section eleven of this Ordinance;

“ Other public service ” means public service not under the Government of the Colony;

“ Service of the Colony ” means service in a civil capacity under the Government of British Guiana;

“ Officer ” means a person substantively appointed to a pensionable office.

3.—(1) The grant by the Governor in Council of pensions gratuities and other allowances to persons to whom this Ordinance applies or of a gratuity to the personal representative of any such person shall be regulated by this Ordinance and the regulations set forth in the Schedule.

Grant of pensions, &c., regulated by Ordinance and Regulations.

(2) In the following sections the expression "this Ordinance" shall be construed to include the regulations.

4. There shall be charged on and paid out of the General Revenue of the Colony all such sums of money as may from time to time be granted by the Governor in Council by way of pension gratuity or other allowance in accordance with this Ordinance.

Pensions to be charged on Revenue of the Colony.

5.—(1) No officer shall have an absolute right to compensation for past services or to pension gratuity or other allowance under this Ordinance nor shall anything herein or in such regulations contained limit the right of the Crown to dismiss any officer without compensation.

Pensions not of right.

(2) Where it is established to the satisfaction of the Governor in Council that an officer has been guilty of negligence irregularity or misconduct the pension gratuity or other allowance may be reduced or altogether withheld.

(3) No officer shall be granted a pension gratuity or other allowance under this Ordinance without a certificate from the head of his Department or, if he is himself the head of a Department, from the Governor to the effect that he has discharged his office with such diligence and fidelity as to justify the grant to him of such pension gratuity or other allowance.

6. Where an officer is seconded or temporarily transferred for duty in the service of the Colony from a pensionable office to an office or employment which would not entitle him to pension under this Ordinance, the period during which he shall serve in such office or employment as aforesaid shall count for pension as if the officer had not been seconded or temporarily transferred unless the Governor in Council shall in any case otherwise decide.

Preservation of pension rights.

7. No pension gratuity or other allowance shall be granted to any officer in respect of any service—

Service not qualifying for pension.

(a) while on probation or agreement unless without break of service he is confirmed in a pensionable office in the Colony or in an office in other public service which is at the time of confirmation pensionable under the pension law or regulations applicable to such service; or

(b) while under the age of twenty years.

8. No pension gratuity or other allowance shall be granted to any officer except on his retirement from the public service in one of the following cases—

Circumstances in which pensions may be granted.

- (a) on or after attaining the age of fifty-five years or in the case of transfer to other public service on or after attaining the age at which an officer is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity ; or
- (b) on the abolition of his office ; or
- (c) on compulsory retirement for the purpose of facilitating improvement in the organisation of the department to which he belongs by which greater efficiency or economy can be effected ; or
- (d) on medical evidence to the satisfaction of the Governor in Council that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent ; or
- (e) on removal on the ground of inefficiency as hereinafter provided ; or
- (f) on retirement in circumstances rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Act, 1911, or any Act amending or replacing the same.

1 & 2 Geo. 5
c. 24.

Retirement for inefficiency.

9. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof and a pension gratuity or other allowance cannot otherwise be granted to him under the provisions of this Ordinance the Governor in Council with the approval of the Secretary of State may if he considers it justifiable having regard to all the circumstances of the case grant such a pension gratuity or other allowance as he thinks just and proper but in no case exceeding in amount that for which the officer would be eligible if he were suffering from some infirmity of mind or body likely to be permanent.

Age for compulsory retirement.

10. The Governor in Council may require an officer to retire from the service of the Colony on or after attaining the age of sixty years.

Maximum pension grantable.

11.—(1) A pension granted to an officer under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Colony.

(2) Where the officer has been or is granted a pension or pensions in respect of other public service he may be granted the full pension for which he is eligible in respect of his service in the Colony but no person may at any time draw from the funds of the Colony an amount of pension which when added to the amount of any pension or pensions drawn in respect of other public service exceeds two-thirds of the highest pensionable emoluments drawn by such person at any time in the course of his service in the Colony or in other public service :

Provided that where such a person receives in respect of some period of public service both a gratuity and a pension the amount of such pension shall be deemed for the purpose of this sub-section to be four-thirds of its actual amount.

(3) In a case falling under the limitation laid down by sub-section (2) the amount of pension to be drawn from the funds of the Colony shall be subject to the approval of the Secretary of State in order that it may be determined with due regard to the amount of any pension or pensions similarly to be drawn in respect of other public service.

(4) For the purpose of the preceding sub-sections an additional pension granted in respect of injury shall not be taken into account but where the officer is granted such an additional pension the amount of such additional pension which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions apart from such additional pension falls short of two-thirds of such highest emoluments.

12.—(1) Any officer to whom a pension is granted under this Ordinance may, at his option exercisable as hereinafter provided, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made in the pension.

Option to take reduced pension with gratuity.

(2) The option referred to in sub-section (1) shall be exercisable not later than the date of retirement :

Provided that in a case where an order of retirement is retrospective in its effect the officer may exercise his option within two months of the date on which the order of retirement is communicated to him :

Provided further that the Governor may authorise the acceptance of an option received at a date later than the date herein prescribed, if it is established that an officer was prevented by causes not within his control from exercising the option by the prescribed date, but in no case shall an option be accepted after a retired officer has begun to draw pension or annuity.

(3) The date of the exercise of the option shall be deemed to be the date of the receipt of the officer's written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies.

Liability of pensioners to be called upon to take further employment.

13. Every pension granted to an officer shall be subject to the following condition :—

Unless or until he has attained the age of fifty-five years, he may, if physically fit for service, be called upon by the Secretary of State to accept, in lieu of his pension, an office, whether in the Colony or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he had at the date of the grant of his pension.

If a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of fifty-five years.

Gratuity affected by re-employment.

14. If any officer to whom a gratuity without pension has been granted under this Ordinance is re-appointed to any office in the service of the Colony or in other public service his previous service may with the approval of the Secretary of State be taken into account for the purposes of pension if he refunds the gratuity on such re-appointment.

Pensions, etc., not to be assignable.

15. 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 Government at the time of the officer's retirement.

Pension, etc., to cease on bankruptcy.

16. If any officer to whom a pension or other allowance has been granted under this Ordinance is adjudicated a bankrupt or is declared insolvent then the pension or allowance shall forthwith cease: Provided always that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner the Secretary of State or, if the pensioner is resident in the Colony, then the Governor in Council from time to time during the remainder of the pensioner's life or during such shorter period or periods either continuous or discontinuous as the Secretary of State or the Governor in Council as the case may be shall think fit may cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance had he not become bankrupt or insolvent to be paid to or applied for the maintenance and personal support or benefit of all or any to the exclusion of the other or others of the following persons namely, the pensioner and any wife child or children of his in such proportions and manner as the Secretary of State or Governor in Council as the case may be thinks proper.

Pensions, etc., to cease on conviction.

17. If any officer to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of imprisonment by any competent Court whether within or without the Colony for any crime or offence then in every such case the Secretary of State or if the person is resident in the Colony the Governor

in Council may order that the pension or allowance shall forthwith cease and after the order the pension or allowance shall not be paid: Provided always that the pension or allowance shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon: and provided further that where a pension or allowance ceases for the reason aforesaid the Secretary of State or if the person is resident in the Colony the Governor in Council may cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance to be paid to or applied for the benefit of any wife child or children of the pensioner or after the expiration of his sentence also for the benefit of the pensioner himself in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy or insolvency hereinbefore provided.

18. If any officer to whom a pension or other allowance has been granted under this Ordinance becomes either a director of any company the principal part of whose business is in any way directly concerned with the Colony or an officer or servant employed in the Colony by any such company without in every such case the permission of the Governor in writing first had and obtained then in every such case the Governor with the approval of the Secretary of State may direct that the pension or allowance shall forthwith cease: Provided always that the Governor with the approval of the Secretary of State on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of the company or to be employed as an officer or servant of the company in the Colony as the case may be may give directions for the restoration of the pension or allowance with retrospective effect if he shall see fit to such a date as he shall specify.

Pensions, etc., to cease on accepting certain appointments.

19. Where an officer who has been in the service of the Colony for not less than one year dies while in such service the Governor in Council may grant to his legal personal representative a gratuity not exceeding one year's pensionable emoluments.

Gratuity to estate where an officer dies in the service

20.—(1) Where an officer dies as the direct result of injuries received

Gratuities and pensions to dependants of an officer killed on duty.

(a) in the actual discharge of his duty, and

(b) without his own default, and

(c) on account of circumstances specifically attributable to the nature of his duties,

while in the service of the Colony it shall be lawful for the Governor in Council with the approval of the Secretary of State to grant in addition to the grant if any made to his legal personal representative in accordance with section nineteen of this Ordinance:—

- (i) if the deceased officer leaves a widow a pension to the widow while unmarried and of good character at a rate not exceeding ten-sixtieths of his pensionable emoluments at the date of the injury or forty-eight dollars a year, whichever be the greater, and also a gratuity, not exceeding four dollars and eighty cents multiplied by the total number of their years, starting from their ages at the time of their father's death and ending with fifteen years, to each child alive at the date of the father's death and a gratuity not exceeding seventy-two dollars to any posthumous child :

Provided that the gratuities so granted shall not in the aggregate be less than forty-eight dollars nor more than two hundred and eighty-eight dollars ;

- (ii) if the officer's wife has predeceased him, or if no pension is granted to her under preceding sub-section, and he leaves children who would have been eligible for gratuity if a pension had been granted to the widow, gratuities of twice the amount of the gratuities for which they would have been eligible in such circumstances ;

- (iii) If the deceased officer does not leave a widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, at a rate not exceeding the rate of the pension which might have been granted to his widow :

Provided that

- (a) if the mother is a widow at the time of the grant of the pension and subsequently re-marries such pension shall cease as from the date of re-marriage ; and
- (b) if the mother is not a widow and it appears that the deceased's father is in a position to support her such pension shall cease from such date as the Secretary of State may determine.

(2) When an officer who is not qualified for either pension or gratuity dies in the circumstances mentioned in sub-section (1) of this section, the Governor in Council, with the approval of the Secretary of State, may grant the pension or gratuities which might have been granted if his case had fallen under sub-section (1) but no grant shall be made under section nineteen of this Ordinance.

21. The provisions of this Ordinance shall apply

- (1) to all officers appointed to the public service of the Colony

- (a) after the commencement of this Ordinance ; or

(b) before the commencement of this Ordinance to whom it was intimated before appointment that they were liable to be affected by any change in the pension law of the Colony; and

(II) to any other officer serving in the Colony at the commencement of this Ordinance and to any other officer transferred to other public service before the commencement of this Ordinance who shall be still serving at the date of such commencement who within one year of such commencement shall give notice in writing to the Colonial Secretary of his desire that the provisions of this Ordinance shall apply to him.

22. The Governor in Council shall have full power and authority to decide all questions that may arise in respect of or in connection with the administration of this Ordinance.

Settlement
of questions
arising
under the
Ordinance.

THE SCHEDULE.

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES,
AND OTHER ALLOWANCES TO PERSONS WHO HAVE BEEN IN
THE PUBLIC SERVICE OF THE COLONY.

PART I.

PRELIMINARY.

Short Title.

1. These Regulations may be cited as the Pensions Regulations, 1933.

Definitions.

2. In these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them :—

“Scheduled Government” means the Government of any place which is included in Schedule I to these Regulations: provided that the Governor may by Order in Council vary the Schedule by the addition thereto or the removal of any Government;

“Ordinance” means the Pensions Ordinance, 1933.

PART II.

REGULATIONS DEALING WITH PUBLIC SERVICE ENTIRELY IN THE COLONY.

Pensions to whom and at what rates to be granted.

3. Subject to the provisions of the Ordinance and of these regulations, every officer who has been in the service of the Colony for ten years or upwards may be granted a pension at the rate of one seven hundred and twentieth of his pensionable emoluments in respect of each complete month of such service subject to the limit described in section eleven of the Ordinance.

Gratuities where length of service does not qualify for pension.

4. Every officer otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which if there had been no qualifying period might have been granted to him under Regulation 3.

Period of service in the Colony qualifying for pension or gratuity defined.

5. Subject to the provisions of section seven of the Ordinance and of these regulations, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an officer begins to draw salary or half salary from the funds of the Colony and the date of his leaving the service of the Colony.

Service to be unbroken.

6. Service in respect of which pensions or gratuities may be granted must be unbroken, except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation: Provided that service prior to a break of service may be allowed to count for pension together with service subsequent to such break if the whole intervening period has been spent in some other employment under the Crown.

Computation of pensions and gratuities. Leave of absence.

7. For the purpose of computing the amount of an officer's pension or gratuity the following periods shall be taken into account as pensionable service—

(a) any periods during which he has been on duty;

(b) any period during which he received half salary from the funds of the Colony while proceeding to the Colony on first appointment;

(c) any period during which he has been absent from duty on leave with full salary or on commuted leave or on leave on half salary: Provided that any period during which an officer has been absent on leave on half salary save as provided in the next clause of this regulation shall be counted at the rate of one month for every two months of such period;

(d) any period during which he has been absent from duty on leave either on half pay or without salary granted on grounds of public policy with the approval of the Secretary of State and during which he has not qualified for pension or gratuity in respect of other public service;

and any periods during which he has been absent on leave, other than those specified above, shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

8. For the purpose of computing the amount of pension or gratuity of an officer who, during some period of his service in a pensionable office in the Colony has served, with the consent of the Governor or the Secretary of State, with His Majesty's Armed Forces or in any other capacity connected with a state of war, the whole or any part of such period may be taken into account. War service not to prejudice pension rights.
9. For the purpose of computing the amount of an officer's pension or gratuity—
- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full pensionable emoluments payable to him at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, the full pensionable emoluments payable to him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) in other cases the average of the full pensionable emoluments payable in respect of each of the offices substantively held by the officer during his tenure thereof within such period of three years shall be taken: Provided that if such average is less than the full pensionable emoluments which were payable to him at the date of the first transfer within such period of three years, the Governor may, with the approval of the Secretary of State, grant him a pension calculated upon the full pensionable emoluments payable to him at that date. Computation of pensions, etc., on what emoluments to be based.
10. Where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office, or of service paid for out of an open vote, or of both such services, such period, or any part of such period, may be taken into account in computing pension or gratuity: Provided that of the period of service paid for out of an open vote, only two-thirds shall be counted. Non-pensionable service followed by pensionable service.
11. Where an officer has performed acting service in a pensionable office in the Colony, the period of such service may be taken into account as pensionable service: Provided that
- (a) the period of such acting service was not part of the pensionable service of the previous holder of the office and does not fall to be reckoned as part of the officer's own pensionable service in other public service; and
- (b) this period of service is immediately preceded or followed by service in a substantive capacity in a pensionable office in the Colony. Acting service.
12. If any officer is retired from the service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency or economy can be effected he may be granted a pension calculated in accordance with regulation thirteen subject to the condition that he shall be liable to be recalled to service in the Colony: Provided that
- (a) if such person is not qualified for other employment or if there is no reason, in the opinion of the Governor, to expect that he can be shortly re-employed, a pension may be granted to him free from the above-mentioned condition;
- (b) such person shall not be liable to be recalled to service in the Colony after the expiration of one year from the date of his retirement. Abolition or reorganisation of office.
- 13.—(1) In the case of an officer retired as provided in regulation twelve who has served ten years or upwards in the Colony, and whether such officer has attained the age of fifty-five years or not, his pension may be at the rate of the number of seven hundred and twentieths of his pensionable emoluments set out in regulation three hereof and there may be granted also an additional pension based on the number of sixtieths of his pensionable emoluments not exceeding the following — Rates of pension when offices are abolished.

(a) in the case of an officer who has served not less than twenty years	8
(b) in the case of an officer who has served seventeen years	... 7
(c) in the case of an officer who has served fifteen years	... 6
(d) in the case of an officer who has served twelve years	... 5
(e) in the case of an officer who has served ten years	... 4

(2) No additional pension shall be granted under this regulation so as to entitle an officer to a higher total pension than the maximum of two-thirds of his pensionable emoluments at the date he ceased to be in the service of the Colony or than the pension for which he would have qualified by length of service on reaching the age at which he may be required to retire.

Rates of gratuity on abolition when service less than ten years.

14. In the case of an officer retired as provided in regulation twelve and whose length of service is not such as to entitle him to a pension, a special gratuity not exceeding one-eighth of a month's pensionable emoluments for each complete month of service may be granted.

Officers retiring on account of injuries.

15.—(1) Where an officer is permanently injured by accident arising out of and in the course of his employment, provided that the injury is not attributable to serious and wilful misconduct on his part, and his retirement is thereby necessitated or materially accelerated, he may, if he is qualified for a pension under regulation three, be granted, in addition to the pension granted to him under that regulation, an additional pension at the rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:—

When his capacity to contribute to his own support is—

slightly impaired	five-sixtieths;
impaired	ten-sixtieths;
materially impaired	fifteen-sixtieths;
totally destroyed	twenty-sixtieths;

Provided that the amount of the additional pension shall, subject to the approval of the Secretary of State, be reduced to such an extent as the Governor shall think reasonable in the following cases:—

- where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires;
- where the injured officer is fifty years of age or upwards at the date of his injury; or
- where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to the injury:

Provided also that the total amount of the additional pension shall not exceed the amount prescribed in sub-section four of section eleven of the Ordinance.

Pensions to injured officers where service less than ten years.

(2) An officer so injured, whose length of service is not such as to qualify him for a pension under regulation three, but who is qualified for a gratuity under regulation four, may nevertheless be granted in lieu of such gratuity a pension at the rate of one seven hundred and twentieth of his pensionable emoluments for each complete month of pensionable service together with such additional pension as might be awarded to him under the preceding part of this regulation as if he were qualified for a pension.

(3) An officer so injured who is not qualified for either a pension under regulation three or a gratuity under regulation four may nevertheless be granted an allowance payable monthly at the same rate as the additional pension which he might have been granted if he had been so qualified.

Computation of pensions Re-employed pensioners.

16. If any officer to whom a pension has been granted from the funds of the Colony is appointed to another office in the service of the Colony, or in other public service and subsequently retires in circumstances in which he may be granted a pension, he may be granted in lieu of his previous pension a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of the Colony, whichever may be the greater: Provided that if on his previous retirement he was paid a gratuity and a reduced pension, he may be granted a pension computed on his total service, calculated for the first period on the same reduced principle as his previous pension and as a full pension for the next period of such service.

17.—(1) In special cases any person holding a non-pensionable office who after the commencement of this Ordinance retires in circumstances in which he might have been granted a pension if he had held a pensionable office may if he has not less than fifteen years continuous service in the Colony be granted an annual allowance not exceeding two-thirds of the pension that he might have been granted had he been employed in a pensionable office.

Allowance to officers who have served fifteen years in a non-pensionable office.

(2) Where an officer has been transferred from a pensionable to a non-pensionable office, he shall be entitled either

(a) to count his service in the non-pensionable office as though it were service in a pensionable office at the salary which he received immediately prior to such transfer; or

(b) to count his service in the pensionable office as though it were in the non-pensionable office, and to take the benefit of this regulation accordingly.

PART III,

SPECIAL REGULATIONS FOR OFFICERS WITH OTHER PUBLIC SERVICE.

18. Subject to the succeeding regulations, the provisions of regulations ten and sixteen shall apply to the case of an officer who has been transferred to or from the service of the Colony from or to other public service, and the provisions of regulations five to ten and seventeen, shall apply to the case of an officer so transferred as if his whole service had been in the Colony.

Application of Regulations in Part I.

19.—(1) Where the other public service of an officer has been wholly under one or more of the scheduled Governments and he has held a pensionable office in the Colony for a period of at least twelve months, and his aggregate service would have rendered him eligible had it been wholly in the Colony, for a pension under the Ordinance he may on his ultimate retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity be granted a pension from the Colony of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in the Colony as the aggregate amount of his pensionable emoluments during his service in the Colony shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable emoluments from any of the scheduled Governments: Provided that in determining the pension for which he would have been eligible if his service had been wholly in the Colony—

Pension for service wholly under the scheduled Governments.

(a) the final pensionable emoluments shall be taken to be those of his last period of service under the scheduled Governments; and

(b) no regard shall be had to regulations thirteen and fifteen; and

(c) regard shall be had to the condition that the pension may not exceed two-thirds of the highest pensionable emoluments:

Provided further that any period of other public service under any scheduled Government by which no gratuity or pension is granted to an officer shall not be taken into account either in determining the amount of pension for which he would have been eligible if his service had been entirely in the Colony, or in calculating the aggregate amount of his pensionable emoluments:

Provided also that where an officer entered the public service prior to the 1st of January, 1930, his pension in respect of his service in the Colony, may be calculated as though any scheduled Government under which he has served had not been included in Schedule I to these Regulations, if this should be to his advantage.

(2) The aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout the period of his service in the Colony or under any scheduled Government by which gratuity or pension is granted to him.

20. Where the other public service of an officer has not been wholly under one or more of the scheduled Governments but has been in whole or in part under one or more of the Governments mentioned in Schedule II to these Regulations (which Schedule may be varied by Order in Council by the addition thereto or the removal therefrom of any Government) and the officer has held a pensionable office in the Colony for a period of at least twelve months and his aggregate service would have rendered him eligible, had it been wholly within the Colony, for a pension under these Regulations, he may, on his ultimate retirement from the

Where service has been wholly or partly under the Governments mentioned.

public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted, in lieu of the pension which might be granted under regulation twenty-one or twenty-two as the case may be, a pension from the funds of the Colony of an amount equal to the arithmetic mean between the pension which he could have been granted from the funds of the Colony if his service had been wholly under one or more of the scheduled Governments and the pension which he would receive from the funds of the Colony in the absence of this regulation :

Provided that the pension which may be granted under this regulation shall not exceed the pension which the officer would receive from the funds of the Colony in the absence of this regulation by more than one-third of the latter.

Pension where other service not within the scheduled Governments.

21. Where the other public service of an officer has not included service under any of the scheduled Governments, and he has held a pensionable office in the Colony for a period of at least twelve months, and his aggregate service would have rendered him eligible, had it been wholly in the Colony, for a pension under these regulations, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the Law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from the funds of the Colony at the rate of one seven hundred and twentieth of the amount of his pensionable emoluments at the date of his transfer or retirement from the service of the Colony for each calendar month of his pensionable service in the Colony.

Pensions where other service both with and not with scheduled Governments.

22. Where a part only of the other public service of an officer has been under one or more of the scheduled Governments, the provisions of regulation nineteen shall apply ; but in calculating the amount of pension regard shall be had only to service in the scheduled Governments.

Addition to pension in respect of abolition or re-organisation of office.

23. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible had it been wholly in the Colony for a pension under these regulations is compulsorily retired from the public service in circumstances mentioned in regulation twelve he may if at the time he is in the service of the Colony be granted from the funds of the Colony in addition to the pension granted to him under regulation nineteen, twenty, twenty-one or twenty-two, as the case may be, an addition to his pension equal to the addition to his pension which might have been granted to him if his total pensionable service had been in the Colony.

Addition to pension to officers retiring on account of injury.

24. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible had it been wholly in the Colony for a pension under these regulations is compulsorily retired from the public service in circumstances mentioned in regulation fifteen he may if at the time he is in the service of the Colony be granted from the funds of the Colony an addition to his pension allowed by that regulation as well as the pension granted under regulation nineteen, twenty, twenty-one or twenty-two, as the case may be.

Pension in respect of abolition of office or injury after less than twelve months service in Colony.

25. Where by reason of the fact that an officer whose case falls under regulation twenty-three or twenty-four having held a pensionable office in the Colony for less than twelve months is not eligible for a pension under regulation nineteen, twenty, twenty-one, or twenty-two, as the case may be, he may nevertheless if at the time of his retirement he is in the service of the Colony be granted from the funds of the Colony a pension of the same amount as the addition to his pension allowed by regulation twenty-three or twenty-four, as the case may be.

Gratuities where length of service does not qualify for pension.

26.—(1) Where an officer who has been transferred to or from the service of the Colony from or to other public service retires from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity but has not completed in the aggregate the minimum period of service qualifying him for a pension he may be granted from the funds of the Colony a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulations nineteen, twenty, twenty-one or twenty-two as the case may be.

Abolition or re-organisation of office.

(2) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation twelve he may if at the time he is in the service of the Colony be granted a special gratuity equal to one-third of the

gratuity which might have been granted to him if his total pensionable service had been in the Colony together with the gratuity if any which may be granted to him under clause one of this regulation.

(3) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation fifteen he may if at the time of such retirement he is in the service of the Colony be treated as if he had no other public service but he shall not be granted in addition the gratuity for which he is eligible under clause one of this regulation.

Injury.

27. Where an officer who is transferred to other public service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed solely by reason of the fact that he has not completed twelve months' service therein he shall not on that account be disqualified from receiving a pension or gratuity from the funds of the Colony if otherwise eligible therefor.

Officers transferred to other public service and retiring after less than twelve months employment in last service.

ROHEDU 11

Chief of the Government

(M. P. 88/22)

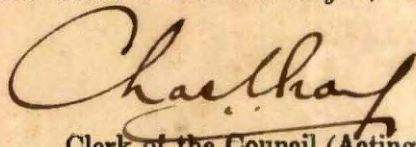
 SCHEDULE I.

Ceylon.
 Cyprus.
 Falkland Islands.
 Fiji.
 Gambia.
 Gibraltar.
 Gold Coast.
 Jamaica.
 Kenya.
 Nigeria.
 Northern Rhodesia.
 Nyasaland.
 St. Helena.
 Sierra Leone.
 Somaliland.
 Tanganyika Territory.
 Turks and Caicos Islands.
 Western Pacific:—
 Gilbert and Ellice Islands.
 Solomon Islands.
 Windward Islands:—
 Grenada.
 St. Lucia.
 St. Vincent.
 Zanzibar.

 SCHEDULE II

Federated Malay States.
 Kenya-Uganda Railways and Harbour Administration.
 Straits Settlements.
 Trinidad.

*Passed by the Legislative Council this 17th day of August,
 1933.*



Clerk of the Council (Acting).

(M.P. 835/33).