

# PUBLIC RECORD OFFICE

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THE PUBLIC RECORD OFFICE

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Provided sires that the fact the fact to the first of the fact of

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 allawance, with retrospective effect, if he shall see it, to such a date as he shall specify.

Gratuity to estate where an European officer dies, i the service. pensionable office who is not on probation or agreement dies while in the sarrioe 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 his legal personal representative a gratuity of an amount not exceeding one year's pensionable escluments.

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

- pensionable office, who is not serving on probation or agreement, dies as the direct result of injuries
  - (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 lewful 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:-

Director of such Compeny or to be carlayed as an officer of parkents of such Compeny of the carlayed as as the care of the cartain of the care of the

10. Mass an Empasson of More holding a soundonable of these was the net on probation or expression of agreement that does of heaven and anning the five years preceding his dueen has dueen has granting the five years preceding his dueen has grantine at he can be until the nation which he had then beneficiable under the pensions applicable to such service; it shall be them to such service; it shall be them to such the pensions the department of the granting of an and no the terminal applicable as granting of an and no the termination of any year's generated to mailurants.

19. (1) Where an European officer bolding of nationable office, who is not nerving or probability of upon the direct result of injurial sectors.

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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

(i) if the deceased officer leaves a widow,

a pension to the widow, while unmarried and of

Provided that the gratuities so granted shall not in the aggregate be less than £10 nor more than £00.

(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 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

Provided that:

widow;

(a) if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall ease as from the date of remarriage;

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Provided that:

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- (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 sharl 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 livet persons of this section, it shell be lawful for the Governor in Council, with the approve 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.
- The provisions of this Ordinance shall apply to all suropean 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 his Provided that, if the Governor in

Council is satisfied that any European officer La 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

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### SCHEDULE

Gratuities and other Allowances
to European Officers.

#### Part I.

Pensions to whom and at what rates to be granted.



Officers Pensions Ordinance 192 hereins for called the Ordinance and of these Regulations, every European officer holding a pensionable office in Kenya sho 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 notqualify 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 c 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

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

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

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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 Suropean officer's pension or gratuity
  - 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;
  - 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 lensionable emoluments rayable 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 ensionable 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

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(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

- w (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 ordinately 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

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 moting service was not art of the pensionable service of the previous holder

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of the office and does not fall to be renkoned as part of the European officer's own pensionable service;

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

Abolition or reorganisation of office office retire or be removed from the service in consequence of the abolition of his office, or for the
surpase of facilitating improvement the organisation of the Department to which he belongs, by which
greater efficiency and economy can be effected he
may be granted a rension 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 at 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;

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European officers retiring on account of injuries.

- (1) There 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, be may, if he is qualified for a pension under Regulation h, be granted, in addition to the recision granted to him under that Regulation, and 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: impaired: materially impaired: totally destroyed: five-sixtieths ten-sixtieths fifteen-sixtieths 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

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partly by age or infifulty 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.

rensions to injured European officers where ses vice less then 10 years.

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- (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 person at the rate of one four hundred and eightieth part of his pensionable empluments 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.
- (5) 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 precumentances in which he may be granted a pension, he may be granted in lieu of his previous pension a pension semputed as if the periods of his service had been continuous, and such pension may be pased on his pensionable emoluments on his previous or final retirement from the service of Kenya, whichever

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was said a gratuity and reduced pension, the gratuity to be said to nim on final retirement shall be reduced by the amount of the gratuity already paid.

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officers transferred from
pensionable to
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ferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable of the in circumstances in which he might have been same test pension of 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 Tieu 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 rounds of illhealth at the date of the publication of this Regulation in the Gazette, might have been granted a pension under

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Gratuity and reduced repairs.

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10. (1) Any European officer to come a person is arapted ander the Ordinance may, at his outlon exert officeable as hereinefter travited, or inite in these of about person a reaster of the office of three doubles of such rension, to show that the such a line around of the continuous of the such rension.

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European officers trans ferred from man-pensionable office.

dratulty and redwhed tension. under the Ordinance; not later than six months

- (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 office 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 Hedical 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 Grown 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.

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(A) in the care of any other Australians, not later than one ments after the conlines date on appear of the conlines date.

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(111) that it in the comes that the area of the interest of the option the decree of the option intimately the conferns the Crimmes.

Part II.

Special Regulations for European Officers
with other public service.

Definitions.

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

The term "Service in the Group" means service under the covernment of the Golony and Protection 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 Kenva.

Provided that in the application of Regulation 14 to cases falling under the limitation of Section 10 (2) of the Ordinance the words "such rension" in that Regulation shall be the words "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.

Fension 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 rensionable office in Kenya for a period of at least twelve months, and his aggregate service would have qualified him had

Special negalectons for surspeem officers

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application of Regulee Lions in

Lot mir om d Grand volvace Grand Lot Volvace 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 Kenja 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 Kenja as the eggregate amount of his pensionable empluments juring his service in Kenya shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable smounants 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 empluments;

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 this pensionable emoluments.

(2) The aggregate amount of his pensionable

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provided further that any period to other public somples in respect of which pend on in not freadent and constant in the pend of the pend of the coordinate downstant to another the standard for which he would now year. And the standard the second of the pend of the second of the second of the pend of the

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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 employed, 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. officer has not included service underlany of the Scheduled Governments, and he has held a pensionable office in tenys for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in Kenys, 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 hundred-and-circumstances at the date of his transfer or retirement, as the case may be, from the service of Kenya for each

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 remain, regard shall be had only to service in the

calendar month of his pensionable service in Kenya.

embluments shall be taken as the total amount of delitation which has purposed efficer would have drawn, and the total emaunt of the other remainingly smoltheness, the cluster are allowance authorized for an officer and another are allowance authorized for an officer amount of worders, and in a would have enjoyed, has be been drawn and obey an authorized his source at the officer transfer and are leftless transfer and the legal of a sawled under such at the schedules. Sovernights concerned.

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Editalon Shen Coner a Arriva sol Arriva Ariva Arriva Arriva Arriva Arriva Arriva Arriva Arriva Arriva Arriv additional pension to European officers retiring on account of injury.

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 Pelectine Kenqu 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.

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

be'en

nder Regulation 17, 10, of the se too case may be.

The whore each fails and the deal described complete and the proper each fails and the deal deals are presented as a personable office in terms, as not lose that their are not so that the last and altifole for a pension which has been than 17, 16, or 17, to the case had by the may, nevertables, it as the case had by the may, nevertables, it as the time of his retirement he is in the service of kenys, no spated for the serial enough as the sure of the serial enough as the serial pension of the serial enough as the start pension.

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

pulsorily retired from the public service in the circumstances mentioned in Regulation II, he say, 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 (I) of this Regulation.

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 kenys, if otherwise eligible therefor.

Mores. The Schedule referred to in paragraph 15 of Park II of the Regulations will be published at 8

m Al wasing and stone of the business. guays to the tank in all he perigue for your collection to the a was Free hand on a discussif Prilips when you land looked atit you were ugget time for Cold some h Bottom By I am sorry to have kept this so long. I have now completed My some notes on the draft ONS - A Pregro - mostly on small drafting points could distass almost any morning, if necessary a Harding 22/2/26

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

Title .) doesn't never grants to estate or to widow Fremble) or children, t work ti

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 as allowance in "pensionable emcluments" in Regulation 17 (2) is possibly ultra virse in view of the definition of "pensionable emcluments".
- 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 the Definition clause the following
- "Bast African Dependencies" means Kenya, the Uganda

  Protectorate, the Samsibar Protectorate, the Syssaland

  Protectorate, the Samsilland Protectorate, ar the

  Tanganyika Territory."
- "Tast African Service" means service in a civil deposity under the Government of one or more of the Bast African Dependencies"

and then in section 6 say "confirmed in a pensionable"
Office

Office is one of the East African Dependencies" and in section 76, 9, 11 say "twenty years East African service".

How about Northern Rhodesia?

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

Section 14. In view of Sir John Risley's recent apisions one Charles 35134/25 W.Africa and CO/30340/25 Gen) on the question and the similar question as regards Widows and Orphana Pension Schema page 4

Orphans Pension Scheme pensions the what water question and the saving the rights of the Government which is paying the pension to recover from the pension saving the

see mundes on 0/35134/26 WAG

pension to recover from the pension sums due to it from the pensioner.

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 section might run:-

"continuously held pensionable office in Kenya or/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 Arrican

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 Protestorate for other public service before the new law ones into force are to be pensioned under the 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.

Regulation 2.

Omit provise in view of section 5 ef

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

Regulation 6: This rule is of bourse not in socard with the general rule which he given in the Africas Pension Regulation Sa. 7 is as follows:-

on the active list of the army Navy or air Force. - For the purpose of computing the amount of the pension of the pension of the pension of the 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.

with other Colonies and adopt the 3 years rule for averaging.

Regulation 8. Brafting of Proviso can be shortened if in suggested definition of Task African Dependencies is inserted in the Ordinance (see above).

Regulation

Sister

t definition of nouse allowedge.

21/2/26

The learn "European Officer" beaus any officer 11h.

If whose parents were of European descent, but who des also any Mus I appointed us des the conditions of service ordinarily applicable to Europeans. The case of any question or dispute arising as to whether an officer is to be regarded as an European of the purpose of the Ordinaries on I.

any keyeladions mad hereunde the

decision of a Powermor shall be found

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The kern "house allowance" means the estimated value of free quarters as defined in Regulation of the The St dule 15 this Ordinance or any regulation hereafter made amending or substituted for the same

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

En from offers in Daloution the Mony and Protecton

WHEREAS it is expedient to make provision by law for the grantitudof pensions, gratuities or other allowances in respect

IT THEREFORE ENACTED by the High Meetine with the advice of the Advisory Council thereof

et title and domencement 1. This Ordinance may be cited as the rigious Ordinance (1922 and shall be because to be come into operation on the first day of July 1930.

In this Ordinance and the Regulations made here ander

The term function office peans an office which has declared by the High County council with the been declared by the High been declared by the High State, by a notification published in the Communication of the Secretary of State, by a notification published in the Communication of the Secretary of State, by a notification published that any office declared to be pensionable under this Section may be declared at any, time by the High Communication in Council, with the sanction of the Secretary of State, by a notification published in the Communication Gazette, to be no longer pensionable,

The term "pensionable emoluments" (a) in respect of entine includes:

due regard being had to existing rights.

(1) Salary

(iii) hersonal allowance; but does not include duty allowance, entertainment allowance or any other emoliments whatevers (h) 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 team "expansion allowance" means a second different form of the solid second of the holder in the time being of the office if he is not a native of pr dunicifed in Falestine, Transporter to the posterior of Arabia not be received.

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

being of the office.

The term "year" means a period of 28. Palendan year

The term "month" means a calendar month access



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## Bazette Officia

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16th July, 1925,

JERI SALEM No 11: CONTENTS Page DRAFTS OF ORDINANCES 362-375 Personal Chelmane 1920 Patriaghate (An endue to to be one veto H. ORDERS Francogating the Custon House Agents for con-e-formulating the Dangerous Drugs Ordinates Promolecting the Municipal Estes Ordinates No. 20 of 1925 No. 21 of 1925 :07 No. 22 of 1925 Franciscum a Manufipal Court at Valder | Su, 22 or into the Custons Frontier and Executive Research and the Customs Frontier and Executive Research and the Customs Frontier and Executive Research and the Customs Frontier and Executive Research and Customs and Customs Frontier and Executive Research and Customs Frontier and III BULES the transfer of an effective COVERNMENT SOLICES (ii) timber the to stone finter fixemption Indinates 1924. 379 1. Relating of his magration and Engigration

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East african Dependencies means Meetings. The Regionale Particlante the Zangelows Westoute, the Myavaland Potroclotate the Somaliland Protection to the tangange Territory and the Kinga and Uganda Railway "Fast Ufrican Service hears service administration The term cuit capacity who der the Forest one in more of the East references Department when the this Course where for the Frankort in Kennya and Usanda.

The tegm "Secretary of State" means one of His Majesty's Principal Secrytagies of State.

The term public service means service in a chilecapacity under the footenment of India of of a british Colony or Protector the Government of India of of a british Colony or Protectorage of a territory under British mandate and any such other service as the Secretary of State many intermine to be published in the purpose of any provision of this Publicance or the Research as made they conder

Service as a Governor or High Communicationer of a British Service as a vovernor or right commissioner of a billion Dominion. Colony or Protectorate or a factrion's over Right namedate, or as a fovernor in India, shalf be regard to be public service "except for the purpose of computation of persons or gratuity and of Section 10 of this Ordinary."

The term "other public service" means public service may under the Paleanne Covernment & Kennya

3. (1)- It shall be jawful for the trade speciment in the Council, with the sauction of the Secretary of State, from time, to time to make and when made he vary and revoke regulations for the granting of pensions, gratuities and other allocances to

regulations.

the Every out regulation when made shall be faid before the the shall be published in the Govern-

Provided that until variety or revoked by any such regulations the regulations contained in the Schedule to this Ordinance

(2) The said regulations, and any regulations varying or revoking the same as aloresaid, shall have the same force and effect for all purposes as if they were contained in this Ordinance and the term "this Ordinance" sitall in the following Sections be read and construed accordingly,

There shall be charged on and paid out of the reves. Pensions etc. to most of backetse all, such sures of money as may from time to be charged on time be granted by the High Companion or Council by way of pension, grainity or other allowance in accordance with this

5. (1) No follower shall have an absolute right to com- Pensions etc. and pensation for past services or to pension grating, or other of agia allowance; nor shell anything in this Ordinance contained limit the right of the Crown to dismiss any officer without

(2) No suffice shall be granted a pension, granuity or other allowance without a certificate from the head of his Beparingent or if he is himself the lead of a Department, from the High Tolkingsonner to the effect that he has discharged the duties of his office with such dangence and fidelity as to justify the grant to him of such pending grantity or other

Source (3) Where it is established to the satisfaction of the of uegligence stregularity or misconduct, the peasion, gratain or other allowance may be reduced or allowance withhold

No pension, gratuity or other allowance shall be gran- service not ted to any officer in respect of any service

The Senethy & State

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OFFICIAL GAZETTE.

(a) while in probably unless without break service he is confirmed in a jiensphable office it is

(b) while under the age of twenty years,

(c) in Palestine poor to the 1st of July 199

No prepared training or other allowance shall be exerted to my differ except on his retirement from the public service in one of the following leases.

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facinate improvement in the organisation of the purpose of to which he belongs by which greater efficiency and occurring the the decided.

that can be premined by the satisfaction of the least mental to the satisfaction of the least mental to the satisfaction of th

in the case of removal on the ground of inel-

S. Where artifilier is remayed from his office on the ground of his imbilifier or other allowance cannot otherwise he granted to jun under the provisions of this Ordinance, the light from some in Council, with the approval of the Secretary of State, may if he considers it justified shadow regard to all the circumstances of the case, grant such a person, granting or other allowances as he thinks just and proper, but, in no case exceeding in amount that for which the otherwood body likely to be permanent.

with the approval of the Secretary of Stale, to require autofficer to refere from the service of Landille at any time after he attains the age of fifty in years on the service of Landille at any time after he attains the age of fifty in years on the service of the public service of the public service of the public service of the servi

10. (1) I pension graved to an collect under distordinance shall not exceed two-thirds of the highest pensionable emoluments drawn be found at any time. It districts of his service in technicis.

(2) Whate the officer has been or is guillot a pension or pensions in respect of other public sixtice, be tony beginnted the full pension, for which he as eigible in respect of his service in belief. But no person may at any time draw from the funds of habitual an amount of person which, when added to the amount of any pension or pensions drawn in respect of other public service exceeds two-thirds of the highest

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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 had down by sub-section (2), the amount of the pension to be drawn from the funds of Polostina shall be subject to the approval of the Secretary of State, in order that it may be determined with the regard of the amount of any pension or pensions simplest in the drawn in respect of other model service.

are additional pension granted are expected at many shall for be are additional pension granted are expected at many shall for be additional pension, the amount of such additional pension, the amount of such additional pension which he may draw shall not exceed one-sixth of his highest pension habite emoluments at any time in the course of his public service by more than the sum by which the amount of his public pension or pensions, apair from such additional pension, falls short of the additional pension, falls short in the pension of the public of anyth highest another many pensions. of two-thirds of such highest enfoluments.

he no case shall a

11. Every pension granted to an afficer stall the subject thinks of some or to the following condition:

Unless or until be has attained thin age of tifty five years he may, it physically fit for service, he called upon by the Secretary of State to accept, in lien of his pension, an office, whether in the harmonic or in another public service. Not case 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 per-sion may be suspended until he has attained the age of hitytion vears.

If any Lofficer to whom a pension has been granted tine Possions affected der this Ordinance is appointed to another office in the service of Palestine, or in any other public service, then during his tenure of such office so much only tif any) of his pension from the funds of Delactive shall be paid to him per annum as, together with

(a) the annual emoluments of such offices;

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

where the collicer 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 ap 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

with

(1) where an officer, in whose case are abatement of pension talls to be made under this Section, has been granted a pension of pension in respect of other public service the amount of pension to be drawn from the rands of Pileston shall be subject to

called upon to employment.

[4]

(2) On a certificate of the Colonical Suretary that any person entitled to meete the manisters of their Order is indebted to the Just of Kenya in one amount the the Treamer shall retain the sum of money while would otherwise be payable to the person indubted to the Gent until the amount of the indebtedness to the yout, so certified as aforesaid, is haid

the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or perisions similarly to be drawn in respect of other public service; and

financy allowed by ment

(2) my bonus or temporary increase: shetter on persion or on-salary of the new office grantled in siew of the higherost, of living shall be added to such pension or salary as the case made in the flurrance of this section.

13 If any folices to whom as principly without pension has been granted under this Cordinance is resamplented to make the service of the cordinance is resamplented to the purposes of pension, of the previous spring unit, with the approval of the S-cretary of State, he taken into account for the purposes of pension, of the retunds, the gratary of such re-appointment. such re-appointment.

Pensions, etc., not to be assignable.

14 W No pension, gratuity or other allowance granted under this Ordinance shall be assignable or transferable, or tighte to be attached, sequestered or devied upon for or n respect of any debt or dam whatsoever, ofthe flam a days are the

Pressions of to duine on bank ruptey

Take in X

15. If any officer to whom a pension or other allowance has been granted under his Ordinance is attractioned a bank. rupt or is declared insolvent by judgment of the Court, their such pension or allowance shall forthwith ourse.

Provided always that in any case where a person of allowance ceases by reason of the bankruptey or insolvency of flie pensioner, it shall be lawful for the Secretary of State from time to lime during the reaminder 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 les was 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, manely, such pensioners 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.

Pensinus, etc., to

If any Lofficer to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of impresonment by any competent Court whether within/or without the total of the or offence then, in every such case, it shall be lawful for the Secretary of State to direct that such pension or allowance shall orthwith 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 Secrepary of State to cause all or any part of the monies to worth 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 houself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy hereinbefore provided.

Pensiona, etc. to auf appoint-

anish etc to 17. If any follows to whom a pension or other allowance on accepting has been granted understance declares either a Director. of any Company the principal fact of whose business is in any way directly concerned with engiloyed in Relating 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; sand

(2) my bonus or temporary increase. Thether on pension or con-salary of the new office granted up view of the higherost of living shall be added to such pension or salary as the case that a for the flurgues of this station.

(3) If any fofficer to whom a granted without pension has been granted under this Cretinance is re-applicated, to any officer in the service of the Cretinance is re-applicated, to any officer in the service of the Cretinance is re-applicated, to any officer in the service of the Cretinance is re-applicated, any officer in the service of the Cretinance is re-applicated, any officer in the service of the Cretinance is re-applicated, any officer in the service of the Cretinance is re-applicated.

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with the approval of the S-cretary of State he taken into account for the purposes of pension, if he relonds the granter ou such re-appointment.

Pensions, etc. to be assignable.

14. W 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 laim whatsoever, ofter than a day four time. 1 Garmment

Pensions etc to delane on trank ruptky.

If any fofficer to whom a pension or other allowance has been granted under his Ordinance is adjudgemed a bankrupt or is declared insolvent by judgment of the Court, then such pension or allowance shall forthwith cause.

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 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 pensioners 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.

Pensings, etc., to

If any Lofficer to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of impresument by any competent Court whether within or without the same for any crime or offence then, in every such case, it shall be lawful for the Secretary of State to direct that suelf pension or allowance shall orthwith 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 atoresaid it shall be lawful for the Secrepary of State to cause all or any part of the monies to worth the pensioner would have been challed by way of pension or tillowance 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.

Pension & etc. to ctant appoint-

tun Breau 17. 11 any tofficer to whom a pension or other allowance ase on accepting has been granted under this Ardinauce becomes either a Director. of any Company the principal fact of whose business is in any employed in Pelestine by any such Company, without in every

such case the permission of the first had and obtained then in every such case it shall be lawful to direct that such pension or allowance forthwith cease;

Provided always that it shall be lawful for the Provided always that it shall be lawful for the High Cem-minutes with the emproval of the Secretary of State, on being satisfied flight the person in respect of whose pension or allow-siver any such direction shall have been given has coased by be a flicector of such Company or to be employed as an officer by selvant at such Company in Peterson, so the case may be the directions for the restoration of such pension or allowance, with retweet the ulerty if he spin, see it. In Who is not or he that is

while in the service of parking and during the tive year in the service of parking and during the tive year in the service of parking and during the tive year in the service of parking his death has continuously held, pensionable officers of the service of the representative a gratuity of an amount not exceeding one year's pensionable emoluments.

19. (1) Where an Collicer holding a pensionable office. who is not serving on probation or agreement, dies as the direct result of injuries received

in the actual discharge of his duty, and

(h) without his own default, and

(c) on account of circumstances specifically affirmu-

table to the nature of his duties. while in the service of the Pelastine Government it shall be lawful for the High Control on 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 48 of this Ordinance:

(i) if the deceased officer leaves a widow, a penwidow, while unmarried and of good character at a rate not exceeding ten sixtieths of his pensionable emoluments at the date of the injury of ## 10 a year, whichever he the greater; and also a gratuity not exceeding ##. 1 multiplied by the total number of their years, starting from their eges 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 postburgous 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 hear 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) it the decrased 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;

Prondedtho

( Meanided that if the mother is a widow at the time of the grapt of the pension and subsequently remarries such pension shall cease as from the date of remarriage; and

dependants when officershied on

subscaling ,

20. The provisions of this Ordinance shall opply to all European officer suring in Kenya at or after the commencement of the Ordinance, and to all those who, having served in Keinga, have before the commencement of the ordinance bun franspired to other public service; Provided that , 4 ---

(2). (When an I offer who is not qualified has either speakin or gravity dieskin the circumstances mentioned at the passion of gravity dieskin the circumstances mentioned at the passion of the standard of the secretary of Sign to gravity the property of sign to gravity the property of sign to gravity which make have been gravity to the secretary of sign to gravity which make the beautiful to gravity which make the standard out to gravity and the passion of the secretary of sign to gravity.

the Coversor in County is earliest that any Sursham aftern Kenya at the time of the towners with operations of their or that he will be regarded as characte for

WHENTER mide and there make prison order liegated in for the granting of Pensions.

Gratuities and other Allowances been seen of and

Part

Pegmons to whom and at what rates to be granted

Gratistics where

length of service

does and qualify for pension.

vot banadrabl

1. Subject to the provisions of the Pousions Ordinance bereinafter called the Urdinance and of these Regulations, every folioer holding a personable office in the service of postural for the violation of the provision of the violation of the provision of the provision of the provision of the provisional personable emoluments for each complete the form of pensionable service, subject to the durin prescribed in Specime 10 of the Ordinance. ject to the Junit prescribed in Section 10 of the Ordinance.

que shear

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 rane of

a manth's personnelle consuments for out, personnelle status in the of personnelle consumers for out, personnelle status is the of personnelle status in the status is the status in the

will have been undirmed.

qualifying for pension of grat-

3. Subject to the provisions of Section 6 of the Ordinance and of these Regulations service qualitying for pension of agratuity as the case may be shall be the inclusive period between the date on which an following begins to draw salary from Pattern Indistrict begins to draw salary or half salary from Pattern Indistrict deduction of any period during which he has been absent on leave. be has been absent on leave.

Service to be unbroken

Service in respect of which pension or gratifity 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 pousions and gra-

to have the marpose of computing the amount of an i 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 e funds while proceeding to D appointment.

Computation of the Consumer of the Cartains and the Cartains of the Corner, Navy, or the Force

To the fun fore of computing the amount of the peasing or in attacky of any officer Who, during some period of his service is a pension while office in the Colony, has been on the active lost The Army, or By the Koyal and mu. The whole or any part ? Such period during no be which no pension contributions have been paid by the colony, or if paid, have been refunded, many betutten into account.

(2) The estimated value of free quarters shall be taken as fifteen he sentim to the mitial salary of the officer's appointment, or of the actual salary of such salary to non - in general;

Priviler that

(a) The hout is any scale of Salary at which an efficiency bar recurs 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 ;

161. The estimated value of free quarters shall in no case be rechanged as an than \$50 per annum

tok Anv. Det

been absent Isalary

from duty on leave with half salary 10t so that the total amount of leave with half salary so taken and account, together with the amount of leave with Just salary romanated for half the like atmount of heave with full salary shall not in the aggregate excerd service in Palestine

from duty on leave without salary, grantetton grounds of public panels with the approval of the Secretary of State, and during which he has not qualified for penson or gasture in gespect

Am periods during which he has been absent on leave, other than these specified above, shall be despreted from the lander officer's total service in order to arrive at his period of pensiomable ser

Eucheun 6. Where artallicer, during some period of his service in a personable office in the his been an officer, warthat officer non-commissioned efficer or man on the active list of this Majorat Armed Forces, seconded or lent for service in the lacting no part of such period shall be regarded as pensionable

Contoutstion at pensions and ... gratuities. active jist of the army, may or an fores

or the purpose of computing the amount of andoth-

cer's bension or grainty (a) In the case of autoricer who has held one office for a period of the vears immediately preceding the date of his relirement, the full pensionable emoluments payable to him

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

(b) In the case of an officer who at any time during such period of the 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 re-tirement in respect of the office then held by him shall be taken;

at that date in respect of that office 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 Confeet during his tenure thereof within such period of three years shall be taken;

Provided that if such average is less than the full pension nable emoluments which were payable to him at the date of the first transfer within such period of the years, the High Commiscioner 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 state.

Only service in a pensionable office will ordinarily be Campensionable taken into account as pensionable service;

by pensionable

of royided that where senice 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.

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

Acting service

is minediately tollowed by Semice in u nimable office

me of the follow Dependencies that is to say the legal Protectionale the Za

Protestorate the Ny Productorate, the Somaliland Protectorate or the Tanganyika

16th July, 1925

Provided that

(1) the period of such acting service was not part of the pensionable service of the provious holder of the officer's and has not been lotted and account as part of the officer's own pensionable service in other public service;

Gall Hantical pacolifica

(2) this period at service is immediately preceded or followed by service in appensionable office in Haterime.

Abolition or rorgenisation office of

Gen Are a If antifficer holding a pensionable office retire or be 10. If autoflicer holding a pensonable office retire or be removed from the service in consequence of the aboltion of his office, or for the purpose of facilitating improvements in the organisation of the Department to which he belongs, by which greater efficiency had eccasing can be effected, he may be frauled to the property of service is such as to qualify him for a pension under Regulation t a pension calculated in accordance with that Regulation, together with an additional pension at the rate of one-sixtled part of his annual pensionable emoluments for each complete period of three years pension able service;

Bates of pension where office is abalished

able service;

Provided that the additional pension shall in ne case exceed ten-sixtieths: nor ogether with his ordinary pension exceed the pension for which he would be eligible if he continued to serve until he reacted the age at which he may be required to retire, or the maximum prescribed by Section 10 of the California. 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 the condition.

Provided always that if such sufollier is not qualified for other employment in the public service, and if there is no reason, in the opinion of the High Control lease, to expect that he care 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 tien 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

on account of injuries

- 11. (1) Where are 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 pen-sion 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:-

rive-sixtieths slightly impaired: impaired: Afteen-sixtieths materially impaired: . twenty-sixtieths totally distroyed:

Provided that the amount of the additional pension shall subject to the approval of the Secretary of State, be reduced to such an extentent the Hall Commissioner shall think reasonable such a following cases:—

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

- (b) Where the injured officer is at the date of injury within ten years of the organization he may be required to
- but the retirement is caused partly by age or infimily 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, new the total amount of pension and additional pension together exceed the amount prescribed in

(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 lies of such gratuity a pension at the rafe of one contests part of his pensionable emolyments for each complete complete 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.

Pension to injured 74 10 years.

Timble an

(3) An Lofficer 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.

12. If any tofficer to whom a pension has been granted Computation of under this Ordinance is appointed to another office in the service of patentie, and subsequently retires in circumstances in which 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 Unloctine, whichever may be the greater;

pensions. Reemp-loyed pensioners.

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.

13. Where antiofficer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or a non-pensionable office in cireither from a pensionable or a gon-pensionable office in cir-cumstances 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 perior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer.

ferred from non-pensionable

(1) Anytofficer to whom a pension is granted under Gratuity and the Ordinance may, at his option exerciseable as hereinader reduced pendon provided, be paid in lieu of such pension at the rate of three

16th, July, 1925.

fourths of such ponsion together with a gracuity equal to 40 times the amount of the reduction so made in the pension.

- (2) The option reterred to in subsection (1) shall be
- (a) in the case of an officer who, if he had been retired on grounds of illhealth at the date of the publication of this Regulation in the Corrennent Cazette, might have been gratted a pension under the Ordinance; not later than six months after the said date of publication;
- (b) in the case of any other officer; not later than one mouth after the earliest date on which, if retired on grounds of ill-boilth, he might be awarded a pension under the Ordinance, or within six months of the publication of this Regulation in the Covernment Gazette, whichever shall be the later date for exercising the option.

Provided always.

- (i) that an Aofficer 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 ortion, which permission may be granted at the high Common 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 the date of the receipt of his written notification addressed either to the Chief Scendary in Palestice or to the Crown Agents for the Colonies; and

(iii) that if an follicen 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 I

E. a.

Special Regulations for 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.

Alle Mony and Protestante

The term "Service in the Group" means service under the Palestine Government and under a Scheduled Government or Governments.

Application of Regulations in

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 ho 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
- (c) Where the injury is not the sole/cause of retirement, but the retirement is caused partly by fige or infirmity not due to the inpury.

Fresided also that the total amount of the additional pension shall not exceed the amount prescribed in Section 40 (4) at the Ordinance, nor the total amount of pension and addriver at pension together exceed the amount prescribed in Section for (5) of the Ordinance.

- (2) An officer so intered, whose length of service pusson to inches to qualify him for a pension under Regulation and the trace of one-statistic part of his pensional pension at the rate of one-statistic part of his pensional conduments for each complete very of pensionable service together with such additional pension as might be awarded to him under the proceeding part of this Regulation if he were qualified for the proceeding part of this Regulation if he were qualified for the procession. pension
- (3) An officer so injured who is not qualified for either a pension under Regulation 1 or a grainity under Regulation 2 may nevertheless be granted a pension of the same amount as the additional pension which he might
- 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 compiled 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 retarement 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 gratruty aiready baid.

13 Where an other 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, he allowed to count his service in the non-pensonable 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 figure at the date of transfer

14. (1) Any officer to ayliom a pension is granted under Gratuity and the Ordinance may, at his option exerciseable as hereinafter provided, be paid in lieu of such pension a pension at the rate of three

officers where service less than

Computation of pensions. Reemployed pensioners.

Officers transferred from pensionable to non-pensionable

Provided that in the application of Regulation 14 to cases lalling sunder 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 ferron from the finds of belogine if he had not elected for a gratuity and reduced pension.

Where the other public service of an collicer has been wholly under one or more of the Scheduled Government, and he has held a pensionable office in Palatice for a period of at least twelver months, and his aggregate service would have qualified him had it been wholly in sion 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 Paletine of such an amorna as shall bear the same proportion to the amount of pension for which he would have been cligible had his service been wholly in Paletine, as the aggregate amount of his pensionable emoluments during his service in Pale 112 shall bear to the total amount made up of such aggregate another together with the aggregate amount of his registronable emoluments from any of the Scheduled Gevernments;

Pension for service wholly within the group.

- Provided that in determining the pension for which he would have been eligible if his service had been wholly in Palestine Kemea.
- ' (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 Scheilmed 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 Kor in calculating the aggregate amount of his pensionable emouments

(2). The aggregate amount of his pensionable, emoluments shall be taken as the total amount of salary which the further officer would have drawn, and the total amount of the other pensionallie smoluments which he would have enjoyed, had be been on duty on full pay in his substantiver pend throughout his period of service in shot office or offices and or the Geogramient period of service, in at & the sche duled for

Where the other public service of an officer has not Pension where included service under any of the Scheduled Governments, and he has held a pensionable office in Palettie for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in Passane, for a pension under these Regulations, he may, on his ultimate retirement from the public service in circumstances in which he is per-mitted 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 Palattine 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 Pale 102 for each calendar month of his pensionable service in Peles

Pension when other service both within and not within the group. 49. Where a part only of the other public service of an cofficer 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 gension on abolition of reorganisation of office. other public service, and whose aggregate service would have qualified him, had it been wholly in Patesting for a pension under these flegulations, is compulsorily service from the public service in the circumstances membered in Regulation 10, he may, if at the time he is in the service of Patestine, be granted from the funds of Patestine, in addition to the pension granted to him, under Hegulations 17, 18 or 10 as the case may be an additional parsion equal to the additional pension which might have been granted to him in accordance with Regulation 10 into total pension that the constance with Regulation 10 into total pensions.

Additional pension to princed retiring on account of injury. Where an officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in transfer or a pension under these flegulations, is compulsorily refired from the public service in the circumstances mentioned in Regulation II, he may, if at the time be is in the service of refers the granted from the funds of laborate the additional pension allowed by that Regulation, in addition to the pension granted under Regulation 17, 18, or 10, as the case may be.

Pension in respect of shelitus of office or injury after less than twelve month's service in Palestine. Where by reason of the fact that an folicer whose case lasts under Regulation 20 that has held a pensionable office in harbeitae for less than twelve months, he is not elliptible 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 Delevine, he granted from the funds of Paksane a pension of the same amount as the additional pension allowed by Regulation 20, and is the mass meets.

Gratuities where length of service does not qualify for pension. (1) Where another has been transferred to or from the service of Patients from or to other public service, recires from the public service in circumstances in which he is permitted by the Law or Regulations of the service in which he is hast employed to retire on peasion of greatury, but has not completed in the aggregate the minimum period of service qualitying him for a pension, he may be granted from the fun is of Patient's 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 regimed 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 that been in Palestine, together with the gratuity, if any which may be granted to him under sub-section (1) of this stoophers.

Injury

(4) Where such an 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 Palestine, he treated as if he had no other public service, but he shall not be granted, in addition, the gratient for which he is eligible under sub-section (1) of this Regulation.

Provided that in the application of Regulation 14 to fases using under the limitation of Section 10 (2) of the Ordinance the worls "such pension" in that Regulation shall be alked to mean the amount of pension which be might have define from the finds of Palestine v be had not elected for it samply and reduced, pension.

17. (a) Where the other public service of an aftirer has been wholly under one or more of the Schedued Governments and be has held a pensionable office in Palis due for a period of at least twelve, months, and his aggres at service would have qualified him had it been wholly in It bestine for a period some under the Ordinauce, be thay, on his utilizate reference to the public service in circumstance in which he is permitted by the law or regulations of the grained which he is permitted by the law or regulations of the grained as 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 be in wholly in Palestine, as the aggregate amount of his pensionable emoluments, during its service in Palestine shall hear to the total amount made upor such aggregate amount together with the aggregate amount of his pensionable emoluments from any of the Scheduled Governments.

Hensian for service wholly within the group.

Provided that in delegating the pension for which be would have been eligible if his service had been wholly in Palestria

- (i) The final pensionable emoluments taken shall be those of his last period observice in the group;
  - (1) No regar 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 encotuacots;

Provided further that any period of other public service in respect of which pension is not granted by the Scheduled foverament 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 union of his pensionable emerical.

In aggregate amount of his pensionable emlaments shift be laken as the total amount of salary which the others would have drawn, and the total amount of the other pensionalite emoluments which he would have enjoyed, had he been on shift on tall pay in his substantive post throughout his period of service in such office or offices under the Government in quegition.

18 Where the other public service of an officer has not mentalled service under any of the Schedulel Governments, and hay has held a pensionable other in relastine for a period of all blost twelve months, and his aggregate service would, have pradiced bin, had it been whalve in tradestine, for a pension of the relations, he may, or his ultimate retirement from the public segrice in frequisioners in which he is permitted by the Law or Regulations of the service in which he is last employed to retire on it pension or graining, be granted in respect of his service in Palestine a pension in the fate of in seven-hundred-and-twentieth part of the amount of his pensionable emoluments at the date of his transier or retirement, as the case may be, from the service of Paleston to each calculate month of his pensionable senoth of his pensionable service in Paleston to each

Pension where other service not within the group, tushear

Where an follicer who is transferred to other public of his service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely reason of the fact that he has not completed twelve months than the service and the by reason of the last that he has not computed, twelve mouths service therein, he shall not, on that are sing. It is the properties a person or century from the finds of Personal of the properties of otherwise eligible therefore.

The Schedule referred to a paragraph 15 of Part U of the Regulations will be published at a later date.

AN ORDINANCE TO AMEND THE OBTHOROX PATRIARCHATE OBDINANCE 1921

BE IT ENACTED by the High Commissioner to Pulestine with the advice of the Advisory Connell Recol:

1. This Ordinance ms be sited 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 at the Orthodox
Patriarchate Ordinance, 1921 and 1925.

2. (1) Section 8 (1) of the principal Ordinance is liereby Amountment to Section 8 of the following substituted thereby:

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 Patriarchin Synod

Provided always that in the following cases, that is to sav

- (a) where the sale would involve the closing of any metochion or other institution dependent on the Patriarchate
- (b) where the sale is sale of any property deve-loped 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 shaft only self such property in pursuance of a special authorisation of the Patriarch in Symod".

- (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 Patriarchite in any one year has been or may be less than the total recurrent expenditure authorised by the Commission for the some year, the High Commissioner may by authority in writing ander his hand authorise the Commission to appropriate from the Debt Redemption Fund an amount equal to such deficit.

(4) Excepts in the graces contained in the provide to privace time in the provide authorise in agricultural in the provide to sell any immovable property for Ahich the general or special authorisation of the Putriarch in Asyriot, has been granted at the 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 a

Amendment to Section 15 of the principal Ordinance. 3. In Section 45 of the principal (helinance 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 stilled that the Commission should be dissolved.

Power of High Countries oner to appared Chairyear or act of Chairman 4. The power of the High Commissioner to direct the establishment of the Commission stall be deemed to include and to have included power from time to time to appoint a meanber of the Commission as Chairman thereof; and if he shall be or shall have been incapable of so acting any time for any cause whatseever to appoint any other member of the Commission as acting Chairman during the incapacity of the chairman.

Execution : 1 Decide of a con-

- (1) All deeds of sale or other instruments executed in pursuance of the principal Ordinance prior to the commencement of the Ordinance shall be deemed to have been validly and obtained executed.
- (2) All fleeds 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.

Quorant d the

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 wifey present.

Confirmation of leterpretation Order 7 The Interpretation Order issued by the High Commissioner on the 1st day of May 1925, and published in Official Gazette No. 130 of the 15th day of May, 1925, is hereby continued and is declared to have been validly and effectually issued.

Power of High Commissioner to make or deriregarding recogaction by Commission of a body caming to repsent creditors. Patracebate S. 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 yary 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.



# Official Gazette

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The following strain obeles thanks and 11 (1/6) of the Paterson Stoler in Council Bulesline (Amendment) Order in Council 1928

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 provising by law for the granting of pensions, gratimes or other allowances in respect of public service in the stine.

RE IT THEREFORE ENACTED by the High Comnussianer for Palestine with the advice of the Advisory Council

Short title and commence da 81

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

Het artions

2 In this Ordinauce and the Regulations made hereander.

The term "pensionable office" means in 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" (at in respect of service in Palestine includes;

- (1) salary
- expatriation allowance (11)
- personal allowance; (iii)

but does not include duty allowance, cutertainment allowance or any other emplaments whatever; (b) in respect of other quality service means empluments 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 of he is not a native of or domictled to Palestine. Transjordan Cyprus, Egypt, Iraq, Syria, Turkey, the Hejia; or any other part of the pennisula of Arabia not hereinhelore mentioned,

The term "personal attowance" means a special addition to such subary granted personally to the helder 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 25th of 4 chrunry, a period of 366 days.

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

ferred to other public service and

24. Where an officer who is transferred to other public. Officers transferred into granular a pension or gratuity in respect of his coupleyment at the service in which he is last employed, solely by reason of the fact hat he has not completed twelve months service preceding a pension or on that acrount, be disqualited, months employed from freceiving a pension or gratuity from the funds of Palestine, if otherwise eligible therefor.

retiring after less

Note: Enusydedute referred to in many coph to be Part H of the Regula-tions will be published at a later date.

#### AN ORDINANCE TO AMEND THE ORTHODOX PATRIARCHATE ORDINANCE 1921

PE IT ENACTED by the High Commissioner for Pulestine with the advice of the Advisory Council thereof;-

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

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

Amendment to Section 8 of the principal Ordinance.

(4) 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 Patrierch in Strod

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

- (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 antique to any monastery;

the Commission shall only sell such property in pursuance of a special authorisation of the Patriarch in Swind

- (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 maneys 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 Patrianchate; Provided that, I the total ordinary resenue 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 Fundam amount equal to such deficit".

(4) Except in the cases contained in the priviso to sub-section (1) hereof the High Commissioner may by authority in writing under his hand, authorise the Commissioner self-authorisation of the Patriarch, in Spred has been granded if he is satisfied that such safe is necessary for the purpose for which the Commission was established and that such reneral or special authorisation is unreasonably withheld?

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

Private of High Commissioner to appoint Chairman or affing therman a. The power of the High Commissioner to direct the condisistence to the Commission shall be deemed to include and to have included power from time to time to impoint 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 luring the incapacity of the Chairman.

Execution of licens of sale of

- 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.

Quesam 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.

Continuation 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 continued and is declared to have been validly and effectually issued.

Flower of High Commissioner to make orders regarding recog nition by Commission of a body claiming to represent creditors of Patriarchate. So 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 recognized by the Commission, and defining the powers and duties of such a bedy and its relation to the Commission.