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Director of such Company or to be employed as an officer or servant of such Company in Kenya, 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 a date as he shall specify.

Gratuity to estate where an European officer dies in the service.

18. Where an European officer holding a pensionable office who is not on probation or agreement dies while in the service of Kenya, and during the five years preceding his death has continuously held pensionable office in Kenya or offices in other public service which were, when he held them, pensionable under the pensions regulations applicable to such service, it shall be lawful for the Governor in Council, to grant to his legal personal representative a gratuity of an amount not exceeding one year's pensionable emoluments.

Pensions etc. to dependants when an European officer is killed on duty.

19. (1) Where an European officer holding a pensionable office, who is not serving on probation or agreement, dies as the direct 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 duties,

while in the service of the Government of Kenya it shall be lawful for the Governor in Council, with the approval of the Secretary of State, to grant in addition to the grant, if any, made to his legal personal representative in accordance with Section 18 of this Ordinance:-

(i) if the

(i) if the deceased officer leaves a widow, a pension to the widow, while unmarried and of good character at a rate not exceeding ten-sixtieths of his pensionable emoluments at the date of the injury or £10 a year, whichever be the greater, and also a gratuity not exceeding £1 multiplied by the total number of their years, starting from their ages at the time of their father's death and ending with 15 years, to each child alive at the date of the father's death, and a gratuity not exceeding £15 to any posthumous child;

Provided that the gratuities so granted shall not in the aggregate be less than £10 nor more than £60.

(ii) if the officer's wife predeceases him or if no pension is granted to her under the preceding sub-section, and he leaves children who would have been eligible for gratuity if a pension had been granted to the widow, gratuities of twice the amount of the gratuities for which they would have been eligible in such circumstances;

(iii) if the deceased officer does not leave a widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character, at a rate not exceeding the rate of the pension which might have been granted to his widow;

Provided that:

(a) 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

(ii) If the deceased officer leaves a widow, a pension to the widow, while unmarried and of good character at a rate not exceeding the aggregate of all remunerations enjoyed at the date of the injury or of a year, whichever be the greater, and also a gratuity not exceeding of multiplied by the total number of their years, starting from their age at the time of their father's death and ending, if a woman by reason only of attaining the age of the teacher's term, and a gratuity not exceeding eight times any contribution which [illegible] to pension as granted shall not in the aggregate be less than six nor more than ten.

(iii) If the officer's wife predecease him or if no pension is granted at her death the preceding sub-section, and he leaves children who would have been eligible for gratuity if a pension had been granted to the widow, gratuities of twice the amount of the gratuities for which they would have been eligible in such circumstances.

(iv) If the deceased officer does not leave a widow and if his mother was wholly dependent on him for her support, a pension to the mother, while of good conduct, at a rate not exceeding the rate of the pension which might have been granted to his widow.

Provided that:

(a) If the mother is [illegible] the time of the death of the officer and subsequently remains such pension shall cease as [illegible]

and

and

(b) if the mother is not a widow and it appears that the deceased's father is in a position to support her, such pension shall cease from such date as the Secretary of State may determine.

(2) When an European officer who is not qualified for either pension or gratuity dies in the circumstances mentioned in the ~~first paragraph~~ subsection (1) of this section, it shall be lawful for the Governor in Council, with the approval of the Secretary of State, to grant the pension or gratuities which might have been granted if his case had fallen under subsection (1), but no grant shall be made under Section 18 of this Ordinance.

20. The provisions of this Ordinance shall apply to all European officers serving in Kenya at or after the commencement of the Ordinance, and to all those who, having served in Kenya, have before the commencement of the Ordinance been transferred to other public service and who still serve at the commencement of this Ordinance.

Provided that, if the Governor in Council is satisfied that any European officer to whom the provisions of this Ordinance apply in the service of the Government of Kenya at the time of the coming into operation of this Ordinance has received an undertaking that he will be regarded as eligible for pension or gratuity under conditions more favourable to him than those prescribed by this Ordinance, the Governor in Council may direct that regard shall be had to such undertaking in the computation of such officer's pension or gratuity to be computed according to the undertaking.

SCHEDULE.

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

Part I.

Pensions to whom and at what rates to be granted.

1. Subject to the provisions of the European Officers Pensions Ordinance 192 hereinafter called the Ordinance and of these Regulations, every European officer holding a pensionable office in Kenya who has been in the service of Kenya in a civil capacity for ten years or upwards may be granted a pension at the rate of one-four hundred and eightieth of his pensionable emoluments for each complete month of pensionable service, subject to the limit described in Section 10 of the Ordinance.

Gratuities where length of service does not qualify for pension.

2. Every European 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 1.

Period of service in Kenya qualifying for pension or gratuity defined.

3. Subject to the provisions of Section 6 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 European officer begins to draw salary or half salary

from

from Kenya funds and the date of his leaving the Kenya service, without deduction of any period during which he has been absent on leave.

Service to be unbroken.

4. Service in respect of which pension or gratuity 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.

Computation of pensions and gratuities. Leave of absence.

5. For the purpose of computing the amount of an European 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 Kenya funds while proceeding to Kenya on first appointment;

(c) Any periods during which he has been absent for duty on leave with full or half salary;

(d) Any periods during which he has been absent from duty on leave 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 European officer's total service in order to arrive at his period of pensionable service.

Computation of pensions and gratuities. Service on the Active List of the Army, Navy or Air Force.

6. For the purpose of computing the amount of the pension or gratuity of an European officer who, during some period of his service in a pensionable office in the

from leave funds and the date of his leaving the leave service, without deduction of any period during which he has been absent on leave.

[illegible] Service in respect of which pensions or gratuities may be granted must be unbroken except in cases in which the service has been interrupted by absence on or [illegible] other temporary employment of a nature not [illegible] from an officer's or warrant officer's [illegible].

Commutation of pensions and gratuities. Leave of absence.

[illegible] For the purpose of commuting the amount of an European officer's pension or gratuity the following periods shall be taken into account as qualifying service:-

(a) Any periods during which he has been on duty.

(b) Any period during which he received half salary from leave funds while proceeding to leave on first appointment.

(c) Any periods during which he has been absent from duty on leave without salary, granted on account of public policy with the approval of [illegible] State, [illegible] he has not [illegible] or [illegible] of other [illegible] periods during which he has been absent [illegible] these specified [illegible] European officer's total service [illegible] his period of pensionable service.

Commutation of pensions and gratuities. Service on the Active list of the Army, Navy or Air Force.

D. For the purpose of computing the amount of any pension or gratuity of an European officer [illegible] some period of his service in the active list of [illegible]

the Colony, has been on the active list of the Navy, Army, or of the Royal Air Force, the whole or any part of such period during which no pension contributions have been paid by the Colony, or, if paid, have been refunded, may be taken into account.

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

7. (1) For the purpose of computing the amount of an European officer's pension or gratuity

(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 European 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 Council may, with the approval of the Secretary of State, grant him a pension calculated upon the full pensionable emoluments payable to him

the colony, has been on the active list of the [illegible]
Army, or of the Royal Air Force, [illegible] of an [illegible]
of such period during which no pension contributions
have been paid by the colony, or [illegible] have been
returned, may be taken into account.

7. (1) For the purpose of computing the amount
of an European officer's pension or gratuity

(a) In the case of an officer who has held
the office for a period of three years immediately
preceding the date of his retirement, the full
pensionable emoluments [illegible] at the date of his
in respect of that office [illegible]

(b) In the case of an officer who has
during such period of three years had been tran-
ferred from one office to another, but where pen-
sionable emoluments have not been changed by reason
of such transfer or transfers, the full pensio-
emoluments payable to him at the date of
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 to him in respect of each
of the offices successively held [illegible]
officer during the last three years [illegible]
period of three years shall be [illegible]
provided that it shall [illegible]
emoluments of officers which [illegible]
time of the officer to retire [illegible]
years, the expression "[illegible]
of the Secretary of State, with the [illegible]
later, upon the full pension to one [illegible]

him at that date.

(2) The estimated value of free quarters shall be taken as fifteen per centum of the initial salary of the officer's appointment, or of the actual salary if such salary is non-incremental;

Provided that

(a) The point in any scale of salary at which an efficiency bar occurs shall be regarded as the initial salary of the appointment for this purpose in the case of any officer who has passed such efficiency bar;

(b) The estimated value of free quarters shall in no case be reckoned as less than £50 per annum.

Non-pensionable service followed by pensionable service.

8. Only service in a pensionable office ~~will ordinarily~~ be taken into account as pensionable service:

Provided that where an unbroken period of service in a civil capacity in an appointment other than a pensionable office is immediately followed by service in a pensionable office in one of the East African Dependencies, such period or any part of such period may, with the approval of the Secretary of State, be so taken into account.

Acting service.

9. Where an European officer has performed acting service in a pensionable office in Kenya, the period of such service may be taken into account as pensionable service.

Provided that

(1) the period of such acting service was not part of the pensionable service of the previous holder of

of the office and does not fall to be reckoned as part of the European officer's own pensionable service in other public service;

(2) this period of service is immediately preceded or followed by service in a substantive capacity in a pensionable office in Kenya.

Abolition or reorganisation of office.

10. If an European officer holding a pensionable office retire or be removed from the service in consequence of the abolition of his office, or for the purpose of facilitating improvement in the organisation of the Department to which he belongs, by which greater efficiency and economy can be effected, he may be granted a pension calculated in accordance with Regulation 1.

Provided, however, that if he has been in the service of Kenya for less than the qualifying period of ten years he may be granted a pension calculated in accordance with that Regulation as if there had been no qualifying period;

And provided also that the grant of such pension ~~and additional pension~~ shall be subject to the condition that he shall be liable to be recalled to service in Kenya;

Provided further that if such an European officer is not qualified for other employment in the public service, and if there is no reason, in the opinion of the Governor, to expect that he can be shortly re-employed, a pension may with the approval of the Secretary of State, be granted to him free from the above-mentioned condition;

European officers retiring on account of injuries.

11. (1) Where an European officer 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, if he is qualified for a pension under Regulation 1, 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 European officer has continued to serve for not less than one year after the injury in respect of which he retires:

(b) Where the injured European officer is at the date of injury within ten years of the age at which he may be required to retire: or

(c) Where the injury is not the sole cause of retirement, but the retirement is caused

partly

[illegible]

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 Section 10 (4) of the Ordinance.

Pensions to injured European officers where service less than 10 years.

(2) An European officer so injured, whose length of service is not such as to qualify him for a pension under Regulation 1 but who is qualified for a gratuity under Regulation 2, may nevertheless be granted in lieu of such gratuity a pension at the rate of one four hundred and eightieth part 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 if he were qualified for pension.

(3) An European officer so injured who is not qualified for either a pension under Regulation 1 or a gratuity under Regulation 2 may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified.

Computation of pensions. Reemployed pensioners.

12. If any European officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of Kenya, 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 Kenya, whichever

may

[illegible] by reason of infirmity or other [illegible]
military.

Provided also that the local authority [illegible] the additional pension shall not exceed the amount [illegible] described in section 10 (4) of the principal [illegible].

(4) An officer on pension by reason of [illegible] length of service is not such an officer as [illegible] pension under regulation 1 who is qualified for a [illegible] gratuity under regulation 2 by reason of [illegible] service to which his pension or a part of one year [illegible] gratuity [illegible] pensionable service for each complete year of [illegible] pensionable service to which such additional pension as may be granted to him under the proviso [illegible] part of this regulation if he is not qualified for a pension.

(5) An officer [illegible] not qualified for either a pension [illegible] or a gratuity under regulation 2 by reason of [illegible] a pension of the same [illegible] pension which he might have been [illegible] been so qualified.

[illegible] If any officer to whom [illegible] has been granted under this regulation is [illegible] another office in the service of [illegible] qualifies in the manner in which [illegible] pension, he may be [illegible] in lieu of [illegible] pension for such [illegible] service the [illegible] pensionable service [illegible] on his [illegible] or lump sum [illegible] the service of [illegible]

may be 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 the gratuity already paid.

European officers transferred from pensionable to non-pensionable office.

13. Where an European officer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or a non-pensionable office in circumstances in which he might have been granted a pension if he had continuously held a pensionable office, he may, with the approval of the Secretary of State, be allowed to count his service in the non-pensionable office as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer.

Gratuity and reduced pension.

14. (1) Any European officer to whom a pension is granted under the Ordinance may, at his option exerciseable 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 10 times the amount of the reduction so made in the pension.

(2) The option referred to in subsection (1) shall be exerciseable

(a) in the case of an European officer who, if he had been retired on grounds of illhealth at the date of the publication of this Regulation in the Gazette, might have been granted a pension

under

[illegible]

[illegible] provided that if on his transfer retirement he was paid a gratuity on reduced pension, the gratuity payable shall be made to him on final retirement shall be reduced by the amount of the gratuity already paid.

European officers transferred from pensionable to non-pensionable office.

13. Where an European officer who has been transferred from a pensionable to a non-pensionable office and subsequently retires otherwise than from a pensionable or non-pensionable office in circumstances in which he would have been granted pension if he had continuously held a pensionable office, he may, with the approval of the Secretary of State, be allowed to count his service in the non-pensionable office as if it were service in the pensionable office, although he was not immediately prior to such transfer, and at the pensionable emolument which he would have had if he had the date of transfer.

Gratuity and reduced pension.

14. (1) Any European officer to whom a pension is granted under the Ordinance may, at his option exercisable as hereinafter provided, be granted in lieu of such pension a pension at the rate or rates commuted of such pension together with a gratuity equal to [illegible] times the amount of the pension so made in lieu of pension.

(2) The option referred to in [illegible] (1) shall be exercisable [illegible]

(a) in the case of a person who [illegible] if he has been granted a pension on [illegible] or the date) of the publication of this [illegible] in the Gazette, or [illegible]

under the Ordinance; not later than six months after the said date of publication;

(b) in the case of any other European 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 the Ordinance, or within six months of the publication of this Regulation in the Gazette, whichever shall be the later date for exercising the option;

Provided always

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

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

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

under the Ordinance, not later than six months after the said date if [illegible] section;

(b) in the case of any other European officer, not later than one month after the earlier date on which, if retired on grounds of ill-health, he might be granted a pension under the Ordinance, or within six months of the publication of this Regulation in the Gazette, whichever shall be the later date for exercising the option;

Provided always

(i) that an European officer shall be entitled to exercise the option only if he shall have the opportunity of exercising the option but has not done so, and apply within one month of his appointment, marriage or promotion to exercise the option, which period may be extended at the 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 that on which the receipt of his written notification of the option shall be acknowledged in writing or in the Gazette for the colonies; and

(iii) that if an European officer has exercised the option he too shall be treated as if he had no concern or emption immediately to be granted to him under the Ordinance.

Part II.

Special Regulations for European Officers with other public service.

Definitions.

15. For the purpose of these Regulations:-

The term "Scheduled Government" means any Government included in the Schedule to these Regulations.

The term "Service in the Group" means service under the Government of the Colony and Protectorate of Kenya and under a Scheduled Government or Governments.

Application of Regulations in Part I.

16. Subject to the succeeding Regulations, the provisions of Regulations 8, 12, 13 and 14 shall apply to the case of an European officer who has been transferred to or from the service of Kenya from or to other public service and the provisions of Regulations 3, 4, 5, 6, 7, 9 shall apply to the case of an European officer so transferred as if his whole service had been in Kenya.

Provided that in the application of Regulation 14 to cases falling under the limitation of Section 10 (2) of the Ordinance the words "such pension" in that Regulation shall ~~be taken to~~ mean the amount of pension which he might have drawn from the funds of Kenya if he had not elected for a gratuity and reduced pension.

Pension for service wholly within the group.

17. (1) Where the other public service of an European officer has been wholly under one or more of the Scheduled Governments and he has held a pensionable office in Kenya for a period of at least twelve months, and his aggregate service would have qualified him had

it

Part II.

Special Regulations for European Officers
in Kenya Public Service.

[illegible]

[illegible]. For the purposes of this [illegible]
the term "Seconded Government" means any Government
mentioned in the Schedule to the [illegible] Ordinance.
The term "service in the Kenya Public Service under
the Government of the Colony and Protectorate of Kenya"
and under a Seconded Government or Government.

Application of Regulations in Part I.

In subject to the succeeding [illegible] before, the
provisions of Regulations 6, 7, 10 and 11 shall apply
to the case of an European officer who has been [illegible]
ferred to or from the service of Kenya from [illegible]
public service and the provisions of Regulations [illegible]
5, 6, 7, 9 shall apply to the case of an European
officer so transferred as if his whole service had been
in Kenya.

Provided that in the application of Regulation 11
to cases falling under the limitation of [illegible] (2)
of the Ordinance the words "such period [illegible]
equivalent qualifying period to mean the [illegible]
which he might have been in [illegible] if he
had not relinquished for a [illegible] [illegible]

[illegible] (1) Where the [illegible]
European officer has been [illegible] more [illegible]
the Schedule to an [illegible] [illegible]
office in Kenya for a period of [illegible]
and his qualifying service shall have [illegible]

it been wholly in Kenya for a pension under the Ordinance, 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 Kenya 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 Kenya, as the aggregate amount of his pensionable emoluments during his service in Kenya shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable emoluments from any of the Scheduled Governments;

Provided that in determining the pension for which he would have been eligible if his service had been wholly in Kenya,

(a) The final pensionable emoluments taken shall be those of his last period of service in the group;

(b) No regard shall be had to Regulation 11;

(c) Regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments;

Provided further that any period of other public service in respect of which pension is not granted by the Scheduled Government concerned shall not be taken into account either in determining the amount of the pension for which he would have been eligible if his service had been entirely in Kenya or in calculating the aggregate amount of his pensionable emoluments.

(2) The aggregate amount of his pensionable emoluments

[illegible] been wholly in Kenya for a period [illegible] ordinance, or by, on his ultimate retirement from the public service in pensionable [illegible] which he is entitled by the [illegible] or regulations of the service in which he is last employed to receive a pension or gratuity, be granted a pension from Kenya of such an amount as shall bear the same proportion to the amount of pension for which he would have been entitled if his service had been wholly in Kenya as the aggregate amount of his pensionable emoluments in the service in Kenya shall bear to the total amount of pensionable emoluments in the aggregate amount of his pensionable emoluments from all of the combined Governments:

Provided that in determining the amount for which he shall have been eligible if his service had been wholly in Kenya,

(a) The final pensionable emoluments taken shall be those of his last period of service in the Kenya;

(b) No regard shall be had to Retirement Ill;

(c) Regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments:

Provided further that any period of other public service in respect of which pension is not granted by the combined Governments shall not be taken into account either in determining the amount of pension for which he would have been eligible if his service had been wholly in Kenya or in determining the aggregate amount of his pensionable emoluments.

(2) The aggregate amount of his pensionable emolu...

emoluments shall be taken as the total amount of salary which the European officer would have drawn, and the total amount of the other pensionable emoluments, including any allowance authorised for an officer who is not provided with free quarters, which he would have enjoyed, had he been on duty on full pay in his substantive office or offices throughout his period of service under each of the scheduled Governments concerned.

Pension where other service not within the group.

18. Where the other public service of an European officer has not included service under any of the Scheduled Governments, and he has held a pensionable office in Kenya for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in Kenya, 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 a pension or gratuity, be granted in respect of his service in Kenya a pension at the rate of one ~~[illegible]~~ four-hundred-and-~~twentieth~~ eightieth part of the amount of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of Kenya for each calendar month of his pensionable service in Kenya.

Pension when other service both within and not within the group.

19. Where a part only of the other public service of an European officer has been under one or more of the Scheduled Governments, the provisions of Regulation 17 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

20. Where

Additional pension to European officers retiring on account of injury.

20. Where an European officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in Kenya, for a pension under these Regulations is compulsorily retired from the public service in the circumstances mentioned in Regulation 11, he may, if at the time he is in the service of Kenya, be granted from the funds of Kenya the additional pension allowed by that Regulation, in addition to the pension granted under Regulation 17, 18, or 19, as the case may be.

Pension in respect of injury after less than twelve month's service in ~~Palestine~~ Kenya

21. Where by reason of the fact that an European officer whose case falls under Regulation 20 has held a pensionable office in Kenya for less than twelve months, he is not eligible for a pension under Regulation 17, 18, or 19, as the case may be, he may, nevertheless, if at the time of his retirement he is in the service of Kenya, be granted from the funds of Kenya a pension of the same amount as the additional pension allowed by Regulation 20.

Gratuities where length of service does not qualify for pension.

22. (1) Where an European officer has been transferred to or from the service of Kenya 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 ten years' service qualifying him for a pension, he may be granted from the funds of Kenya, a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been

been granted to him under Regulation [illegible] as the case may be.

Injury.

(2) Where such an European officer is compulsorily retired from the public service in the circumstances mentioned in Regulation 11, he may, if at the time he is in the service of Kenya, 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 sub-section (1) of this Regulation.

European officers transferred to other public service and retiring after less than twelve months' employment in last service.

23. Where an European 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 Kenya, if otherwise eligible therefor.

~~Note. The Schedule referred to in paragraph 15 of Part II of the Regulations will be published at a later date.~~

Mr A. J. Harding

At this stage of the Confederation of Canada E. A. Pennington, as there be feasible for your consideration before a little a Treaty man over to discuss it.

Perhaps when you have looked into it you will suggest a time for discussion.

C. C. Bottomley
14.11.25

Mr Bottomley

I am sorry to have kept this so long.

I have now completed some notes on the draft Ord^ce & Reg^ns - mostly on small drafting points.

I could discuss almost any morning, if necessary

A. J. Harding
24/2/26

Mr. A.J. Harding's Notes as to East African

Draft Pension Ordinance.

Title) doesn't cover grants to estate or to widow
Preamble) or children.

? were it

"granted in respect of the service of European officers in ....." and

"the granting of pensions, gr ities or other allowances in respect of the public service of European officers in....."

Section 2. Definition of "house allowance"

(a) I don't find any regulation in the schedule defining the estimated value of free quarters.

(b) it doesn't strictly cover a money allowance in lieu of free quarters, and so the inclusion of such an allowance in "pensionable emoluments" in Regulation 17 (2) is possibly ultra vires in view of the definition of "pensionable emoluments".

Section 5. (3) "with the approval of the Secretary of State" is not in the West African Ordinances, nor in 1909-14 Committee model - ? do not insert.

Sections 6 7 9 11 Insert in the Definition clause the following "East African Dependencies" means Kenya, the Uganda Protectorate, the Zanzibar Protectorate, the Nyasaland Protectorate, the Somaliland Protectorate, and the Tanganyika Territory."

"East African Service" means service in a civil capacity under the Government of one or more of the East African Dependencies".

and then in section 6 say "confirmed in a pensionable

Office

Office in one of the East African Dependencies" and in section 7b, 9, 11, say "twenty years East African service".

How about Northern Rhodesia?

But ought we not to try and get the East African Ordinance accepted by the Treasury without the addition to section 6 (a) of the words confining the service to service in East Africa?

Section 14. In view of Sir John Risley's recent opinions (see Crag.35134/25 W.Africa and CO/30340/25 Gen) on the question and the similar question as regards Widows and Orphans Pension Scheme pensions, the question arises whether a proviso should be added to this clause saving the rights of the Government which is paying the pension to recover from the pension sums due to it from the pensioner.

See minutes on CO/35134/25 WAfr

Section 17. Is the actual Territory sufficient ?

Section 18. For "or elsewhere" substitute "or in other public service", do as to make it clear that such service must come within the definition of "other public service" Strictly by the definition clause "pensionable office" can only mean an office in the legislating Colony. To obviate this the section might run:-

"continuously held pensionable office in Kenya or Offices in other public service which were when he held them pensionable under the Pension Regulations applicable to such service." The words "who is not on probation or agreement" in West African law are omitted in Palestine Ordinance but are needed.

Section 19. For "under the preceding subsection" is not strictly accurate as the paragraph headed (1) is not a subsection . ?substitute "under this Ordinance" or "under the preceding paragraph".

Section 20. Ought not officers in the East African

Service

Service to be required to elect for either the old or the new rules ? They ought not to get the benefits of both and the disadvantages of neither. Some application clause anyhow seems necessary; for as it stands it is not clear whether officers who have left the service of the East African Colony or Protectorate for other public service before the new law comes into force are to be pensioned under this law or under the old Rules. Compare section 18 of the West African Pension Law.

Service to be required to elect for either the old or the new rules ? They ought not to get the benefits of both and the disadvantages of neither. Some application clause anyhow seems necessary; for as it stands it is not clear whether officers who have left the service of the East African Colony or Protectorate for other public service before the new law comes into force are to be pensioned under this law or under the old Rules. Compare section 18 of the West African Pension Law.

REGULATIONS.

Regulation 2. Omit proviso in view of section 6 of Ordinance.

Regulation 5. I would insert the usual provisions about leave on half salary counting as half service in computing pension.

Regulation 6. This rule is of course not in accord with the general rule which as given in West African Pension Regulation No.7 is as follows:-

"7. **Computation of Pensions and Gratuities. Service on the Active List of the Army Navy or Air Force.** - For the purpose of computing the amount of the pension or gratuity of an officer who, during some period of his service in a pensionable office in the Colony, has been on the active list of the Army, Navy or Air Force, the whole or any part of such period during which no pension contributions have been paid by the Colony, or, if paid, have been refunded, may be taken into account."

But presumably you are not prepared to fight the Treasury over this, the Palestine Department having failed to move Their Lordships, and you prefer uniformity within East Africa to allowing a more liberal rule in those East African Dependencies which are free from Treasury control.

Regulation 7. Would it not be best to come into line with other Colonies and adopt the 3 years rule for averaging.

Regulation 8. Drafting of Proviso can be shortened if my suggested definition of "East African Dependencies" is inserted in the Ordinance (see above).

Regulation

Regulation 9. Proviso 2. This should I think make itclear that the acting service must in order to be reckoned for pension be continuous not merely with "service in a pensionable office in ....." but with "service in a substantive capacity in a pensionable office in....."

Regulation 17 (2) - See remarks under section 2 of Ordinance about definition of house allowance.

A. J. Harding

22/2/26

A.

The term "European Officer" means any Officer the of whose parents were of European descent, but includes also any other Officer appointed under the conditions of service ordinarily applicable to Europeans. In case of any question or dispute arising as to whether an Officer is to be regarded as an European Officer for the purpose of this Ordinance or of any Regulations made hereunder the decision of the Governor shall be final.

B

The term "house allowance" means the estimated value of free quarters as defined in Regulation 7 (1) in the Schedule to this Ordinance or any regulation hereafter made amending or substituted for the same.

~~The following Draft of Ordinance is made public in accordance with Article 47 (1) (d) of the Palestine Order in Council 1922, as amended by Article 2 of the Palestine (Amendment) Order in Council, 1923.~~

An Ordinance for regulating Pensions, Gratuities and other Allowances to be granted in respect of ~~Public~~ Service ~~European officers~~ in ~~Palestine~~ the Colony and Protectorate of Kenya.

~~European Officers~~ the ~~WHEREAS it is expedient to make provision by law for the granting of pensions, gratuities or other allowances in respect of public service in Palestine~~ Kenya,

~~BE IT THEREFORE ENACTED~~ by the ~~High Commissioner for Palestine~~ Governor of Kenya with the advice of the ~~Advisory~~ Legislative Council thereof:

Short title and commencement

1. This Ordinance may be cited as the ~~Pensions~~ European Officers Ordinance, 1925, and shall ~~be deemed to have~~ come into operation on the ~~first~~ day of ~~July, 1920~~.

Definitions

2. In this Ordinance and the Regulations made hereunder:

The term "European Officer" - etc etc. (Take in "A" attached)

The term "pensionable office" means an office which has been declared by the ~~High Commissioner~~ in Council, with the sanction of the Secretary of State, by a notification published in the ~~Government~~ Gazette, to be pensionable; provided that any office declared to be pensionable under this Section may be declared at any time by the ~~High Commissioner~~ in Council, with the sanction of the Secretary of State, by a notification published in the ~~Government~~ Gazette, to be no longer pensionable, due regard being had to existing rights.

The term "pensionable emoluments" (a) in respect of service in ~~Palestine~~ Kenya includes:—

~~(i)~~ (i) salary (i) Salary
~~(ii) [illegible] allowance~~ (ii) House allowance
~~(iii) [illegible] allowance~~ (iii) personal allowance,
~~(iv) House allowance~~

but does not include duty allowance, entertainment allowance or any other emoluments whatever; (b) in respect of other public service means emoluments which count for pension in accordance with the Law or Regulation in force in such service.

The term "salary" means the salary attached to an office.

~~The term "expatriation allowance" means a special addition to such salary granted to the holder for the time being of the office if he is not a native of or domiciled in Palestine, Transjordan, Cyprus, Egypt, Iraq, Syria, Turkey, the Hejaz, or any other part of the peninsula of Arabia not hereinbefore mentioned.~~

The term "house allowance" etc etc (Take in "B" attached)

The term "personal allowance" means a special addition to such salary granted personally to the holder for the time being of the office.

The term "year" means a ~~period of 365 days, or, if one of the days included in the 29th of February, a period of 366 days.~~ Calendar year

The term "month" means a calendar month ~~according to the Gregorian calendar~~.

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Government of Palestine.

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The term "East African Dependencies" means Kenya, the Uganda Protectorate, the Zanzibar Protectorate, the Nyasaland Protectorate, the Somaliland Protectorate, the Tanganyika Territory and the Kenya and Uganda Railway.

The term "East African Service" means service in a civil capacity under the ~~Government~~ administration of one or more of the East African Dependencies ~~or under the Uganda Government for Transport in Kenya and Uganda~~.

The term "Secretary of State" means one of His Majesty's Principal Secretaries of State.

The term "public service" means service in a civil capacity under the Palestine Government for the Imperial Government, or the Government of India or of a British Colony or Protectorate or a territory under 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 purpose of computation of pension or gratuity and of Section 10 of this Ordinance.

The term "other public service" means public service under the Palestine Government.

3. (1) It shall be lawful for the High Commissioner in Council, with the sanction of the Secretary of State, from time to time to make and when made to vary and revoke regulations for the granting of pensions, gratuities and other allowances to officers who have been in the service of Palestine.

Every such regulation when made shall be laid before the Secretary Council and shall be published in the Government Gazette.

Provided that until varied or revoked by any such regulations the regulations contained in the Schedule to this Ordinance shall be in force.

(2) The said regulations, and any regulations varying or revoking the same as aforesaid, 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 accordingly.

4. There shall be charged on and paid out of the revenues of Palestine all such sums of money as may from time to time be granted by the High Commissioner in Council by way of pension, gratuity or other allowance in accordance with this Ordinance.

Pensions etc. to be charged on revenues of Palestine

5. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Ordinance contained limit the right of the Crown to dismiss any officer without compensation.

Pensions etc. not of right

(2) No officer shall be granted a pension, gratuity or other allowance without a certificate from the head of his Department, or if he is himself the head of a Department, from the High Commissioner, to the effect that he has discharged the duties of 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 High Commissioner 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.

6. 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, unless without break of service he is confirmed in a pensionable office in Kenya or in any other East African Dependency, the Uganda Protectorate, the Zanzibar Protectorate, the Tanganyika Territory, the Somaliland Protectorate, the Seychelles Islands or the Sultanate of Zanzibar;

(b) while under the age of twenty years;

(c) in Palestine prior to the 1st of July 1930.

Circumstances in which pension may be granted.

7. 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:—

(a) on or after attaining the age of 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;

(b) on the abolition of his office;

(c) on compulsory retirement for the purpose of facilitating improvement in the organisation of the Department to which he belongs, by which greater efficiency and economy can be effected;

(d) on medical evidence, to the satisfaction of the High Commissioner in Council or the Secretary of State 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;

(e) in the case of removal on the ground of inefficiency as hereinafter provided.

Retirement for inefficiency.

8. 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 High Commissioner 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 of compulsory retirement.

9. It shall be lawful for the High Commissioner in Council, with the approval of the Secretary of State, to require an officer to retire from the service of Palestine at any time after he attains the age of fifty-five years, and retirement shall be compulsory for every officer on attaining the age of sixty years, except that in special cases where the High Commissioner is satisfied that the retirement of an officer at the age of sixty would be detrimental to the interests of the public service his employment may be extended, with the approval of the Secretary of State, for a further period in no case exceeding five years.

Maximum pension grantable.

10. (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 Palestine, Kenya or

(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 Palestine, but no person may at any time draw from the funds of Palestine 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 ~~Palestine~~ Kenya 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 sub-section, to be four-thirds of its actual amount.

(3) In a case falling under the limitation laid down by sub-section (2) the amount of the pension to be drawn from the funds of ~~Palestine~~ Kenya 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 sub-sections 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.

~~(5) In no case shall a pension, including any additional pension granted to an officer under this Ordinance, exceed £15,000.~~

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

11. Every pension granted to an European officer shall be subject to the following condition:-

Unless or until he has attained the age of fifty ~~five~~ years, he has completed twenty years East African service 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 ~~Palestine~~ Kenya or in another 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 ~~five~~ years.

Pensions affected by re-employment.

12. If any European officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of Kenya ~~Palestine~~, or in any other public service, then during his tenure of such office so much only (if any) of his pension from the funds of ~~Palestine~~ Kenya shall be paid to him per annum as, together with

(a) the annual emoluments of such office;

(b) any annual amounts received on account of pension in respect of other public service; and

(c) where the European officer receives, in respect of some period of public service, both a gratuity and a pension, an annual amount equal to one-third of such pension;

makes up an amount not greater than the highest pensionable emoluments drawn by such officer at any time in the course of his public service:

Provided that

(1) where an European officer, in whose case an abatement of pension falls to be made under this Section, has been granted a pension or pensions in respect of other public service the amount of pension to be drawn from the funds of ~~Palestine~~ Kenya shall be subject to

(2) On a certificate by the Colonial Secretary that any person entitled to receive any pension or sum of money under the provisions of this Order is indebted to the Govt of Kenya in any amount, the the Treasurer shall retain the sum of money which would otherwise be payable to the person indebted to the Govt until the amount of the indebtedness to the Govt, so certified as aforesaid, is paid.

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, and

(2) any bonus or temporary increase, whether on pension or on salary of the new office granted in view of the high cost of living shall be added to such pension or salary, as the case may be, for the purposes of this section.

(3) [illegible]

Gratuity affected by re-employment.

13. 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 ~~Palestine~~ this 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.

Pensions, etc. not to be assignable.

14. (1) 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.

Take in X

Pensions, etc. to cease on bankruptcy.

15. If any officer to whom a pension or other allowance has been granted under his Ordinance is adjudicated a bankrupt or is declared insolvent by judgment of the Court, their such 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, it shall be lawful for the Secretary of State from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as he shall think fit, to cause all or any part of the monies to which such pensioner would have been entitled by way of pension or allowance, had he not become a 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, such pensioner and any wife, child or children of his, in such proportions and manner as the Secretary of State thinks proper; and such monies shall be paid or applied accordingly.

Pensions, etc., to cease on conviction.

16. 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 ~~Palestine~~ for any crime or offence then, in every such case, it shall be lawful for the Secretary of State to direct that such pension or allowance shall forthwith cease.

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 full pardon.

And provided further that where a pension or allowance ceases for the reason aforesaid it shall be lawful for the Secretary of State to cause all or any part of the monies 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 hereinbefore provided.

Pensions, etc. to cease on accepting certain appointments.

17. 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 ~~Palestine~~ Kenya, or an officer or a servant employed in ~~Palestine~~ Kenya by any such Company, without in every

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; and

(2) any bonus or temporary increase, whether on pension or on salary of the new office granted in view of the high cost of living shall be added to such pension or salary, as the case may be, for the purposes of this section.

(3) [illegible]

Gratuity affected by re-employment.

13. 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 ~~Palestine~~ this 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.

Pensions, etc., not to be assignable.

14. (1) 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.

Take in X

Pensions, etc. to cease on bankruptcy.

15. If any officer to whom a pension or other allowance has been granted under his Ordinance is adjudicated a bankrupt or is declared insolvent by judgment of the Court, then such 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, it shall be lawful for the Secretary of State from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as he shall think fit, to cause all or any part of the monies to which such pensioner would have been entitled by way of pension or allowance, had he not become a 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, such pensioner and any wife, child or children of his, in such proportions and manner as the Secretary of State thinks proper; and such monies shall be paid or applied accordingly.

Pensions, etc., to cease on conviction.

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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 full pardon.

And provided further that where a pension or allowance ceases for the reason aforesaid it shall be lawful for the Secretary of State to cause all or any part of the monies 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 hereinbefore provided.

Pensions, etc. to cease on accepting certain appointments.

17. 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 ~~Palestine~~ Kenya, or an officer or a servant employed in ~~Palestine~~ Kenya by any such Company, without in every

such case the permission of the ~~High Commissioner~~ Governor in writing first had and obtained, then in every such case it shall be lawful for the ~~High Commissioner~~ Governor, with the approval of the Secretary of State, to direct that such pension or allowance shall forthwith cease;

Provided always that it shall be lawful for the ~~High Commissioner~~ 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 ~~Palestine~~ Kenya as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect if the Governor sees fit, on such a date as he shall specify.

18. Where an officer holding a pensionable office dies while in the service of ~~Palestine~~ Kenya, and during the five years preceding his death has continuously held pensionable offices ~~whether in Palestine or elsewhere~~ in Kenya or other public service which place when he held them pensionable under the pension regulations applicable to such service, it shall be lawful for the ~~High Commissioner~~ Governor in Council to grant his legal personal representative a gratuity of an amount not exceeding one year's pensionable emoluments.

Kenya

Pensions etc. to dependants when an officer killed on duty.

19. (1) Where an officer holding a pensionable office, who is not serving on probation or agreement, dies as the direct 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 duties,

while in the service of the ~~Palestine~~ Kenya Government, it shall be lawful for the ~~High Commissioner~~ Governor in Council, with the approval of the Secretary of State, to grant in addition to the grant, if any, made to his legal personal representative in accordance with Section 18 of this Ordinance:-

(i) if the deceased officer leaves a widow, a pension to the widow, while unmarried and of good character at a rate not exceeding ten-sixtieths of his pensionable emoluments at the date of the injury or £~~E~~ 10 a year, whichever be the greater; and also a gratuity not exceeding £~~E~~ 1 multiplied by the total number of their years, starting from their ages at the time of their father's death and ending with 15 years, to each child alive at the date of the father's death, and a gratuity not exceeding £~~E~~ 15 to any posthumous child;

Provided that the gratuities so granted shall not in the aggregate be less than £~~E~~ 10 nor more than £~~E~~ 60.

(ii) if the officer's wife predeceases him or, if no pension is granted to her, and he leaves children who would have been eligible for gratuity if a pension had been granted to the widow, gratuities of twice the amount of the gratuities for which they would have been eligible in such circumstances;

(iii) if the deceased officer does not leave a widow, and if his mother was wholly dependent on him for her support, a pension to the mother, while of good character, at a rate not exceeding the rate of the pension which might have been granted to his widow;

~~Provided that~~

(a) ~~Provided that~~ 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

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20. The provisions of this Ordinance shall apply to all European officers serving in Kenya at or after the commencement of the Ordinance, and to all those who, having served in Kenya, have before the commencement of the Ordinance been transferred to other public service;

Provided that, if - - -

(b) if the mother is not a widow and it appears that the deceased's father is in a position to support her, such pension shall cease from such date as the Secretary of State may determine.

(2) When an officer who is not qualified for either pension or gratuity dies in the circumstances mentioned in the preceding subsection it shall be lawful for the High Commissioner in Council, with the approval of the Secretary of State, to grant the pension or gratuities which might have been granted if his case had fallen under the preceding subsection, but no grant shall be made under Section 18 of this Ordinance.

SCHEDULE.

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

Part I

Pensions to whom and at what rates to be granted.

1. Subject to the provisions of the Pensions Ordinance 1925 hereinafter called the Ordinance and of these Regulations, every officer holding a pensionable office in Palestine who has been in the service of Palestine for ten years or upwards may be granted a pension at the rate of one-sixtieth of his pensionable emoluments for each complete year of pensionable service, subject to the limit prescribed in Section 10 of the Ordinance.

Gratuities where length of service does not qualify for pension.

2. 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 at the rate of half a month's pensionable emoluments for each complete six months of pensionable service, not exceeding five years, the annual amount of the pension to which it shall be deemed to have been no qualifying period had it been shown in the Regulations.

Provided that an officer appointed on probation or agreement shall not be eligible for any gratuity, unless his appointment shall have been confirmed.

Period of service to be taken for qualifying for pension or gratuity defined.

3. Subject to the provisions of Section 6 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 Palestine funds and the date of his leaving the Palestine service, without deduction of any period during which he has been absent on leave.

Service to be unbroken.

4. Service in respect of which pension or gratuity 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.

Computation of pensions and gratuities. Leave of absence.

5. 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 Palestine funds while proceeding to Palestine on first appointment.

Computation of pensions and gratuities. Service on the active list of the Army, Navy, or Air Force.

6

For the purpose of computing the amount of the pension or gratuity of an European officer who, during some period of his service in a pensionable office in the Colony, has been on the active list of the Navy, Army, or of the Royal Air Force, the whole or any part of such period during ~~no~~ which no pension contributions have been paid by the Colony, or, if paid, have been refunded, may be taken into account.

(2) The estimated value of free quarters shall be taken as fifteen per centum of the initial salary of the officer's appointment, or of the actual salary of such salary is non-incremental;

Provided that

(a) The point in any scale of salary at which an efficiency bar occurs shall be regarded as the initial salary of the appointment for this purpose in the case of any officer who has passed such efficiency bar;

(b) The estimated value of free quarters shall in no case be reckoned as less than £50 per annum

16th July, 1925.

Code Telegram

(c) Any period ~~during which he has been absent from duty on vacation leave or any~~ has been absent from duty on half salary ~~leave~~ or half

~~(d) Any periods during which he has been absent from duty on leave with half salary and so that the total amount of leave with half salary so taken into account, together with the amount of leave with half salary granted for half the like amount of leave with full salary shall not in the aggregate exceed one-sixth of his resident service in Palestine.~~

(d) Any periods during which he has been absent from duty on leave 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 ~~Any~~ periods during which he has been absent on leave, other than those specified above, shall be deducted from the Gambia officer's total service in order to arrive at his period of pensionable service.

Gambia

6. Where an officer, during some period of his service in a pensionable office in ~~Palestine~~ Gambia has been an officer, warrant officer non-commissioned officer or man on the active list of His Majesty's Armed Forces, seconded or lent for service in ~~the~~ Gambia ~~Colony~~ no part of such period shall be regarded as pensionable service.

Computation of pensions and gratuities. Service on the active list of the army, navy or air force.

Take in D

(1)

7. For the purpose of computing the amount of an officer's pension or gratuity

Gambia

Computation of pensions etc. on what emoluments to be based

Gambia

(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 ~~High Commissioner~~ Governor in 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.

Take in E

(2) ~~Gambia~~

8. Only service in a pensionable office will ordinarily be taken into account as pensionable service.

Non-pensionable service followed by pensionable service.

is immediately followed by service in a pensionable office ~~in Kenya or~~ in one of the following Dependencies that is to say the Uganda Protectorate, the Zanzibar Protectorate, the Nyasaland Protectorate, the Somaliland Protectorate or the Tanganyika

~~Provided that where service in a pensionable office has been immediately preceded by~~ an unbroken period of service in a civil capacity in an appointment other than a pensionable office such period or any part of such period may, with the approval of the Secretary of State, be so taken into account.

Gambia

9. Where an officer has performed acting service in a pensionable office in ~~Palestine~~ Gambia, the period of such service may be taken into account as pensionable service.

Acting service

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Provided that

(1) the period of such acting service was not part of the pensionable service of the previous holder of the office and ~~has not been taken into account~~ as part of the officer's own pensionable service in other public service;

(2) this period of service is immediately preceded or followed by service in a pensionable office in ~~Uganda~~ Kenya.

Abolition of reorganisation of office.

10. If an officer holding a pensionable office retire or be removed 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 and economy can be effected, he may be granted ~~a~~ a pension calculated in accordance with the regulations

Rates of pension where office is abolished.

(a) if his length of service is such as to qualify him for a pension under Regulation 1, a pension calculated in accordance with that Regulation, together with an additional pension at the rate of one-sixtieth part of his annual pensionable emoluments for each complete period of three years' pensionable service;

Provided that the additional pension shall in no case exceed ten-sixtieths; nor together with his ordinary pension exceed the pension for which he would be eligible if he continued to serve until he reached the age at which he may be required to retire, or the maximum prescribed by Section 10 of the Ordinance;

And provided also that the grant of such pension and additional pension shall be subject to the condition that he shall be liable to be recalled to service in ~~Uganda~~ Kenya.

Provided always that if such an officer is not qualified for other employment in the public service, and if there is no reason, in the opinion of the ~~High Commissioner~~ Governor, to expect that he can be shortly re-employed, a pension may with the approval of the Secretary of State, be granted to him free from the above-mentioned condition;

Gratuity where office is abolished.

(b) if his length of service is not such as to qualify him for a pension under Regulation 1, a special gratuity, in lieu of a gratuity under Regulation 2, at the rate of three quarters of one month's pensionable emoluments for each complete six months of pensionable service.

Further Allowance ~~Gratuities~~ retiring on account of injuries.

11. (1) Where an officer 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, if he is qualified for a pension under Regulation 1, 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 ~~High Commissioner~~ Governor shall think reasonable in the following cases:—

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

(b) Where the injured European officer is at the date of injury within ten years of the age at which he may be required to retire; 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 Section 10 (4) of the Ordinance, ~~nor the total amount of pension and additional pension together exceed the amount prescribed in Section 10 (5) of the Ordinance~~.

Pension to injured European officers where service less than 10 years.

(2) An European officer so injured, whose length of service is not such as to qualify him for a pension under Regulation 1 but who is qualified for a gratuity under Regulation 2, may nevertheless be granted in lieu of such gratuity a pension at the rate of one ~~fortieth~~ hundred and eightieth part of his pensionable emoluments for each complete ~~year~~ month of pensionable service together with such additional pension as might be awarded to him under the preceding part of this Regulation if he were qualified for pension.

(3) An European officer so injured who is not qualified for either a pension under Regulation 1 or a gratuity under Regulation 2 may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified.

Computation of pensions. Reemployed pensioners.

12. If any European officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of ~~Palestine~~ Kenya, 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 ~~Palestine~~ Kenya, whichever may be 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 the gratuity already paid.

European Officers transferred from pensionable to non-pensionable office.

13. Where an European officer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or a non-pensionable office in circumstances in which he might have been granted a pension if he had continuously held a pensionable office, he may, with the approval of the Secretary of State, be allowed to count his service in the non-pensionable office as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer.

Gratuity and reduced pension.

14. (1) Any European officer to whom a pension is granted under the 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 10 times the amount of the reduction so made in the pension.

(2) The option referred to in subsection (1) shall be exercisable

(a) in the case of an European officer who, if he had been retired on grounds of ill-health at the date of the publication of this Regulation in the ~~Government~~ Gazette, might have been granted a pension under the Ordinance; not later than six months after the said date of publication;

(b) in the case of any other European 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 the Ordinance, or within six months of the publication of this Regulation in the ~~Government~~ Gazette, whichever shall be the later date for exercising the option;

Provided always

(i) that an European 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 ~~High Commissioner~~'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 Palestine~~ Official Secretary in Kenya or to the Crown Agents for the Colonies; and

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

Part II

Special Regulations for European Officers with other public service.

Definitions

15. For the purpose of these Regulations:

The term "Scheduled Government" means any Government included in the Schedule to these Regulations.

The term "Service in the Group" means service under the ~~Palestine~~ Government of the Colony and Protectorate of Kenya and under a Scheduled Government or Governments.

Application of Regulations in Part I

16. Subject to the succeeding Regulations, the provisions of Regulations 8, 12, 13, and 14 shall apply to the case of an European officer who has been transferred to or from the service of ~~Palestine~~ Kenya from or to other public service and the provisions of Regulations 3, 4, 5, 6, 7, 9 shall apply to the case of an European officer so transferred as if his whole service had been in ~~Palestine~~ Kenya.

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 High Commissioner 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 at the date of injury within ten years of the age at which he may be required to retire; 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 Section 10 (4) of the Ordinance, nor the total amount of pension and additional pension together exceed the amount prescribed in Section 10 (5) of the Ordinance.

Pension to injured officers where Service less than 10 years.

(2) An officer so injured, whose length of service is not such as to qualify him for a pension under Regulation 1 but who is qualified for a gratuity under Regulation 2, may nevertheless be granted in lieu of such gratuity a pension at the rate of one-sixtieth part of his pensionable emoluments for each complete year of pensionable service together with such additional pension as might be awarded to him under the preceding part of this Regulation if he were qualified for pension.

(3) An officer so injured who is not qualified for either a pension under Regulation 1 or a gratuity under Regulation 2 may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified.

Computation of pensions. Reemployed pensioners.

12. If any officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of Palestine, 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 Palestine, whichever may be 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 the gratuity already paid.

Officers transferred from pensionable to non-pensionable office.

13. Where an officer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or a non-pensionable office in circumstances in which he might have been granted a pension if he had continuously held a pensionable office, he may, with the approval of the Secretary of State, be allowed to count his service in the non-pensionable office as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer.

Gratuity and reduced pension.

14. (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

Provided that in the application of Regulation 14 to cases falling under the limitation of Section 10 (2) of the Ordinance the words "such pension" in that Regulation shall be taken to mean the amount of pension which he might have drawn from the funds of ~~Palestine~~ Kenya if he had not elected for a gratuity and reduced pension.

Pension for service wholly within the group.

47. (1) ~~(a)~~ European 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 ~~Palestine~~ Kenya for a period of at least twelve months, and his aggregate service would have qualified him had it been wholly in ~~Palestine~~ Kenya for a pension under the Ordinance, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the law of regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from ~~Palestine~~ Kenya 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 ~~Palestine~~ Kenya, as the aggregate amount of his pensionable emoluments during his service in ~~Palestine~~ Kenya shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable emoluments from any of the Scheduled Governments:

Provided that in determining the pension for which he would have been eligible if his service had been wholly in ~~Palestine~~ Kenya,

(a) The final pensionable emoluments taken shall be those of his last period of service in the group;

(b) No regard shall be had to Regulation [redacted] 11;

(c) Regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments;

Provided further that any period of other public service in respect of which pension is not granted by the Scheduled Government concerned shall not be taken into account either in determining the amount of the pension for which he would have been eligible if his service had been entirely in ~~Palestine~~ Kenya or in calculating the aggregate amount of his pensionable emoluments.

(2) 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 ~~post~~ throughout his period of service, ~~in such~~ office or offices ~~under the Government in question~~ under each of the Scheduled Governments concerned.

European

including any allowance authorised for an officer who is not provided with free quarters

Pension where other service not within the group.

48. Where the other public service of an European officer has not included service under any of the Scheduled Governments, and he has held a pensionable office in ~~Palestine~~ Kenya for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in ~~Palestine~~ Kenya 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 a pension or gratuity, be granted in respect of his service in ~~Palestine~~ Kenya a pension at the rate of one seven-hundred-and-twentieth part of the amount of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of ~~Palestine~~ Kenya for each calendar month of his pensionable service in ~~Palestine~~ Kenya.

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Pension when other service both within and not within the group.

19. Where a part only of the other public service of an European officer has been under one or more of the Scheduled Governments, the provisions of Regulation 17 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

~~Additional pension on abolition or reorganisation of office.~~

~~20. Where an officer who has been transferred from~~ other public service, and whose aggregate service would have qualified him, had it been wholly in Palestine, for a pension under these Regulations, is compulsorily retired from the public service in the circumstances mentioned in Regulation 10, he may, if at the time he is in the service of Palestine, be granted, from the funds of Palestine, in addition to the pension granted to him under Regulations 17, 18 or 19 as the case may be, an additional pension equal to the additional pension which might have been granted to him in accordance with Regulation 10 ~~if his total pensionable service had been in Palestine.~~

Additional pension to ~~public~~ European retiring on account of injury.

20. Where an European officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in ~~Palestine~~ Kenya for a pension under these Regulations, is compulsorily retired from the public service in the circumstances mentioned in Regulation 11, he may, if at the time he is in the service of ~~Palestine~~ Kenya be granted from the funds of ~~Palestine~~ Kenya the additional pension allowed by that Regulation, in addition to the pension granted under Regulation 17, 18, or 19, as the case may be.

Pension in respect of ~~abolition of office or~~ injury after less than twelve month's service in Palestine.

21 ~~20~~. Where by reason of the fact that an European officer whose case falls under Regulation 20 ~~and~~ has held a pensionable office in ~~Palestine~~ Kenya for less than twelve months, he is not eligible for a pension under Regulation 17, 18, or 19, as the case may be, he may, nevertheless, if at the time of his retirement he is in the service of ~~Palestine~~ Kenya, be granted from the funds of ~~Palestine~~ Kenya a pension of the same amount as the additional pension allowed by Regulation 20, ~~or will as the case may be~~.

Gratuities where length of service does not qualify for pension.

22 ~~21~~. (1) Where an European officer has been transferred to or from the service of ~~Palestine~~ Kenya 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 (ten years) in the aggregate the minimum period of service qualifying him for a pension, he may be granted from the funds of ~~Palestine~~ Kenya, 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 17, 18 or 19 as the case may be.

~~Abolition or reorganisation of office.~~

~~(2) Where such an officer is compulsorily retired~~ from the public service in the circumstances mentioned in Regulation 10, he may, if at the time he is in the service of Palestine, 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 Palestine, together with the gratuity, if any, which may be granted to him under sub-section (1) of this ~~Regulation~~.

Injury.

(2) ~~(3)~~ Where such an European officer is compulsorily retired from the public service in the circumstances mentioned in Regulation 11, he may, if at the time he is in the service of Kenya ~~Palestine~~, 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 sub-section (1) of this Regulation.

Provided that in the application of Regulation 14 to cases falling under the limitation of Section 10 (2) of the Ordinance the words "such pension" in that Regulation shall be taken to mean the amount of pension which he might have drawn from the funds of Palestine if he had not elected for a gratuity and reduced pension.

Pension for service wholly within the group.

17. (a) 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 Palestine for a period of at least twelve months, and his aggregate service would have qualified him had it been wholly in Palestine for a pension under the Ordinance, 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 Palestine 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 Palestine, as the aggregate amount of his pensionable emoluments during his service in Palestine shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable emoluments from any of the Scheduled Governments.

Provided that in determining the pension for which he would have been eligible if his service had been wholly in Palestine

(b) The final pensionable emoluments taken shall be those of his last period of service in the group;

(b) No regard shall be had to Regulation 10 or 11.

(c) Regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments;

Provided further that any period of other public service in respect of which pension is not granted by the Scheduled Government concerned shall not be taken into account either in determining the amount of the pension for which he would have been eligible if his service had been entirely in Palestine or in calculating the aggregate amount of his pensionable emoluments.

(d) 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 post throughout his period of service in such office or offices under the Government in question.

Pension where other service not within the group.

18. Where the other public service of an officer has not included service under any of the Scheduled Governments, and he has held a pensionable office in Palestine for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in Palestine, 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 a pension or gratuity, be granted in respect of his service in Palestine a pension at the rate of one seven-hundred-and-twentieth part of the amount of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of Palestine for each calendar month of his pensionable service in Palestine

Further

Further

Officers transferred to other public service and retiring after less than twelve months' service (whether reason) meet in last service

~~12.~~ 13. 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 ~~Palestine~~ Palestine if otherwise eligible therefor.

Note: The Schedule referred to in paragraph 15 of Part II of the Regulations will be published at a later date.

AN ORDINANCE TO AMEND THE ORTHODOX PATRIARCHATE ORDINANCE 1921

BE IT ENACTED by the High Commissioner for Palestine with the advice of the Advisory Council thereof:-

Short Title

1. This Ordinance may be cited as the Orthodox Patriarchate (Amendment) Ordinance, 1925, and shall be read as one with the Orthodox Patriarchate Ordinance 1921 (hereinafter called the principal Ordinance) and the principal Ordinance and this Ordinance may be cited together as the Orthodox Patriarchate Ordinance, 1921 and 1925.

Amendment to Section 8 of the principal Ordinance

2. (1) Section 8 (1) of the principal Ordinance is hereby repealed and the following substituted therefor:-

"(1) Except as provided in sub-section (4) hereof all sales of any immovable property made by the Commission under Section 7 (b) shall be made in pursuance of a general or special authorisation of the Patriarch in Synod:

Provided always that in the following cases, that is to say:

(a) where the sale would involve the closing of any metochion or other institution dependent on the Patriarchate;

(b) where the sale is a sale of any property developed by buildings situated within the walls of Jerusalem;

(c) where the sale is a sale of any property attached ab antiquo to any monastery:

the Commission shall only sell such property in pursuance of a special authorisation of the Patriarch in Synod".

(2) The following sub-sections shall be added to Section 8 of the principal Ordinance.

"(3) The Commission shall set aside in a fund to be entitled the Debt Redemption Fund all moneys which may be realised from the sale of immovable property in Palestine and shall use the moneys so set aside for the sole purpose of paying the debts of the Patriarchate: Provided that, if the total ordinary revenue of the Patriarchate in any one year has been or may be less than the total recurrent expenditure authorised by the Commission for the same year, the High Commissioner may by authority in writing under his hand authorise the Commission to appropriate from the Debt Redemption Fund an amount equal to such deficit".

(4) Except in the cases contained in the proviso to subsection (1) hereof the High Commissioner may, by authority in writing under his hand, authorise the Commission to sell any immovable property for which no general or special authorisation of the Patriarch in Synod has been granted, if he is satisfied that such sale is necessary for the purpose for which the Commission was established and that such general or special authorisation is unreasonably withheld".

Amendment to Section 15 of the principal Ordinance.

3. In Section 15 of the principal Ordinance after the words "by order of the High Commissioner" there shall be inserted the words "and thereafter from year to year, until the High Commissioner is satisfied that the Commission should be dissolved".

Power of High Commissioner to appoint Chairman or acting Chairman

4. The power of the High Commissioner to direct the establishment of the Commission shall be deemed to include and to have included power from time to time to appoint a member of the Commission as Chairman thereof, and if he shall be or shall have been incapable of so acting any time for any cause whatsoever to appoint any other member of the Commission as acting Chairman during the incapacity of the Chairman.

Exception of Deeds of Sale, etc.

5. (1) All deeds of sale or other instruments executed in pursuance of the principal Ordinance prior to the commencement of this Ordinance shall be deemed to have been validly and effectually executed.

(2) All deeds of sale or other instruments executed in pursuance of the Ordinance and of a resolution of the Commission by the Chairman or Acting Chairman appointed under the preceding Section shall be deemed to be validly and effectually executed.

Quorum of the Commission.

6. The Commission shall be deemed to be and to have been competent to conduct business if at a Meeting of the Commission two members in addition to the Chairman or Acting Chairman be or were present.

Confirmation of Interpretation Order

7. The Interpretation Order issued by the High Commissioner on the 1st day of May 1925, and published in Official Gazette No. 139 of the 15th day of May, 1925, is hereby confirmed and is declared to have been validly and effectually issued.

Power of High Commissioner to make orders regarding recognition by Commission of a body claiming to represent creditors of Patriarchate

8. The power of the High Commissioner contained in Section 16 of the principal Ordinance shall be deemed to include the power to issue, and when issued to vary or revoke, orders prescribing the terms and conditions on which any body claiming to represent any one or more classes of creditors of The Patriarchate shall be entitled to be so recognised by the Commission, and defining the powers and duties of such a body and its relation to the Commission.

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CONTENTS

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The following Ordinance is published in accordance with Article 17 (1) (d) of the Palestine Order in Council 1922, as amended by Article 11 of the Palestine (Amendment) Order in Council, 1923.

An Ordinance for regulating Pensions, Gratuities and other Allowances to be granted in respect of Public Service in Palestine.

WHEREAS it is expedient to make provision by law for the granting of pensions, gratuities or other allowances in respect of public service in Palestine.

BE IT THEREFORE ENACTED by the High Commissioner for Palestine with the advice of the Advisory Council thereof:—

Short title and commencement.

1. This Ordinance may be cited as the Pensions Ordinance 1920 and shall be deemed to have come into operation on the first day of July, 1920.

Definitions.

2. In this Ordinance and the Regulations made hereunder:—

The term "pensionable office" means an office which has been declared by the High Commissioner in Council, with the sanction of the Secretary of State, by a notification published in the Government Gazette, to be pensionable; provided that any office declared to be pensionable under this Section may be declared at any time by the High Commissioner in Council, with the sanction of the Secretary of State, by a notification published in the Government Gazette, to be no longer pensionable, due regard being had to existing rights.

The term "pensionable emoluments" (a) in respect of service in Palestine includes:—

(i) salary
(ii) expatriation allowance
(iii) personal allowance;

but does not include duty allowance, entertainment allowance or any other emoluments whatever; (b) in respect of other public service means emoluments which count for pension in accordance with the Law or Regulation in force in such service.

The term "salary" means the salary attached to an office.

The term "expatriation allowance" means a special addition to such salary granted to the holder for the time being of the office if he is not a native of or domiciled in Palestine, Transjordan, Cyprus, Egypt, Iraq, Syria, Turkey, the Hejaz, or any other part of the peninsula of Arabia not hereinbefore mentioned.

The term "personal allowance" means a special addition to such salary granted personally to the holder for the time being of the office.

The term "year" means a period of 365 days, or, if one of the days included is the 29th of February, a period of 366 days.

The term "month" means a calendar month according to the Gregorian calendar.

24. 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 Palestine, if otherwise eligible therefor. Officers transferred to other public service and retiring after less than twelve months' employment in last service.

Note: The Schedule referred to in paragraph 15 of Part II of the Regulations will be published at a later date.

AN ORDINANCE TO AMEND THE ORTHODOX PATRIARCHATE ORDINANCE 1921

BE IT ENACTED by the High Commissioner for Palestine with the advice of the Advisory Council thereof:-

1. This Ordinance may be cited as the Orthodox Patriarchate (Amendment) Ordinance, 1925, and shall be read as one with the Orthodox Patriarchate Ordinance 1921 (hereinafter called the principal Ordinance) and the principal Ordinance and this Ordinance may be cited together as the Orthodox Patriarchate Ordinance, 1921 and 1925. Short Title.

2. (1) Section 8 (1) of the principal Ordinance is hereby repealed and the following substituted therefor:- Amendment to Section 8 of the principal Ordinance.

"(1) Except as provided in sub-section (4) hereof all sales of any immovable property made by the Commission under Section 7 (b) shall be made in pursuance of a general or special authorisation of the Patriarch in Synod:

Provided always that in the following cases, that is to say:

(a) where the sale would involve the closing of any metochion or other institution dependent on the Patriarchate

(b) where the sale is a sale of any property developed by buildings situated within the walls of Jerusalem;

(c) where the sale is a sale of any property attached ab antiquo to any monastery;

the Commission shall only sell such property in pursuance of a special authorisation of the Patriarch in Synod".

(2) The following sub-sections shall be added to Section 8 of the principal Ordinance.

"(3) The Commission shall set aside in a fund to be entitled the Debt Redemption Fund all moneys which may be realised from the sale of immovable property in Palestine and shall use the moneys so set aside for the sole purpose of paying the debts of the Patriarchate; Provided that, if the total ordinary revenue of the Patriarchate in any one year has been or may be less than the total recurrent expenditure authorised by the Commission for the same year, the High Commissioner may by authority in writing under his hand authorise the Commission to appropriate from the Debt Redemption Fund an amount equal to such deficit".

"(4) Except in the cases contained in the proviso to sub-section (1) hereof the High Commissioner may, by authority in writing under his hand, authorise the Commission to sell any immovable property for which no general or special authorisation of the Patriarch in Synod has been granted, if he is satisfied that such sale is necessary for the purpose for which the Commission was established and that such general or special authorisation is unreasonably withheld".

Amendment to Section 15 of the principal Ordinance.

3. In Section 15 of the principal Ordinance after the words "by order of the High Commissioner" there shall be inserted the words "and thereafter from year to year, until the High Commissioner is satisfied that the Commission should be dissolved".

Power of High Commissioner to appoint Chairman or acting Chairman.

4. The power of the High Commissioner to direct the establishment of the Commission shall be deemed to include and to have included power from time to time to appoint a member of the Commission as Chairman thereof, and if he shall be or shall have been incapable of so acting any time for any cause whatsoever to appoint any other member of the Commission as acting Chairman during the incapacity of the Chairman.

Execution of Deeds of sale etc.

5. (1) All deeds of sale or other instruments executed in pursuance of the principal Ordinance prior to the commencement of this Ordinance shall be deemed to have been validly and effectually executed.

(2) All deeds of sale or other instruments executed in pursuance of the Ordinance and of a resolution of the Commission by the Chairman or Acting Chairman appointed under the preceding Section shall be deemed to be validly and effectually executed.

Quorum of the Commission.

6. The Commission shall be deemed to be and to have been competent to conduct business if at a Meeting of the Commission two members in addition to the Chairman or Acting Chairman be or were present.

Confirmation of Interpretation Order.

7. The Interpretation Order issued by the High Commissioner on the 1st day of May 1925, and published in Official Gazette No. 139 of the 15th day of May, 1925, is hereby confirmed and is declared to have been validly and effectually issued.

Power of High Commissioner to make orders regarding recognition by Commission of a body claiming to represent creditors of Patriarchate.

8. The power of the High Commissioner contained in Section 16 of the principal Ordinance shall be deemed to include the power to issue, and when issued to vary or revoke, orders prescribing the terms and conditions on which any body claiming to represent any one or more classes of creditors of The Patriarchate shall be entitled to be so recognised by the Commission, and defining the powers and duties of such a body and its relation to the Commission.