

Bill No. 26 of 1963 (L.A.)

PUBLISHED 24TH AUGUST, 1963

No. 90

BILL NO. 26 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 the Pensions Regulations, 1957.

A BILL

Intituled

AN ORDINANCE to amend the Pensions (Consolidation) Ordinance, 1957. A.D. 1963.
Enacted by the Legislature of British Guiana:—

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; 5 and 6 Eliz.
2 C. 62.
- (f) service in the service of the Interim Commissioner for the West Indies; and S.I. 1961/2323.
- (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. S. I.
1961/2323.

3.(1) The Pensions Regulations, 1957, contained in the schedule to the Principal Ordinance are hereby amended as follows—

(a) by the substitution for the definition of the expression "scheduled Government" in regulation 2, of the following definition—

"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:

S.I. 1961/2323.

S.I. 1962/1086.

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.

(b) (i) by the substitution of a semicolon for the full stop at the end of sub-paragraph (b) of paragraph (2) of regulation 9 and the insertion of the word "and" immediately thereafter;

(ii) by the insertion of the following sub-paragraph in paragraph (2) of regulation 9—

"(c) to have enjoyed the benefit of any inducement allowance and any increase thereof forming part of his pensionable emoluments, as if such allowance or increased allowance, as the case may be, had been payable throughout such period of three years.";

(iii) by the substitution of a semicolon for the full stop at the end of sub-paragraph (c) of paragraph (3) of regulation 9 and the insertion of the word "and" immediately thereafter;

(iv) by the insertion of the following sub-paragraph in paragraph (3) of regulation 9—

"(d) he shall be deemed to have enjoyed the benefit of any inducement allowance and any increase thereof forming part of his pensionable emoluments, as if such allowance or increased allowance had been payable throughout such period.";

(c) by the deletion from the schedule thereto of the words "Cyprus" and "Somaliland" and the addition thereto

of the authority "the Interim Commissioner for the West Indies".

(2) The provisions of paragraph (b) of subsection (1) of this section shall be deemed to have come into operation on the 1st April, 1961.

Passed by the Legislative Assembly on the 22nd August, 1963.

E. V. VIAPREE,
Acting Clerk of the Legislature.

(101/14/31 (I)).

(Bill 26/1963 (L.A.))

OBJECTS AND REASONS

The purpose of clause 2 of this Bill is to safeguard the superannuation rights 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. Clause 2 of this Bill therefore seeks to amend the definition of the expression "public service" or "service" in that Ordinance to include service in any such independent country or territory.

2. Clause 3 of this Bill seeks to provide a new definition of the expression "scheduled Government" in regulation 2 of the Pensions Regulations, 1957, contained in the schedule to the Pensions (Consolidation) Ordinance, 1957.

3. The Pensions (Consolidation) Ordinance, 1957, makes provision for the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office to be enjoyed by the officer as if such increase had been payable throughout a period of three years immediately preceding the date of his retirement or for a shorter period where an officer has had less than three years pensionable service before the date of his retirement. Clause 3 of this Bill also seeks to make similar provision with respect to any inducement allowance payable to a designated officer under the Overseas Service Agreement Ordinance, 1961.