

1925

E. AFRICA

KENYA

34280

DATE

23rd July, 1925.

28 JUL 25

own Agents.

WIDOWS' AND ORPHANS' PENSION SCHEME.

393

Enclose copy of letter received from the Treasurer regarding the contributions of officers originally engaged on a temporary agreement who were later on offered an appointment or on the permanent establishment which is ante-dated to the date of the original appt. Consider point is met by C.O. despatch no. 1781 of 21st December, 1922. Ask if C.O. agrees.

MINUTES

The Chairman reported that the
Proprietary and Controller of Posts
had informed him recently that
they had been asked to consider the
matter of the proposed scheme for
widows' and orphans' pensions.
The matter has been referred to
the Proprietary and Controller of Posts
and the result of their consideration
will be communicated to the
Chairman at a subsequent meeting.
The permanent officers engaged
on temporary agreements will be
considered subsequently in the same
order of application following the
same course as with other officers.

remembered that officers are
at the specifically appointed date their pension
and leave rights further back, and
the obligation to contract before hand should
be limited to the same period. I don't think
it would be wise to do this.

Agree by wireless

(or return to the next despatch)

SA
to 7.20

Off 7.8.25

I do not know which way the Crown Agents mean
the point was decided. Mr. Seal seems to think they
mean it was decided one way. I should have thought
they meant 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
were permanently appointed at an earlier date,

leaves him in the past any the less

eligible to be on a temporary basis. We cannot
make 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,
to be permanent, can alter the
provisions of the Ordinance.

W.H.
11/8

1. Let us go to Mr. Bowles's minute
by desp to O.A.S. of Kenya
Let other C.A. go to
O and to CA minutes and on
desp to Mr. L.P.F.

Let CA have a copy of the last
in reply to these minutes

H.D.

You will see from the above
the dangerous type which
goes on my side here and
to advise one as the case, good,
second worst and
- best form for an application
as would be the greatest
a and copies of the second

they are of course, & his
breast green - the rest
brightly colored with
various shades of purple

Wed. 11. 8. 25

water



34280

East African Department.

Colonial Office.

May, 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 anti-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?

J. S. Stokes

Pay Department
Green Arrows,
22/7/25

Original in P/499a

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 what 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 £250 - £400. 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/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 widow would not have been entitled to any pension.

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 increased 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 anticipated 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.W. Bayliss

for Treasurer.

Seal 15.8.25

affter 17/8

CA. 34280/ E.P.
125 Kenya

31



17 AUG
1925

17 AUG
1925

A.F.T.

any signature

With reference to an minute of 1/4/25 a P.

No 23rd July it was decided to ascertain if persons that would be
be the consequence. It were decided that
officer who are placed on the permanent
staff or in regular engagements, with
retrospective effect are automatically eligible

to contribute to the W.R.D. Premium

only Scheme for from the date from which

the change in their status to account
and from that date

Contribution from a couple

people who were liable (D.A.L) under
under the original Act of 1921.

from which the
change was deemed
to have
had effect consequently

but who is being or caused
agreement (or month to month)

were legally silent under the
Amending Ordinance past liability
and yet have continued to pay?

Who will be caused who,

Capt C. S. Breerton Headmaster

Mark School, Pleasantville seems

to have been born and
has since been ~~born~~, or placed
in juvenile protective or placement
agreements, with retroactive
effect, and called upon to contribute

under such condition as is dictated

by a P. of their minute, these
officers will be relieved of the payment of fines
and be independent, to the extent of
what they would have been a corresponding

Better ~~in B~~ ~~by day~~

399

PL See CA minute of 24. 10. 25

The Crown Agents referred for decision
on Nov. 25, the question raised by the Treasurer
whether the changes affecting the
Crown Agents, as on regular agreement with
prospective effect, are eligible to contribute to
the U.E.C. Pensions Scheme on the date on which
the change in their status actually takes place, or
from the date from which the change may in any
individual case be deemed (for purposes of leave,
removal etc) to have full effect retrospective.

Mr. Ruske took the view that they were
eligible only from the date on which the change in
status takes place, but Mr. Bottumy decided that
before ruling accordingly in generalities, we should
ascertain the consequences.

(a) as regards the people who were eligible under
the original commands, but were rendered exempt
~~by force~~ by the operation of section 4 (1)(a), and yet
continued to subscribe. The Crown Agents minute
now shows that reference is still made.

(b) as regards people like Captain (or whatever)
John R. H. Price, served different appointments
with other governments, and lost his pension
privileges.

All of the above cases are now
settled, and the matter is to be
referred to the Civil Service Commission for
advice.

100

be required to contribute.

Captain Brewerton was not in the service before 1.4.1931 and the question of election does not arise in his case. He was appointed on 21st June 1931 as Second Captain of H.M.S. Hornet which was relieved for a further twelve months on 20.7.1932. From 20.7.32 until the passing of the Naval Discipline Bill excluding officers whose contracts had run for a specified period of ten years he was strictly speaking liable to contribute but this liability was never exercised and it is now wholly revived if now. On the basis of the argument he was no longer liable when he now becomes liable over the same on 20th April 1933. From the 20th February 1933, the date of Secretary of State's agreement of his terms placed him in the rank of captain.

The question of liability may now be considered in view of the fact that he was not entitled to be paid as a captain in 1932 and 1933 and the fact that he has not been paid as such since 1933. The only question is whether he is entitled to be paid as a captain in 1934 and 1935. In this connection it is important to note that he has been paid as a captain in 1936 and 1937. It would be difficult to argue that he is not entitled to be paid as a captain in 1938 and 1939. The question is whether he is entitled to be paid as a captain in 1940 and 1941. This is the question which must be answered.

SAC
9/1/38
officer 17/1/38

15th Jan 1938

~~BEST ATTION.~~

See. 17. XI. 25

Hans 20/11

Outcome 29/11/25

and

Townsend Street,

25

November, 1925.

Sir,

With reference to

providing compensation relating

to the lost Aeroplane and

Orphans Pension Scheme, I have the

pleasure to transmit you, for your

information, copies of

correspondence with the Government

of Canada on the subject.

referred to the permanent staff of Dardan on
the 1st January 1918 with retrospective effect.

Appointed to command the 1st Battalion, Dardan on 1st January 1918.

1st Battalion, Dardan.

(Signed) W. S. AMERY

RECEIVED
26 OCT 1925
OOL OFFICE

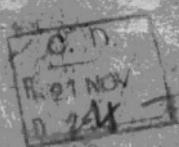
Mr. Best,
Colonial Office

With reference to your memo of the 18th August concerning the position, under the East African Widows' Orphans' Pension Decree Ordinance, of officers who were originally serving in a temporary capacity but have since been promoted with retrospective effect, so far as we are aware no officer serving on "casual" agreements, no longer legally liable to liability to contribute under the above Ordinance, is entitled to continue to contribute. ~~Underneath~~
We were not in a position to advise you whether it would be permissible to exercise such a power.

With regard to the first paragraph of your letter of the 1st instant, we have pleasure to inform you that the Government of the Colony of Kenya has agreed to fix a minimum pension of £10 per month for all widows and orphans of the rank of Captain or above, and for all widows and orphans of the rank of Lieutenant or above, £8 per month. This list now exists and is being carried out. It is intended to extend the same to other ranks in due course.

Trans
Officer 20/10
and
20/11. 1925
20/11. 1925

and



25 November 1925.

RAFT.

Six

With reference to previous

correspondence relating to the East African Widows and Orphans Benevolent

and Charitable Society, I am pleased to inform you

that the amount of £1,000/- mentioned in

my letter, No.

1188, has been remitted to them by the

Bank of Rhodesia on the 2nd of November

and will be subject of the date from

the 1st November 1925.

Contributions to the Scheme should

only come in under temporary conditions,

in the case of officers who are

on detached service or staff

or in the case of a retrospective

Trans.

6/11

despatch is being sent to the Crown.

Agreement has been made in the

introduction of a new name and copies of

the correspondence are also being

~~transmitted~~

transferred to the Government of the East

African Dependencies in their former form.

I have etc.

(Signed) L. S. AMERY