

CHAPTER 73.

PENSIONS, 1933.

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

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CHAPTER 73.

PENSIONS, 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.

20 of 1933.
12 of 1934.
29 of 1934.
32 of 1935.
14 of 1936.
12 of 1938.
14 of 1939.
20 of 1941.
21 of 1943.
39 of 1944.
7 of 1948.
5 of 1950.
32 of 1950.
42 of 1950.
51 of 1950.
14 of 1951.
43 of 1952.
59 of 1952.

[31ST AUGUST, 1933.]

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

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

“ 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 11 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.

Grant of pensions, etc., regulated by Ordinance and regulations. 21 of 1943. s. 2 and sch.

3. (1) The grant by the Governor 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.

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

Pensions to be charged on Revenue of the Colony. 21 of 1943. s. 2 and sch.

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 by way of pension, gratuity or other allowance in accordance with this Ordinance.

Pensions not of right.

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.

(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—

Circum-
stances in
which pen-
sions may be
granted.
14 of 1939,
ss. 2 and 6.
39 of 1944,
s. 2.

(a) on or after attaining the age of fifty-five years or, in special cases with the approval of the Secretary of State, fifty 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.

Provided that a gratuity may be granted to a female officer who retires for the reason that she has married or is about to marry notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance ; but this proviso shall not apply to a female officer who, on account of her marriage, retires later than :—

(1) the 3rd August, 1940, and

(2) six months after the date of her marriage, or, in any case where the officer's retirement is postponed at the request of the Government of the territory in which she is employed at the time of her marriage, such later date as the Governor may for that reason allow.

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,
14 of 1939,
ss. 3 and 6.
39 of 1944,
s. 3.

10. The Governor in Council may require an officer to retire from the service of the Colony on or after attaining the age of fifty-five years *or, in the case of a female officer, on marriage :*

Provided that the words printed in italics shall not apply to a female officer who, on account of her marriage, retires later than :—

(1) the 3rd August, 1940, and

(2) six months after the date of her marriage, or, in any case where the officer's retirement is postponed at the request of the Government of the territory in which she is employed at the time of her marriage, such later date as the Governor may for that reason allow :

And provided further that in special cases the Governor in Council may, with the approval of the Secretary of State, require an officer to retire from the service of the Colony at any time on or after attaining the age of fifty 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 subsection to be four-thirds of its actual amount.

(3) In a case falling under the limitation laid down by subsection (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 subsections 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. Where the service of a public officer has been preceded by service as a teacher in a school within the meaning of the Teachers Pensions Ordinance, such service as a teacher shall be taken into account in computing pension or gratuity under this Ordinance :

Officers
with service
as teachers.
14 of 1951,
s. 2.
Cap. 95.

Provided that such service as a teacher is not reckoned in the computation of pension payable to the officer under the Teachers Pensions Ordinance.

13. (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.
12 of 1934,
s. 2.

(2) The option referred to in subsection (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

12 of 1934,
s. 2.

Ordinance might have been granted a pension under this Ordinance, not later than the 31st December, 1934 ;

(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 31st December, 1934, 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 Chief 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 ;

(iv) that if an officer has failed to exercise the option within the times specified above, the Governor may, if it appears to him in all the circumstances of any particular case equitable so to do, allow such officer such further time in which to exercise the option as the Governor may specify.

12 of 1938,
s. 2.

(3) Notwithstanding the provisions of this section and of section 23 of this Ordinance, any officer in the public service of the Colony or in other public service to whom the provisions of this Ordinance apply may, not later than the date of his retirement, elect in the manner hereinafter prescribed to accept a reduced pension with a gratuity under the provisions of this Ordinance.

51 of 1950,
s. 2.

(4) Any officer who desires to elect to receive a reduced pension with a gratuity under the provisions of the last preceding subsection shall give notice in writing to that effect to the Chief Secretary.

42 of 1950,
s. 2.

(5) The provisions of subsections (3) and (4) of this section shall apply to any officer, notwithstanding that he has, prior to the 7th October, 1950, exercised his option under subsections (1) and (2) of this section, or has been deemed to have exercised his option under subsections (1) and (2) of this section by virtue of subsection (2) of section 23 of this Ordinance.

42 of 1950,
s. 2.

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

Liability of pensioners to be called upon to take further employment. 39 of 1944, s. 4.

Unless or until he has attained the age of fifty 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 years.

15. 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.

Gratuity affected by re-employment.

16. 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.

Pensions, etc., not to be assignable.

17. 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 bankruptcy.

Pensions,
etc., to cease
on conviction.

18. 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.

Pensions,
etc., to cease
on accepting
certain ap-
pointments.

19. 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.

Gratuity to
estate where
an officer dies
in the service.
¶4 of 1936,
s. 2.
21 of 1943,
s. 2 and sch.

20. Where an officer holding a pensionable office who is not on probation or agreement dies while in the service of the Colony, and during the year preceding his death has continuously held pensionable office in the Colony or offices in other public service which were, when he held them, pensionable under the pension regulations applicable to such service, the

Governor may grant to his legal personal representative a gratuity not exceeding one year's pensionable emoluments :

Provided that where such officer dies while in the service of the Colony after having attained the age of fifty-five years, the Governor may grant to his legal personal representatives a gratuity equivalent to such gratuity the officer would have earned if he had retired on the day preceding the date of his death and had exercised the option for the payment of a gratuity and reduced pension or a gratuity equivalent to one year's pensionable emoluments whichever is the greater.

59 of 1952,
s. 2.

21. (1) Where an officer dies as a result of injuries received—
- (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 duty,

Pensions to dependants when an officer is killed on duty.
20 of 1941,
s. 3.

while in the service of the Colony, it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made to his legal personal representative under section 20 of this Ordinance—

(i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or seventy-two dollars a year, whichever is the greater ;

(ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed by the preceding paragraph ;

(iii) if the deceased officer leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child until such child attains the age of eighteen years, of double the amount prescribed by the preceding paragraph ;

(iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed by paragraph (ii) of this subsection ;

(v) if the deceased officer does not leave a widow, or if no pension is granted to his 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, of an amount not exceeding the pension which might have been granted to his widow :

Provided that—

(a) pension shall not be payable under this paragraph at any time in respect of more than six children ; and

(b) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of remarriage : and if it appears to the Secretary of State at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State may determine ; and

(c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

20 of 1941,
s. 3.

(2) In the case of an officer not holding a pensionable office, the expression “ pensionable emoluments ” in the preceding subsection shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

20 of 1941,
s. 3.

(3) For the purposes of this section the word “ child ” shall include—

(a) a posthumous child ;

(b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support ; and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injury and dependent as aforesaid.

20 of 1941,
s. 3.

(4) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section.

(5) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in (a) and (c) of subsection (1) of this section ; provided that in such a case and if (b) is also satisfied the rates of pension prescribed in (i) and (ii) of that subsection shall be fifteen-sixtieths and one-sixth respectively.

42 of 1950,
s. 3.

(6) This section shall not apply in the case of the death of any officer selected for appointment to the service of the Colony on or after the 1st January, 1936, if his dependants, as defined in the Workmen's Compensation Ordinance, are entitled to compensation under that Ordinance.

20 of 1941,
s. 3.

Cap. 111.

22. The provisions of this Ordinance, without the amendments made by the Pensions (Amendment) Ordinance, 1944, (No. 39 of 1944), shall apply

Application
of Ordinance
before
amended by
No.39 of 1944

(I) to all officers appointed to the public service of the Colony

12 of 1934,
s. 3.

(a) after the commencement of this Ordinance ; or

14 of 1939,
ss. 4 and 6.

(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 not later than the 31st December, 1934, shall give notice in writing to the Chief Secretary of his desire that the provisions of this Ordinance shall apply to him :

Provided that the provisions of the proviso to section 8 of this Ordinance and the provisions of regulation 18 in the schedule to this Ordinance shall apply to any female officer notwithstanding that such notice may not have been given ; but this proviso shall not apply to a female officer who, on account of her marriage, retires later than :—

(1) the 3rd August, 1940, and

(2) six months after the date of her marriage, or, in any case where the officer's retirement is postponed at the request of the Government of the territory in which she is employed at the time of her marriage, such later date as the Governor may for that reason allow.

Application
of Ordinance
as amended
by No. 39 of
1944,
39 of 1944,
s. 6.

23. (1) The provisions of this Ordinance as amended by the Pensions (Amendment) Ordinance, 1944,* shall apply—

(a) to every officer appointed to the public service of the Colony—

(i) after the 22nd December, 1944 ; or

(ii) before the 23rd December, 1944, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law of the Colony ; and

(b) to any officer in the public service of the Colony on the 23rd December, 1944, to whom either—

(i) the provisions of the Pensions Ordinance, 1903 ; or

(ii) the provisions of this Ordinance, without the amendments made by the Pensions (Amendment) Ordinance, 1944, are applicable, and who, not later than the 31st December, 1945, shall give notice in writing to the Chief Secretary of his desire that the provisions of the Pensions (Amendment) Ordinance, 1944, shall apply to him :

Provided that in any case where an officer, who was not in the Colony on the 23rd December, 1944, fails to exercise the option before the 31st December, 1945, the Governor in Council may, if it appears to him equitable so to do, allow such officer to exercise the option before some date to be specified.

Cap. 72.

39 of 1944,
s. 6.

(2) Any officer to whom the provisions of the Pensions Ordinance, 1903, are applicable who elects in the manner aforesaid that the provisions of this Ordinance as amended by the Pensions (Amendment) Ordinance, 1944, shall be applicable to him shall be deemed thereby to have duly exercised the option to be paid a reduced pension with a gratuity under the provisions of subsections (1) and (2) of section 13 of this Ordinance.

Extension of
time within
which certain
public
officers may
exercise
option.
51 of 1950,
s. 3.

24. Notwithstanding the provisions of paragraph (II) of section 22 of this Ordinance and of paragraph (b) of subsection (1) of section 23 of this Ordinance, this Ordinance, as amended by the Pensions (Amendment) Ordinance, 1944, shall apply—

(a) to any officer in the public service of the Colony on the 7th October, 1950 ; and

(b) to any officer transferred to other public service who on the 7th October, 1950, is in other public service, who, not later than the 30th April, 1951, intimates in writing to the Chief Secretary that he desires that the provisions of this

* and as here printed.

Ordinance, as amended by the Pensions (Amendment) Ordinance 1944, shall apply to him.

25. Anything contained in any Ordinance to the contrary notwithstanding, the pension of any officer who has, in addition to his public service, served for any period with—

(a) the Society for the Prevention and Treatment of Tuberculosis; or

(b) the Infant Welfare and Maternity League; or

(c) the Municipal Health Services of the Colony,

shall be computed and apportioned as if his service, other than his public service, had been wholly under a scheduled Government.

Pensions of officers with service in certain Health Services. 32 of 1950, s. 2.

26. For the purposes of this Ordinance, any person holding office in the service of the Government of Palestine immediately before the 15th May, 1948, shall be deemed to continue in his office until either he is again appointed to hold office in the public service, or, if he is not so appointed, he retires or is removed from office.

Certain public service to be deemed to be continuous. 42 of 1950, s. 6.

27. 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.

SCHEDULE.

s. 3.

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.

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

Short title.

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

Interpretation.

“scheduled Government” means the Government of any place which is included in schedule 1 to these regulations and includes the Government of Ceylon in respect of any officer appointed to the service of that Government prior to the 4th February, 1948, and the Government of Palestine in respect of any officer appointed to that Government prior to the 15th

May, 1948 : Provided that the Governor may, by order in council, vary the schedule by the addition thereto or the removal therefrom 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.
20 of 1941, s. 4.
39 of 1944, s. 5.

3. Subject to the provisions of the Ordinance and of these regulations, every officer holding a pensionable office who has been in the service of the Colony for ten years or upwards may be granted a pension at the rate of one six-hundredth of his pensionable emoluments in respect of each complete month of such service subject to the limit described in section 11 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 7 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 Her 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—

Computation
of pensions,
etc., on what
emoluments
to be based.

(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.

Non-pensionable service followed by pensionable service.

10. (1) 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.

(2) For the purpose of this regulation—

(a) where the name of a person, who shall be or has been appointed to a pensionable office, is on the Teachers' Pensions Register in accordance with the Teachers Pensions Ordinance, the period of service of such person as a teacher shall be taken into account in computing pension or gratuity ;

(b) a 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, shall be deemed to be unbroken if during some period of such service an officer has served with Her Majesty's Armed Forces or in any other capacity connected with a state of war.

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.

12. If any officer holding a pensionable office 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 13 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 ;

7 of 1948,
s. 3.
14 of 1951,
s. 3

Cap. 95.

Acting
service.

Abolition or
reorganisa-
tion of office.
20 of 1941,
s. 5.

(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.

13. (1) In the case of an officer retired as provided in regulation 12 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 six-hundredths of his pensionable emoluments set out in regulation 3 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. 39 of 1944, s. 5.

(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 without the approval of the Secretary of State having received all increments for which he would have been eligible by that date.

39 of 1944, s. 5.

14. In the case of an officer retired as provided in regulation 12 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.

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

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. 12 of 1934, s. 4.

and his retirement is thereby necessitated or materially accelerated, he may, if he is qualified for a pension under regulation 3, 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 :—

(a) where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires ;

(b) where the injured officer is fifty years of age or upwards at the date of his injury ; or

(c) 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 subsection 4 of section 11 of the Ordinance.

Pensions to
injured
officers where
service less
than 10 years.
39 of 1944,
s. 5.

(2) An officer so injured, whose length of service is not such as to qualify him for a pension under regulation 3, but who is qualified for a gratuity under regulation 4, may nevertheless be granted in lieu of such gratuity a pension at the rate of one six-hundredth 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 3 or a gratuity under regulation 4 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.

(4) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein, or of a period of leave therefrom is permanently injured as the result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the Governor is satisfied that such damage or act is attributable

20 of 1941.
s. 6.

to circumstances arising out of any war in which Her Majesty may be engaged, such officer shall be deemed, for the purposes of this regulation to have been injured in the circumstances described in subregulation (1) of this regulation.

(5) An officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in (i) and (iii) of subregulation (1) of this regulation : 42 of 1950.
s. 5.

Provided that in such a case and if (ii) is also satisfied the rates of pension prescribed in that subregulation shall be seven and a half-sixtieths, fifteen-sixtieths, twenty-one and a half-sixtieths and thirty-sixtieths respectively.

(6) This regulation shall not apply in the case of any officer selected for appointment to service of the Colony on or after the 1st January, 1936, who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Ordinance. 32 of 1935,
s. 2.
Cap. 111.

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. Computation
of pensions.
Re-employed
pensioners.

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 20 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
twenty years
in a non-
pensionable
office.
12 of 1934,
s. 4.

(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.

Gratuities
to female
officers on
marriage.
14 of 1935,
s. 5.

18. (1) Where a female officer having held a pensionable office or offices in the Colony for not less than five years and having been confirmed in a pensionable office, retires from the service of the Colony for the reason that she has married, or is about to marry, she may, if she is not otherwise eligible for the grant of any pension, gratuity or other allowance from the funds of the Colony, be granted, on production within six months after her retirement, or such longer period as the Governor in Council may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service in the Colony or one year's pensionable emoluments whichever shall be the less.

14 of 1935,
s. 6.

(2) The provisions of this regulation shall not apply to a female officer who, on account of her marriage, retires later than :—

(i) the 3rd August, 1940, and

(ii) six months after the date of her marriage, or, in any case where the officer's retirement is postponed at the request of the Government of the territory in which she is employed at the time of her marriage, such later date as the Governor may for that reason allow.

PART III.—SPECIAL REGULATIONS FOR OFFICERS WITH OTHER PUBLIC SERVICE.

Application
of
regulations
in Part II.

19. Subject to the succeeding regulations, the provisions of regulations 10 and 16 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 5 to 10 and 17, shall apply to the case of an officer so transferred as if his whole service had been in the Colony.

Pension for
service
wholly
under the
scheduled
Govern-
ments.
12 of 1934,
s. 4.
43 of 1952,
s. 2.

20. (1) Where the other public service of an officer has been wholly under one or more of the scheduled Governments, and his aggregate service would have qualified him, had it 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.

(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— 12 of 1934,
s. 4.

(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 13 and 15 ;

(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 : 12 of 1934,
s. 4.
29 of 1934,
s. 2.

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, or of any period of leave without salary or with salary at a special rate which was granted to him in order to make continuous service interrupted either by abolition of office or in consequence of a reorganisation designed to effect greater efficiency and economy :

Provided also that where an officer entered the public service prior to the 1st 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.

Where service has been wholly or partly under the Governments mentioned. 43 of 1952, s. 2.

21. 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 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 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 22 or 23 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 scheduled Governments. 39 of 1944, s. 5. 43 of 1952, s. 2.

22. Where the other public service of an officer has not included service under any of the scheduled Governments, 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 six-hundredth 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.

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

23. 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 20 shall apply ; but in calculating the amount of pension regard shall be had only to service in the scheduled Governments.

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 12 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 20, 21, 22 or 23, 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 in respect of abolition or reorganisation of office.

25. 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 15 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 20, 21, 22 or 23, as the case may be.

Addition to pension to officers retiring on account of injury.

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 regulation 20, 21, 22 or 23, as the case may be.

Gratuities where length of service does not qualify for pension.

(2) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation 12 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 subregulation (1) of this regulation.

Abolition or reorganisation of office.

(3) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation 15 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 subregulation (1) of this regulation.

Injury.

Officers transferred to other public service and retiring after less than 12 months employment in last service.

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.

Retirement of transferred officers on account of marriage. 14 of 1939, s. 5.

28. (1) A female officer who has been transferred to or from the service of the Colony and who retires for the reason that she has married, or is about to marry, and in consequence—

(1) is, or, if the whole of her public service had been in the service of the Colony, would have been eligible for a gratuity under regulation 18(1) of these regulations and

(2) if she is, at the date of her resignation or retirement in other public service, eligible for a gratuity under provisions corresponding to that regulation in the law or regulations of the public service in which she is last employed, may if she is not otherwise eligible for the grant of any pension, gratuity or other allowance from the funds of the Colony, be granted a gratuity which bears to the gratuity for which she would be eligible if her public service had been wholly in the service in which she is last employed the proportion which her service in the Colony bears to her total public service :

Provided that, for the purpose of computing such an officer's total public service under this regulation, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

(2) The provisions of this regulation shall not apply to a female officer who, on account of her marriage, retires later than :—

(i) the 3rd August, 1940, and

(ii) six months after the date of her marriage, or, in any case where the officer's retirement is postponed at the request of the Government of the territory in which she is employed at the time of her marriage, such later date as the Governor may for that reason allow.

Reg. 2.

SCHEDULE I. TO THE REGULATIONS.

	<i>Scheduled Government.</i>						<i>Authority.</i>
Aden	O. in C. 14.1.50.
Bahamas	O. in C. 27.8.36.
Barbados	O. in C. 27.8.36.
Basutoland	O. in C. 27.8.36.
Bechuanaland Protectorate	O. in C. 27.8.36.

<i>Scheduled Government.</i>	<i>Authority.</i>
Bermuda	O. in C. 1.4.35.
British Honduras	O. in C. 6.3.35.
Cyprus	Original schedule.
Dominica	O. in C. 4.12.43.
East Africa High Commission	O. in C. 10.3.51.
East African Railways and Harbours Administration	O. in C. 10.3.51.
Falkland Islands	Original schedule.
Federation of Malaya	O. in C. 10.3.51.
Fiji	Original schedule.
Gambia	Original schedule.
Gibraltar	Original schedule.
Gold Coast	Original schedule.
Government of the United Kingdom and Northern Ireland	O. in C. 8.1.43.
Hong-Kong	O. in C. 27.8.36.
Jamaica	Original schedule.
Kenya	Original schedule.
Leeward Islands	O. in C. 17.12.34.
Malayan Union... ..	O. in C. 10.3.51.
Malta	O. in C. 27.8.36.
Mauritius	O. in C. 6.3.35.
Nigeria	Original schedule.
North Borneo	O. in C. 27.12.50.
Northern Rhodesia	Original schedule.
Nyasaland	Original schedule.
St. Helena	Original schedule.
Sarawak... ..	O. in C. 27.12.50.
Seychelles	O. in C. 6. 1.36.
Sierra Leone	Original schedule.
Singapore	O. in C. 10.3.51.
Somaliland	Original schedule.
Swaziland	O. in C. 27.8. 36.
Tanganyika Territory	Original schedule.
Trinidad	O. in C. 16.4.34.
Turks and Caicos Islands	Original schedule.
Uganda	O. in C. 1.4.35.
Western Pacific :—	Original schedule.
Gilbert and Ellice Islands.	
Solomon Islands.	
Windward Islands :—	Original schedule.
Grenada.	
St. Lucia.	
St. Vincent.	
Zanzibar	Original schedule.

SCHEDULE II. TO THE REGULATIONS.

Reg. 21.

All Governments have been removed from this schedule. (Orders in Council of the 16th April, 1934, and the 27th August, 1936.)
