

Bill No. 9 of 1963 (L.A.)

PUBLISHED 16TH MARCH, 1963

No. 261

Bill No. 9 of 1963 (L.A.)

PENSIONS (CONSOLIDATION) (AMENDMENT) BILL, 1963

Arrangement of Sections.

Section

1. Short title.
2. Amendment of section 2 of the Principal Ordinance.
3. Amendment of schedule to the Principal Ordinance.
4. Amendment of schedule to the Regulations in the Principal Ordinance.

A BILL

Intituled

An Ordinance to amend the Pensions (Consolidation) Ordinance, 1957.

Enacted by the Legislature of British Guiana:—

A.D. 1963.

1. This Ordinance may be cited as the Pensions (Consolidation) (Amendment) Ordinance, 1963, and shall be construed and read with the Pensions (Consolidation) Ordinance, 1957, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short title.

No. 38 of 1957.

2. Section 2 of the Principal Ordinance is hereby amended by the substitution for the definition of the expressions "public service" or "service" of the following definition —

Amendment of section 2 of the Principal Ordinance.

"public service" or "service" means —

- (a) service in a civil capacity under the Government of the Colony or of any other country or territory in the Commonwealth;
- (b) service under the East Africa High Commission, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration or the East African Common Services Organisation;
- (c) service which is pensionable —
 - (i) under the Oversea Superannuation Scheme;
 - (ii) under any Acts relating to the superannuation of teachers in the United Kingdom or Northern Ireland;
 - (iii) under a local authority in the United Kingdom or Northern Ireland; or
 - (iv) under the National Health Service of the United Kingdom or Northern Ireland Health Service.
- (d) except for the purposes of computation of a pension or gratuity and of section 11 of this Ordinance, service in respect of which a pension may be granted under the Governors' Pensions Act, 1957;
- (e) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa established by the Eastern Africa Court of Appeal Order in Council, 1961;
- (f) service in the service of the Interim Commissioner for the West Indies; and
- (g) any other service that the Secretary of State, or the Governor after consultation with the Secretary of State, has determined to be public service for the purpose of this Ordinance.

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3. Part I of the Regulations in the schedule to the Principal Ordinance is hereby amended by the substitution for the definition of the expression "scheduled Government" in regulation 2 of the following definition —

Amendment of schedule to the Principal Ordinance.

"scheduled Government" means —

- (a) the Government of any territory, or any authority, mentioned in the schedule to these Regulations;

- (b) the Government of Ceylon, in respect of any officer appointed to service under that Government before the 4th day of February, 1948;
- (c) the Government of Palestine, in respect of any officer appointed to service under that Government before the 15th day of May, 1948;
- (d) the Government of the Somali Republic in respect of any officer appointed to service under the Government of the Somaliland Protectorate before the 26th day of June, 1960;
- (e) the Government of Cyprus, in respect of any officer appointed to service under that Government before the 16th day of August, 1960;
- (f) the East African Common Services Organisation in respect of any person deemed to have been appointed to service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa by or under the Eastern Africa Court of Appeal Order in Council, 1961; and
- (g) the Interim Commissioner for the West Indies in respect of any person deemed to have been appointed or appointed to service as Judge, Registrar, officer or servant of the British Caribbean Court of Appeal by or under the British Caribbean Court of Appeal Order in Council, 1962:

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Provided that the Governor may, by order, vary the schedule to these Regulations by the addition thereto or the removal therefrom of any Government or any authority.

Amendment
of schedule to
the Regulations
in the
Principal
Ordinance.

4. The list of scheduled Governments in the schedule to the Regulations in the Principal Ordinance is hereby amended —

- (a) by the addition thereto of the authority “the Interim Commissioner for the West Indies”; and
- (b) by the deletion of the words “Cyprus” and “Somaliland”.

OBJECTS AND REASONS

The purpose of this Bill is to safeguard the superannuation position of officers who have been transferred to or may in the future be transferred to or from the service of the Government of any country or territory which following independence ceases to be part of Her Majesty's dominions or under Her Majesty's protection, but remains in the Commonwealth. Service under any such Government must be determined as “public service” in order to preserve the officers' pension rights under the Pensions (Consolidation) Ordinance, 1957.

2. Clause 2 of the Bill therefore seeks to amend the definition of “public service” or “service” in that Ordinance to include service in any such independent territory.

3. Clause 3 of the Bill seeks to amend the definition of “scheduled Government” in regulation 2 of the Regulations in the schedule to the Ordinance.

CHARLES JACOB Jr.
Minister of Finance.

(M.P. 101/14/31).
(Bill 9/1963(L.A.))