

TRINIDAD AND TOBAGO.

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No. 16—1934.

Order No. 22/1934

I ASSENT,

[L.S.]

S. M. GRIER,
Acting Governor.

6th June, 1934.

AN ORDINANCE to regulate Pensions, Gratuities and other Allowances to be granted in respect of the public service of officers in the Colony.

[On Proclamation]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Pensions Ordinance, 1934, and shall come into operation on such day as may be fixed by the Governor by Proclamation. Short title and Commencement.

2. In this Ordinance and in any regulations made thereunder, unless the context otherwise requires, the following words and expressions shall have the respective meanings hereby assigned to them:— Interpretation.

“Officer” or “Public Officer” means a person substantively appointed to an office in the public service,

- “Pensionable Emoluments” in respect of service in the Colony includes salary, personal allowance, house allowance or the estimated value of free quarters, and any fees paid out of the Treasury by way of salary: Provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth, nor the amount to be allowed for fees one-fourth, of the actual salary of the office.
- “Pensionable Emoluments” 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 actual salary attached to an office: Provided that in the case of an officer retiring on or after the first day of July, 1920, the term salary shall include 75 per centum of the additional salary being drawn by the officer at the time of his retirement from the Colony, under the authority of the resolution of the Legislative Council of the fifteenth day of October, 1920, or any subsequent resolution of similar import.
- “Personal allowance” means a special addition to salary granted personally to the holder for the time being of the office.
- “Public service” or “Service” means service in a civil capacity under the Government of the Colony or the Imperial Government, or the Government of India or of a British Dominion, 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 sections 13 and 14 of this Ordinance.

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

“Service in the group” means public service under the Government of the Colony and under a Scheduled Government or Governments.

“Scheduled Government” means the Government of any place which is included in the First Schedule to this Ordinance, or any Government which may from time to time be declared by the Governor in Executive Council to be a Scheduled Government.

3. The Governor in Executive Council may by notice published in the *Royal Gazette* vary the First Schedule to this Ordinance by adding thereto any other Government or removing therefrom any Government included or added thereto. Any such notice of variation shall be laid before the Legislative Council.

Governor in
Executive
Council may
vary First
Schedule,

4.—(1) Pensionable offices in respect of service in the Colony shall be of two grades to be designated as Grade I and Grade II. Pensionable offices of either grade shall be those offices which have been declared by the Governor in Executive Council, with the sanction of the Secretary of State, by notification published in the *Royal Gazette*, to be pensionable in the one or the other grade respectively.

Pensionable
Offices.

(2) Officers serving in offices in Grade I shall be eligible for full pension privileges, gratuities or other allowances subject to the provisions of this Ordinance and the regulations made thereunder. Officers serving in offices in Grade II shall be eligible for pension, gratuity or other allowance at three-fourths the rate for which they would have been eligible if they had served in an office in Grade I: Provided that where service in an office in Grade I has been immediately preceded by an unbroken period of service in an office in Grade II, the whole period of service may be taken into account as though it were service in an office in Grade I.

(3) Pensionable office in respect of other public service means an office which is a pensionable office under the law or regulations in force in such service.

Transfer of pensionable offices from one grade to another.

5.—(1) The Governor in Executive Council may, with the sanction of the Secretary of State, by notice published in the *Royal Gazette*, transfer from one grade to the other any pensionable office, or declare any pensionable office of either grade to be no longer pensionable, due regard being had to existing rights.

(2) Where a pensionable office has been transferred from one grade to another, or a pensionable office has been declared to be no longer pensionable, and the rights of the holder of such office have been preserved, such rights shall be preserved so long as the officer continues in that office (whether his salary has been increased or not), but immediately he is transferred to another office, the conditions set out in the following sub-sections shall apply.

(3) Subject to the provisions of section 4 (2) hereof an officer who has been transferred from an office of a higher grade to one of a lower grade may, by notice in writing to the Colonial Secretary within one month of his transfer, elect to count the whole of his service under the Government of the Colony as service in the higher grade, but only on the basis of the salary which he received immediately prior to his transfer; if he does not so elect, then the whole of his service under the Government of the Colony shall count as service in the lower grade on the basis of the salary which he will have drawn in that grade at the time of his retirement.

(4) Where an officer has been transferred from a pensionable office to an office as holder of which he is required to become a depositor under the Provident Fund Ordinance, 1934, or any Ordinance amending or replacing the same, the provisions of that Ordinance shall apply.

Governor may make regulations.

6.—(1) It shall be lawful for the Governor in Executive Council, with the sanction of the Secretary of State, to make regulations for the granting of pensions, gratuities, and other allowances to officers who have been in the public service of the Colony. Every such regulation when made shall be laid before the Legislative Council, and shall be published in the *Royal Gazette*.

(2) The said regulations shall have the same force and effect for all purposes as if they were contained in this Ordinance and the term "this Ordinance" shall in the following sections be read and construed to include such regulations.

(3) The Regulations contained in the Second Schedule to this Ordinance shall be in force until varied or revoked.

7. 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 way of pension, gratuity, or other allowance in accordance with this Ordinance to officers who have been in the public service of the Colony. Pensions to be charged on general revenue.

8.—(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 the regulations contained limit the right of the Crown to dismiss any officer without compensation. Pension, &c., not of right.

(2) 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.

(3) Where it is established to the satisfaction of the Governor in Executive Council that an officer has been guilty of negligence, irregularity or misconduct, or where the fidelity and diligence of the officer fall short of the first degree of merit, the pension, gratuity or other allowance may with the approval of the Secretary of State be reduced or altogether withheld.

9.—(1) No pension, gratuity or other allowance shall be granted to any officer in respect of any service— Service for pension.

(a) while on probation or agreement unless without break of service he is confirmed in a pensionable office in the Colony; or

(b) while under the age of twenty years.

Service in a non-pensionable office.

(2) No service other than service in a pensionable office, will be taken into account in computing pensions, gratuities or allowances, except that 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 from public funds not provided for a specific appointment, or of both such services, such period or any part of such period may be taken into account, but only at the rate of two-thirds of the period taken into account.

Reservation of rights in case of temporary transfer.

(3) 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 Executive Council shall in any case otherwise decide.

Compulsory retirement at sixty.

10. It shall be lawful for the Governor in Executive Council to require any officer to retire from the public service of the Colony at any time after he attains the age of sixty years.

Circumstances in which pensions may be granted. Officer may be granted pension at 55 years or earlier on account of ill-health.

11.—(1) Except in the cases hereinafter provided, no pension, gratuity, or other allowance shall be granted to any officer who has not attained the age of fifty-five years, unless on medical evidence to the satisfaction of the Governor in Executive 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.

Age limit in respect of other public service.

(2) If an officer is transferred to other public service and ultimately retires at an age less than fifty-five years at which he is permitted by the law or regulations of that service to retire with a pension, the pension which may be granted to him from the revenue of the Colony under this Ordinance shall be payable from the date of retirement of such officer, notwithstanding that he shall not be fifty-five years of age.

(3) 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 Executive 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.

Officer unable to discharge his duties may be retired.

(4) If any officer holding a pensionable office retire or be removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater efficiency and economy can be effected, or voluntarily retire with the approval of the Governor in Executive Council, for the purpose of facilitating the application of retrenchment measures, he may be granted a temporary pension, subject to the condition that he shall hold himself ready to be recalled to service: Provided that if such officer is not qualified for other employment or if there is no reason, in the opinion of the Governor, to expect that he can be re-employed, a pension may be granted to him free from the above-mentioned condition.

Officer may be retired on abolition of office.

(5) If an officer on retirement in any circumstances is eligible for a pension under the Pensions (Governors of Dominions, &c.) Acts or any Act replacing or amending the same, he shall be eligible for a pension under this Ordinance notwithstanding that such officer has not attained the age of fifty-five years.

Pension to Governors.

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

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

(a) 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 service of 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 ;

(b) 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.

Maximum pension.

13. No pension granted to an officer under this Ordinance, shall exceed two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his service.

Maximum pension when officer entitled to pension from other public service.

14.—(1) Where an 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 officer 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 officer at any time in the course of his service in the Colony or in other public service :

Provided that where such an officer 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.

(2) In a case falling under the limitation laid down by sub-section (1) 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.

(3) For the purpose of the preceding sub-sections, an allowance granted in respect of injury shall not be taken into account ; but, where the officer is granted such an allowance, the amount of such allowance 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 allowance, falls short of two-thirds of such highest pensionable emoluments.

15.—(1) An officer who is in the service of the Colony before the date of the commencement of this Ordinance or who having been in that service is at that date in other public service and 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 annual value of the reduction so made in the pension. Such option shall be exercisable not later than one month after the date on which the officer attains pensionable status: Provided always—

Gratuity and
reduced
pension.

- (i) That an officer who has previously had the opportunity of exercising the option but has not done so, and who is still in the service of the Colony or in any other public service, may apply within one month or 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;
 - (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; and
 - (iv) That an officer who shall have exercised such option shall, subject to the provisions of this Ordinance, if he continues in the public service after he attains the age of 60 years be granted in lieu of a reduced pension and gratuity, a pension as if he had not exercised such option.
- (2) Any officer to whom sub-section (1) of this Section does not apply who does not continue in the public service after he is over 60 years of age and who is otherwise eligible for pension, shall subject to the provisions of this Ordinance, be granted a reduced pension and gratuity calculated in the manner prescribed in the said subsection.

Pension payable to officer after re-employment.

16. If an officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of the Colony, 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 in the Colony 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 are the greater: Provided that if, on his previous retirement, he was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of gratuity already paid; And Provided further that it shall be lawful for the Governor to withhold the payment of the whole or any part of the pension previously granted to an officer during the period of further employment in the service of the Colony.

Gratuity affected by re-employment.

17. If an 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.

Gratuity to estate where officer dies in service of Colony.

18. When an officer holding a pensionable office who is not serving on probation or agreement, and who has served in the public service for not less than five years, dies while in the service of the Colony, it shall be lawful for the Governor in Executive Council to grant—

- (i) to the legal personal representative of an officer who held an office in Grade I at the time of his death, a gratuity of an amount not exceeding one year's pensionable emoluments of such officer;
- (ii) to the dependents (if any) of an officer who held an office in Grade II at the time of his death, a gratuity of an amount not exceeding nine months pensionable emoluments of such officer, the amount to be divided among the dependents in such proportion as the Governor in Executive Council shall think fit.

19. 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 of the Colony and except as provided for in the next succeeding section.

Pensions not assignable or attachable.

20.—(1) Where an order of maintenance has been made by a court of competent jurisdiction against any person to whom a pension has been granted, it shall be lawful for the Governor, on its being proved to him that there is no reasonable probability of such order being satisfied, from time to time to deduct from the moneys payable to such person by way of pension such sum or sums as the Governor may deem expedient, and to apply the same to satisfy wholly or in part the said order.

Governor may apply part of a person's pension towards the maintenance of his wife or children.

(2) Where any person to whom a pension has been granted has left the Colony and deserted and left his wife or child within the Colony without sufficient means of support, the Governor, on being satisfied that such wife or child is by reason of such person's absence from the Colony unable, and would but for such absence be able, to obtain an order of maintenance, may from time to time deduct from the moneys payable to such person by way of pension such sum or sums as the Governor may deem expedient, and may apply the same for the maintenance and support of such wife or child.

(3) Where any person to whom a pension has been granted has been adjudicated a lunatic in accordance with the provisions of the Lunatics Ordinance, and has a wife or a child or children living, the Governor may deduct from the moneys payable to such person by way of pension such sum or sums as he may deem expedient and apply the same for the maintenance and support of the wife or any child or children of such lunatic.

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21. If an officer to whom a pension or other allowance has been granted under this Ordinance is adjudicated a bankrupt, then such pension or allowance shall forthwith

Pensions to cease on bankruptcy.

cease : Provided always, that in any case where a pension ceases by reason of the bankruptcy of the pensioner, it shall be lawful for the Secretary of State, or if such pensioner is resident in the Colony, then for the Governor in Executive Council, from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or Governor in Executive Council shall think fit, to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension or allowance, had he not become a bankrupt, 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 such pensioner and any wife, child or children of his, in such proportions and manner as the Secretary of State or Governor in Executive Council thinks proper, and such moneys shall be paid or applied accordingly.

Pension to
cease on
conviction.

22. If an officer to whom a pension or other allowance has been granted under this Ordinance is convicted before any Court in His Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude, or any term of imprisonment with hard labour, and does not within two months after such conviction receive His Majesty's free pardon, then in every such case such pension may be forfeited at the discretion of the Secretary of State or if the pensioner is resident in the Colony at the discretion of the Governor in Executive Council :

Provided always, that in the case of a person who, after conviction as above described, receives His Majesty's free pardon at any time, the Secretary of State, or, if the person is resident in the Colony, the Governor in Executive Council, may, if he thinks fit, restore the pension with retrospective effect to such date as he shall specify.

Provided further that where a pension or allowance ceases for the reason aforesaid it shall be lawful for the Secretary of State, or if the person is resident in the Colony, the Governor in Executive Council, to cause all or any part of the moneys to whom the pensioner would have been

Section 6 (3)

SECOND SCHEDULE.

Regulations for the granting of Pensions, Gratuities and other Allowances to Public Officers.

PART I.

Regulations of general application.

- Short title. 1. These Regulations may be cited as the Pensions Regulations, 1934.
- Pensions to whom and at what rate to be granted. 2. Subject to the provisions of the Ordinance and of these Regulations, every officer holding a pensionable office in the service of the Colony who has been in such service for ten years or upwards may be granted on his retirement a pension at the rate of 1/600ths of his pensionable emoluments in respect of each complete month of service until the maximum of two thirds (400/600ths) is reached.
- Gratuities. 3. An officer, otherwise qualified for a pension, who has not completed ten years' service 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 2.
- Period of service in the Colony qualifying for pension or gratuity defined. 4. Subject to the provisions of section 9 of the Ordinance and of these Regulations, service qualifying for pension, gratuity or allowance 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. 5. Service in respect of which pension, gratuity or allowance will 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 gross negligence 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. Periods of service and absence. 6.—(1) For the purpose of computing the amount of an officer's pension, gratuity or allowance, 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 periods during which he has been absent from duty on leave with full pay ;
 - (d) any periods during which he has been absent from duty on leave either on partial 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,

(2) The periods during which an officer has been absent on leave on half-pay shall, for the purposes of these Regulations, be counted at the rate of one month for every two months of such period. Absence on half-pay leave.

(3) Any period during which an officer absent on leave from the Colony has, with the consent of the Governor or the Secretary of State, served with His Majesty's armed forces during the late war, or in any other capacity connected with the state of war, may be counted as service on full pay. War service.

(4) 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. Periods not taken into account.

7. 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— Acting service.

(a) the period of such acting service was not part of the pensionable service of the substantive 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 the Colony in a substantive capacity in a pensionable office or in a non-pensionable office subject to the provisions of section 9 (2) of the Ordinance.

8.—(1) For the purpose of computing the amount of an officer's pension, gratuity, or allowance— Computation of pensions, &c. 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 salary payable to him at that date in respect of that office together with the average of other pensionable emoluments paid to the officer during such period of three years 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 office with a similar scale of salary and whose pensionable emoluments have not been decreased by reason of such transfer or transfers, the salary payable to him at the date of his retirement in respect of the office then held by him together with the average of other pensionable emoluments paid to the officer during such period of three years 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 in Executive Council 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.

Rates of pension or gratuity when office abolished.

9.—(1) In the case of an officer whose office is abolished and who is otherwise eligible for pension, his pension may be increased at the rate of the number of 720ths of his pensionable emoluments exceeding the pension allowed under Regulation No. 2 by the numbers following (that is to say):—

In the case of an officer who has served—

| | | | | |
|--|------|------|------|----|
| (a) 20 years and upwards | .... | .... | .... | 60 |
| (b) less than 20 years, but not less than 17 years | .... | .... | .... | 48 |
| (c) less than 17 years, but not less than 15 years | .... | .... | .... | 36 |
| (d) less than 15 years, but not less than 12 years | .... | .... | .... | 24 |
| (e) less than 12 years, but not less than 10 years | .... | .... | .... | 12 |

(2) No additional pension shall be granted under paragraph (1) of 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 of sixty years whichever shall be the lower amount.

(3) An officer whose office is abolished and whose length of service is not such as to qualify him for a pension may be granted a special gratuity not exceeding one-eighth of a month's pensionable emoluments for each complete month of service.

(4) The provisions of this Regulation shall apply only to an officer who is serving in an office in Grade I at the time such office is abolished.

Officers retiring on account of injuries.

10.—(1) Where an officer employed in the Public Service of the Colony, in a pensionable office, or in a non-pensionable office and not being a depositor under the Provident Fund Ordinance, 1934, has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated, he may be granted in respect of such injury in addition to the pension, if any, granted to him under these Regulations, an annual allowance in proportion to the extent of his injury as follows:—

When his capacity to contribute to his support is—

| | | | | |
|---------------------|------|------|------|-------------|
| slightly impaired | .... | .... | .... | 60/720ths. |
| impaired | .... | .... | .... | 120/720ths. |
| materially impaired | .... | .... | .... | 180/720ths. |
| totally destroyed | .... | .... | .... | 240/720ths. |

Provided that no such allowance shall, together with the pension, exceed 600/720ths of his pensionable emoluments at the date of the injury.

(2) The allowance shall be less than the above-mentioned maximum by such amount as the Governor in Executive Council 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 the injury; or,

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 hereinbefore provided.

23. If any officer to whom a pension or other allowance has been granted under this Ordinance or under any rules and regulations applicable to his particular case and not made under this Ordinance, becomes, on his final retirement from the service of the Colony, either a director of any incorporated 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 it shall be lawful for the Governor, with the approval of the Secretary of State, to direct that such pension shall forthwith cease: Provided always, that it shall be lawful for 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 such company, or to be employed as an officer or servant of such company in the Colony, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if he shall see fit, to such date as he shall specify.

Pensioned officers not to accept directorships or employment in local companies without leave.

24. In any case in which doubt shall arise, the Governor in Executive Council, subject to the approval of the Secretary of State, shall have full power and authority to determine who shall be considered public officers within the meaning of this Ordinance, and to decide all questions which may arise in respect to the period of service to be allowed in computing the claims of officers, and likewise all questions that may arise in respect to the pension, gratuity or other allowance to be granted to any officer

Governor in Executive Council to decide questions arising under the Ordinance.

whose official emoluments may have been derived partly from salary and partly from fees or other allowances; and also all other questions of whatever nature which may arise in connection with the provisions of this Ordinance and of the regulations made hereunder.

Application of
the Ordinance.

25. The provisions of this Ordinance shall apply—

- (a) to all officers appointed to the public service of the Colony after the commencement of this Ordinance; and
- (b) to all officers in the service of the Colony at the commencement of this Ordinance and to all officers who, having been in the service of the Colony, have before the commencement of this Ordinance been transferred to other public service and are still serving at the date of such commencement, unless within one year of such commencement any such officer shall have given notice in writing to the Colonial Secretary of his desire that the provisions of the Ordinances and Regulations repealed by this Ordinance shall continue to apply to him.

Repeal.

26.—(1) The Ordinances and Regulations specified in the Third Schedule to this Ordinance are hereby repealed.

Saving
existing rights
to pensioners.

Provided that such repeal shall not nor shall anything in this Ordinance affect the pensions granted to any persons who have retired from the public service before the commencement of this Ordinance.

Ordinance 38
of 1933 to
continue in
force.

(2) The pensions (Amendment) Ordinance, 1933 shall continue in force and be read as one with this Ordinance, and the reference therein to section 8 (a) of the Principal Ordinance shall be read as a reference to section 15 sub-section (1) of this Ordinance.

Ordinance
No. 21 of
1929.

(3) The reference in section 15 of the School Teachers' Pensions Ordinance, 1929, to sections 11, 12 and 13 of the Pensions Ordinance (Cap. 83) shall be read as a reference to sections 19, 20, 21 and 22 of this Ordinance.

FIRST SCHEDULE.

Section 2.

Scheduled Governments.

Great Britain and Northern Ireland, including servicewhich is pensionable under the Teachers' (Superannuation) Act 1925 being 15 and 16 Geo. 5 Cap. 59 of the Imperial Parliament.

The Office of the Crown Agents for the Colonies.

The Colonial Audit Department (Home Establishment).

British Guiana.

British Honduras.

British Solomon Islands Protectorate.

Ceylon.

Cyprus.

Falkland Islands.

Federated Malay States.

Fiji.

Gambia.

Gibraltar.

Gilbert and Ellice Islands Colony.

Gold Coast.

Grenada.

Hong Kong.

Jamaica.

Kenya.

Leeward Islands.

Mauritius.

Nigeria.

Northern Rhodesia.

Nyasaland.

Palestine.

Seychelles.

Sierra Leone.

Somaliland.

St. Lucia.

St. Vincent.

Straits Settlements.

Tanganyika Territory.

Turks and Caicos Islands.

Uganda.

Zanzibar.

(c) Where the injury is not the sole cause of retirement, for instance if the retirement is caused partly by age or infirmity not due to the injury.

(3) When the officer so injured is a pensionable officer but has less than ten years' service, and he is not eligible for an ordinary pension, he may be granted in lieu of a gratuity an annual allowance of so many 720ths as the number of months he has actually served, in addition to the number of 720ths that may be awarded to him under paragraphs (1) and (2), of this Regulation: Provided that where the officer has served in an office in Grade II only three-fourths of the months served in that grade shall be taken into account.

11. In computing the pension of an officer who, on retirement from the service, holds one of the offices mentioned in Schedule I to these Regulations, the additions therein mentioned may be made to his period of service: Professional qualifications

Provided that—

- (a) no addition shall be made which, together with the number of years of actual service shall amount to more than thirty-five years; and
- (b) no addition of years shall be made in excess of the number of years by which the officer's age at the date of his entering the pensionable service of the Crown exceeded twenty years;
- (c) the full addition shall not be made unless he has served ten years in the office from which he retires, or in an office of the same class; if, however, he has served less than ten years in such an office or in an office of the same class, an addition may be made which shall have the like proportion to the full addition which the number of months he has served in such capacity bears to ten years;

12. If a pension is granted to any officer who, during any portion of the ten years preceding his retirement, has been allowed the private practice of his profession, the full addition for professional or peculiar qualifications referred to in the preceding regulations shall not be made; he may nevertheless be granted such proportion of the full addition as the Governor in Executive Council with the approval of the Secretary of State may determine. Private practice.

PART II.

Special Regulations for Officers with other Public Service.

13. Subject to the succeeding Regulations, the provisions of Sections 15, 16 and 9 (2) of the Ordinance, 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 Nos. 4 to 8 inclusive shall apply to the case of an officer so transferred as if his whole service had been in the Colony: Application of certain sections of the Ordinance and of Regulations in Part I.

Provided that in the application of Section 16 of the Ordinance to cases falling under the limitation of Section 14 of the Ordinance, the words "such pension" in Section 16 shall be taken to mean the amount of pension which he might have drawn from the funds of the Colony if he had not elected for a gratuity and reduced pension.

Pension for
service wholly
within the
Group.

14.—(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 in Grade I 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 funds of 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 aggregate amount of his pensionable emoluments throughout his service in the group.

(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 shall be taken to be those of his last period of service in the group ;
- (b) No regard shall be had to Section 11 (4) of the Ordinance, or to Regulations Nos. 9, 10 and 11 ;
- (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.

Provided 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 the First Schedule to the Ordinance, if this should be to his advantage.

(3) 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 group 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.

Pension where
other service
both within
and not within
the Group.

15. 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 No. 14 shall apply ; but in calculating the amount of pension regard shall be had only to service in the group.

16. Where the other public service of an officer has not been wholly under one or more of the Scheduled Governments and the officer has held a pensionable office in the Colony in Grade I 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, in lieu of the pension which might be granted under Regulation No. 15, 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.

Service with non-scheduled Governments.

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.

17. Where an officer has been transferred to or from the service of the Colony from or to other public service and held at the date of his transfer or retirement, as the case may be, from the service of the Colony, one of the offices mentioned in Schedule I to 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 addition to the pension granted to him under Regulation No. 14, 15 or 16, as the case may be, an addition to pension which shall bear to the addition to pension which he might have received under Regulation No. 11 if he had had no other public service, the same proportion which the length of his pensionable service in the Colony bears to the length of his total pensionable service in the public service :

Additional pension in respect of professional qualifications.

Provided that—

- (a) he shall not be disqualified from receiving an addition to pension by reason of the fact that his service in the Colony would not by itself have rendered him eligible for a pension ; and
- (b) in determining the addition to pension which he might have received if he had had no other public service, regard shall be had to his age at the date of his first entering the public service, but regard shall not be had, save for the purposes of the following proviso, to proviso (c) to Regulation No. 11 ;
- (c) the addition to pension actually granted under this Regulation shall not be greater than that which might have been granted under Regulation No. 11 if he had had no other public service.

18. 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 Section 11 (4) of the Ordinance he may, if at the time he is in the

Additional pension in respect of abolition or re-organization of office.

service of the Colony, be granted from the funds of the Colony, in addition to the pension granted to him under Regulation No. 14, 15, or 16, as the case may be, an addition to pension equal to the addition to pension which might have been granted to him if his total pensionable service had been in the Colony.

19. 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 No. 10, he may, if at the time he is in the service of the Colony, be granted from the funds of the Colony the addition to pension allowed by that Regulation as well as the pension granted under Regulation No. 14, 15 or 16, as the case may be.

Additional pension to officer retiring on account of injury.

20. Where, by reason of the fact that an officer whose case falls under Regulation No. 18 or 19 has held a pensionable office in the Colony for less than twelve months, he is not eligible for a pension under Regulation No. 14, 15 or 16, 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 pension allowed by Regulation No. 18 or 19 as the case may be.

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

21.—(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 if his case had fallen under Regulation No. 14, 15 or 16, 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 section 11 (4) of the Ordinance, he may, if at the time he is in the service of the Colony, be granted a special gratuity equal to one-half 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 paragraph (1) of this Regulation.

In cases of abolition or re-organisation of office.

(3) Where such an officer is compulsorily retired from the public service in circumstances mentioned in Regulation No. 10, he may, if at the time 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 paragraph (1) of this Regulation.

In cases of injury.

22. 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.

SCHEDULE I.

(*Vide Regulation No. 11.*)

The number of years to be added to the period of Service, under Regulation 11, for the purpose of computing pensions is as follows:—

| | | |
|----------------------|----|----------------|
| For the First Class | .. | ..Ten years. |
| For the Second Class | .. | ..Five years. |
| For the Third Class | .. | ..Three years. |

The First Class comprises :

Judges of the Supreme Court.

The Second Class comprises :

Attorney-General.

Surgeon-General.

Director of Public Works, when a member of the Institute of Civil Engineers.

The Third Class comprises :

Solicitor-General.

Assistant Law Officer.

Medical Officers.

Magistrates, when Barristers-at-Law or Advocates of the Scotch Bar.

Director of Public Works, not a member of the Institute of Civil Engineers.

Registrar of the Supreme Court.

NOTE:—For the purpose of computing the Officer's pension each year added shall be equivalent to 12/720ths, and each month to 1/720ths.

Section 6.

THIRD SCHEDULE.*Repealed Legislation.*

- Cap. 83 —The Pensions Ordinance.
No. 1-1926.—The Pensions (Amendment) Ordinance, 1926.
No. 7-1927.—The Pensions (Amendment) Ordinance, 1927.
No. 23-1928.—The Pensions (Amendment) Ordinance, 1928.
No. 3-1929.—The Pensions (Amendment) Ordinance, 1929.
No. 28-1930.—The Pensions (Amendment) Ordinance, 1930.

The Pensions Regulations, 1932, and the amendments and additions thereto by regulations made by the Governor in Executive Council of the 7th April, 1932, 29th September, 1932, 22nd December, 1932, and 14th September, 1933.

Passed in Council this eighteenth day of May, in the year of Our Lord one thousand nine hundred and thirty-four.

J. O'CONNOR,
Clerk of the Council.