



assent.
Edward Denham

Governor.

7th May, 1934.

BRITISH GUIANA.

ORDINANCE NO. 12. OF 1934.

AN ORDINANCE to amend the Pensions Ordinance, 1933, with respect to the time for the exercise of the option to accept a gratuity and reduced pension, and with respect to certain regulations. A.D. 1934. —

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 (Amendment) Ordinance, 1934, and shall be construed with the Pensions Ordinance, 1933, hereinafter referred to as the Principal Ordinance, Short Title. No. 20 of 1933.

Repeal and re-enactment of sec. 12 of Ord. 20 of 1933.

Option to take reduced pension with gratuity.

2. Section twelve of the Principal Ordinance is repealed as from the date of its enactment and the following is substituted:—

“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.

(2) The option referred to in sub-section (1) shall be exercisable

(a) in the case of an officer who, if he had been retired on grounds of ill-health at the date of the commencement of this Ordinance might have been granted a pension under this Ordinance, not later than the thirty-first of December, nineteen hundred and thirty-four;

(b) in the case of any other officer, not later than one month after the earliest date on which, if retired on grounds of ill-health, he might be awarded a pension under this Ordinance or not later than the thirty-first of December, nineteen hundred and thirty-four, whichever shall be the later date:

Provided always

(i) that an officer who has previously had the opportunity of exercising the option but has not done so may apply within one month of his subsequent marriage for permission to exercise the option, which permission may be granted at the Governor's discretion after examination of the officer by a Government Medical Board;

(ii) that the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies; and

(iii) that if an officer has exercised the option his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under this Ordinance.”

Amendment of sec. 21 (II) of Ord. 20 of 1933.

3. Paragraph (II) of section twenty-one of the Principal Ordinance is amended by substituting the words—

“not later than the thirty-first of December, nineteen hundred and thirty-four”

for the following words in the fifth and sixth lines—

“within one year of such commencement.”

4. Regulations fifteen, seventeen and nineteen of the Pensions Regulations, 1933, set forth in the Schedule to the Principal Ordinance are amended as follows:—

Amendment of the Pensions Regulations, 1933.

(a) in regulation fifteen the first eight lines of paragraph (1) are repealed and the following is substituted—

“ 15 (1).—Where an officer has been permanently injured—

(i) in the actual discharge of his duty; and

(ii) without his own default; and

(iii) by some injury specifically attributable to the nature of his duty;

Officers retiring on account of injuries.

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:—”

(b) in regulation seventeen the word “twenty” is substituted for the word “fifteen” in the fourth line of paragraph (1);

(c) regulation nineteen is repealed and the following is substituted—

“ 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 qualified him, had he been wholly in the Colony, for a pension under the Ordinance, he may, on his 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 amounts 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 the scheduled Governments.

Pension for service wholly under the scheduled Governments.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly in the Colony—

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

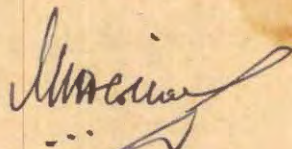
- (b) no regard shall be had to regulations thirteen and fifteen ;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments ;
- (d) no period of other public service under any scheduled Government which does not grant a pension or gratuity to the officer shall be taken into account.

(3) For the purpose of this regulation 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 his period of service in the Colony and under the scheduled Governments subsequent to the attainment of the age of twenty years :

Provided that in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service under any scheduled Government which does not grant the officer a pension or gratuity :

Provided also that where an officer entered the public service prior to the first of January, nineteen hundred and thirty, 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."

Passed by the Legislative Council this 18th day of April, 1934.



Clerk of the Council.

(M.P. 835/32).