

remembered that officers who are
retroactively appointed date their pension
and become eligible for their back pay
the obligation to contribute to their fund should
be treated as if they were appointed from the date
that they were appointed, and not the date
they were appointed by statute.

(As it relates to the note decision)

8/1
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88 7 8 25

I do not know which way the Crown Agents mean
the point was decided. Mr. Steel seems to think they
mean it was decided one way. I should have thought
they mean it was decided the other way. Anyhow, in
my opinion, the proper interpretation is the other

It is fundamental in insurance that if there
is no risk, there is no premium, but, apart altogether
from that, the Ordinance as amended (I have not got a
copy of the amendment, but am assuming it is the same
as the Somaliland amendment) places a statutory bar
upon the eligibility to contribute of this particular
class of official. The fact that as between the
Government and an official it may be agreed, when
he is given the permanent appointment, that for
various purposes he shall be regarded as though he
was appointed at an earlier date,
does not take him in the past any the less
out of the class or a temporary one. He cannot
contribute so long as his engagement is for a
period

period less than two years, and the date at which that
engagement ceases to be temporary and becomes
permanent, and no amount of arrangement with the
Government as to when it is to be deemed, or thought,
or considered, that he became permanent, can alter the
provisions of the Ordinance.

W.A.
1/8

2 copies to Mr. Bamber's trunk
by dep to OAS of Kenya
Let other C.A. Staff. Let copies
of each to CA minutes and give
dep for info. LFF.
Let CA have a copy of the dep
to reply to their minute

Yours faithfully
The Comptroller
of the Public Accounts
Kenya
Let other C.A. Staff. Let copies
of each to CA minutes and give
dep for info. LFF.
Let CA have a copy of the dep
to reply to their minute

The boy and of course, & his
Nellie, who is the love of
his life, and a very true
amount of love, perhaps

Wed. 11. 8. 25

at home

RECEIVED
25 JUL 1925
COYL OFFICE

34280

East African Department,
Colonial Office,

ay, 25.

I enclose a copy of a letter which we have received from the Treasurer, Kenya, regarding the contributions to the East African Widows' and Orphans' Pension Scheme of officers who are originally given a purely temporary appointment, but who are later offered an appointment on agreement or on the permanent establishment which is ante-dated to the date of the original appointment.

It appears to us that the point raised by the Treasurer was decided in paragraph 4 of Despatch No 1781 of the 6th December, 1922, to the Governor of Kenya. Do you agree?

ms 6407

J. D. Jones

Pay Department
Crown Agents
22, 7, 1925

12c

Received 228. 5. 1925.

THE TREASURY
(P. O. Box No. 591)
Nairobi, 2nd May, 1925.

Ref. No. 470/1923/19.

Gentlemen,

I have the honour to inform you that cases have recently arisen in which some doubt exists as to the date from which contributions to the Widows' & Orphans' Pension Scheme should commence and I shall be grateful for your advice.

2. The cases in question are those in which an official is originally given a purely temporary appointment on a month to month basis (during which time no contributions are payable) but is later offered an appointment on a thirty months agreement or on the permanent establishment (on probation) which is ante-dated to the date of the original appointment. In such event from which date should contributions commence?

3. To make the matter quite clear I will mention a few instances. An officer was appointed on January the 1st. 1924 on a monthly basis on the scale of 2250 - 2400. In August 1924 he signed a thirty months agreement which took effect from January the 1st 1924. He was then called upon to pay the arrears/^{due} in respect of the period from January to August. He objected to having to do this on the ground that had he died during that period his ~~name~~ would not have been entitled to any benefits.

For Agents for the Colonies,
Messrs. Hillier,
Westminster,

4. In another case an officer was appointed in November 1923 on a monthly basis and in March, 1925 was placed on the permanent staff (on probation) as from the original date. In this instance the officer concerned was quite willing to contribute from November, 1923, but the same argument applies that had he died in the interim, his widow would not have been entitled to any benefits. Moreover it cannot be argued that payment of arrears confers the benefit of an increase in pension since it might actually be the case that the pension was reduced, e.g. should the intervening period be short and include the wife's birthday but not the husband's.

5. A possible solution which occurs to me would be to regard the arrears as a lump sum contributed but this does not appear to be possible under the present laws. Any change would, of course, have to be considered carefully by this Government but in the meantime I am referring to you as these points may have already come to your notice and you may be in a position to offer suggestions.

6. In some instances the agreement or permanent appointment is not antedated and in such cases I have assumed that contributions should commence from the later date only although the temporary service may be reckoned for leave and, eventually, for pension.

I have the honour to be,

Gentlemen,

Your obedient servant,

(Signed) H.V. Bayles

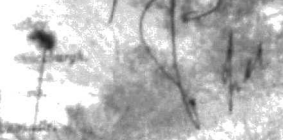
for Treasurer.

Seel 15.8.25

Office 17/8

CA 3,280 / Est
125 Kenya

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17 AUG
11 AM

AFT.

A very significant

Office 18
1905

with reference to an amount of P/479a of

the 24th of July, it is desired to ascertain at present what would be the consequence if it were decided that

officers who are placed in the permanent staff, or in regular engagements, with retrospective effect are only eligible to contribute to the W. O. Pension

Scheme ^{only} for the date ^{on} from which the change in their status ^{is} and not for the date

usually 1905
the date
from which the
change was deemed
to have taken effect
of pension & leave,
which may have
had effect retrospectively

Could you please check
people who were liable to contribute
under the original Pension Scheme

but who, as being on casual
appearance (over month to month)
were legally relieved under the
Amending Ordinances for liability
and yet have continued to pay?

Also what of cases who, like
Cdr Capt. E. S. Breton, Headmaster,
Marine School, Alaska, were seen

temporarily absent and
have since been
less than a year past, or placed on
suspension agreements, with retroactive
effect, and called upon to contribute

under each of these provisions as indicated
in p. 11 of their minutes, these
Officers would be relieved of the payment of arrears
and be independent, in the event of
death, would have their accounts settled

Ed. J. Lee

be required to contribute.

Captain Huxton was not in the service before 1.4.1931 and the question of election does not arise in his case. He was appointed on a twelve month period commencing on 20.7.1931 which was renewed for a further twelve months on 20.7.1932, from 20.7.32 until the passing of the Bill.

He is one of the examining officers whose liability is for a specified period of twelve months, and he was strictly speaking liable to contribute, but this liability was never entered and it would be wasteful to revise it now. On the passing of the Bill he was no longer liable, and he now becomes liable under the ruling on 20.7.32 from the 1st February 1933, the date of Section 57 of the Act. The arrears of his share placed on the books of the staff.

The question of possible liability would be that of his share of the arrears of the staff. (Arrears of 20.7.32 and 1.2.33) before the passing of the Bill. He was not liable for the arrears of the staff before 1.2.33 and he was not liable for the arrears of the staff after 1.2.33. He was not liable for the arrears of the staff before 1.2.33 and he was not liable for the arrears of the staff after 1.2.33. He was not liable for the arrears of the staff before 1.2.33 and he was not liable for the arrears of the staff after 1.2.33.

9/11/33
Huxton
N. Huxton
J. Huxton

East Africa

Recd. 17.11.25

Hines 20/10
Outline 29/11/25

Ind

Shackburgh

Downing Street,

25

November, 1925

Griffiths
111
London E.C.4

AFT.

4495
1897
243
235
159

Sir,

With reference to
previous correspondence relating to
the East African Orphans and
Orphans Pension Scheme, I have Ac.

to transmit to you, for your
information, copies of
correspondence with the Govern

Kenya
34286
NOV 25

of Kenya on the subject
of the East African Orphans and Orphans Pension Scheme

continued to the permanent staff, pending on

with retrospective effect,

required to contribute to the fund.

(Signed) S. AMBRY

RECEIVED
26 OCT 1925
COL OFFICE

Mr. Seal,
Colonial Office

With reference to your minute of the 18th August concerning the position, under the East African Widows' & Orphans' Pension Scheme Ordinance of officers who were originally serving in a temporary capacity but have since been made permanent with retrospective effect, so far as we are aware no officers serving on "casual" agreements, who were legally relieved from liability to contribute under the A.A. Ordinance, elected to continue to contribute. ~~Ministerial~~

We were not informed that the Ordinance was permitted to exercise such a power.

With reference to the last paragraph of your minute I attach a list of all ~~eligible~~ officers who have been made permanent with retrospective effect. This list does not include those who have been made permanent with retrospective effect. ~~Ministerial~~

27 OCT 1925

Initial

Office 20/6
20/11
20/11

and

O. D.
R. 27 NOV
D. 24

25 November 1925

RAFT.

1188

With reference to previous correspondence relating to the

African Widows and Orphans Benefic

and I have to refer to the

letter of the 16th

of a letter of the

of the 2nd of May

of the date from

of the date from

of the date from

of the date from

of the date from

of the date from

25 NOV 1925
copy 2 for [unclear]
copy 1 for [unclear]

only you will
be able to
provide the
information
required

despatch is being sent to the Crown
 Agents for the Colonies for their
 information and guidance, and copies of
 the correspondence are also being
transmitted
 addressed to the Governors of the East
 African Dependencies for their information

I have &c.

(Signed) L. S. AMERY