

1925

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AFRICA

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Date

24th November 1925

GENERAL OFFICE

DESCRIPTION

WIDOWS AND ORPHANS PENSION SCHEME.

Corres. relating to representations by Mr Hows, (late Senior Magistrate, Uganda) regarding his loss of contributions and decreased benefit consequent on his transfer to the Gold Coast. He has no legal remedy, but invites attention to alleged inequity of provisions of Section 25 of the Ordinance.

Previous Paper

MINUTES

(Copy of papers and minutes extracted from File 7040 W.A. (Howse))

*20/11/25*  
*20/11/25*  
*20/11/25*  
*20/11/25*  
*20/11/25*

Subsequent Paper

1421

66. O.A.B. 660 16th September 1925

(Forwards copy of letter regarding contributions to Widows' and Orphans' Pension Schemes in East and West Africa).

Mr. Jeffries.

The question raised by Mr. Howes has already been dealt with (see on p. 25) on reference by Crown Agents. Mr. Howes (paragraph 6.) no longer contends that he has any claim under the law, but pleads that the law in this respect is unjust, and suggests that it is due to inadvertence.

We can scarcely entertain a claim by a local officer (paragraph 5) that the law is not clear without a special study. Section 29(1) is quite clear to anyone who takes the trouble to understand it.

Mr. Howes' special loss under the provisions of the Uganda Ordinance is of course due to his having paid a lump sum contribution. The question of hardship even in the case of officers who have paid only regular contributions and retire before they have become pensionable standing is considered in your minutes of 24.10.22 and 9.11.22 on 64107/21.

Acknowledge and say that the question of Mr. Howes' position under the Ordinance had previously been referred to the Secretary of State by the Crown Agents and that his position is correctly stated in the letter from Crown Agents of 29th July. With regard to his submission that the question of the eligibility of officers to continue to contribute to the East

East African scheme should not depend on whether the officer is of pensionable status at the time of transfer, say that the provisions of the scheme are based on actuarial calculations, on the assumption that an officer will contribute throughout the full term of contribution of Uganda by Section 7

to reply that the provisions of the scheme are based on actuarial calculations, on the assumption that an officer will contribute throughout the full term of contribution of Uganda by Section 7

C. V. JEFFRIES.

2.11.25.

I think

*M. J. [unclear]*

East African Department,  
Colonial Office.

RECEIVED  
7 AUG 26  
COL. OFFICE

Can you please furnish us with a copy of the Secretary of State's despatch to the Governments of Kenya, Uganda, Zanzibar, Tanganyika Territory, Nyassaland, and Somaliland, numbered 1214, 508, 268, 715, 326, and 163, respectively, of the 1st December, 1925, referred to in paragraph 1 of the enclosure to C.O. letter X 1421/26 of the 26th July, 1926, regarding the position under the East African Widows' and Orphans' Pensions Ordinance of contributions transferred to other colonies.

*all on 2/28/26*

*M. J. [unclear]*

Pay Department,  
Crown Agents,  
6th August, 1926.

*Send a copy Lt.*

*C.F. 10-8-26  
at time*

*th [unclear]  
[unclear]*

CPY.

OLD COAST

p. 560.

Government House,  
Accra.

15th September, 1925.

Sir,

I have the Honour as requested by Mr.

A. E. Hovea, Prison Judge, to transmit, herewith,

September 1925

copy of a letter which he has addressed to the

Secretary regarding contribution to the

and Orphans Pensions Scheme in West Africa

I have, &c.

(Signed) J. C. LAMBLE

Acting Governor.

RIGHT HONOURABLE

L. S. AMERY, M.P.,

Es.,

&c.,

&c.,

41.

THE SCHEME

... copied from ...  
... that in West ... officer  
... instead ... after  
... in East Africa ... serve  
... effect of Sections 17 and 20  
... income different from the effect  
... various sections of the West  
... Pension Exchanges ...  
... second class ...  
... and served 7 years, so it  
... said that Section 20 ...  
... other ...  
... these considerations ...  
...  
...  
... except that I think  
... as inexcusable as the  
... the Bill should ...  
...  
... the niceties of its provisions.  
... had 15 ...  
... scheme, and whether they would make the ... and ...  
... contribution

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HONOURABLE  
THE COLONIAL SECRETARY,  
A C C R A.

contribution, before a certain date. This was a Government Scheme, and I think most officers joined without making a careful study of the Ordinance, or attempting to understand it confidently relying on the Government, and not anticipating any such pitfall as this, which I have fallen.

5. Dealing firstly with Section 27, it is quite reasonable to read the sentence "and his service is of such a nature and of such a length as would have rendered him eligible for a pension &c." as governing only the immediately preceding sentence viz: "or otherwise leave the East African Service before his contribution term has expired", and not as being intended to apply to "the earlier service" if transferred to other service or to the Crown. To be perfectly frank, that was how I read the Ordinance, but now that my attention has been called by the Hon. the Secretary to Section 29, I see that on a reading of Section 27 one might get the impression that my impression was not after transfer, I could continue to contribute to the East African Scheme, and this, I think, was what most officers understood.

It will be seen that this Section is some distance removed from the other Sections which provide for the loss of pensionable service under the scheme; viz. Sections 15 and 17. Had there been a reference in Section 15 and 17 to Section 29, the order would have been on the look-out for such contingencies as arise in Section 29. In any event, the penalty for accepting a transfer, is almost the same as if a pensionable service had been lost.

Under the Ordinance, and particularly the Legal Department, there are a number of transfers which are very numerous and have been made from time to time. I was offered two, before I was offered a transfer to this Colony, and had I realized the

the meaning of Section 28, I should never for one moment have considered joining the scheme; much less have made a lump sum contribution to it. This, however, is beside the point.

9. Reverting to Section 28, my respectful submission that in a Widows and Orphans Scheme such as this, it is unreasonable and inequitable that the question whether or not the officer contributing is himself eligible for pension should be taken into account. The scheme is, or should be nothing more or less than an ordinary endowment insurance - a distinct and separate gamble on one's life for the benefit of one's widow, - and should not, I suggest, be subject to the conditions governing ordinary pensions. If I insure my life with an Insurance Company, and die the following year, there would be no deduction to the value of premium I have paid, or any corresponding reduction in the amount payable by the Company. Whilst not possessing any actuarial knowledge, I cannot see how the point that an officer had, at the time of joining the scheme, served 10 years in East Africa or West Africa, can affect the risk borne by the scheme. If anything, I should have thought, if he had served a shorter period, it would reduce the risk.

10. As the respective Ordinances stand, having lost £300 in the East African Scheme, if I am transferred from West Africa to some other Colony (including East Africa, unless I am transferred there before the 1st January), say, in five years time, during which period, were it not for the age limit, I should have paid a further (£70 x 5) £350; unless I die within the period fixed by Section 28, my contributions to the West African Scheme will also be lost.

Under the two schemes, in similar circumstances, a younger officer would have lost a total sum of £650, without being entitled to any benefit whatever.



11. The question of loss in ordinary pension by reason of accepting a transfer, is an old and acute one; and if the same principle is applied to a new scheme in which it could have easily been avoided, it appears to me a great injustice to officers who, now, <sup>are</sup> forced to join the Widows and Orphans scheme. Whilst in theory the acceptance of a transfer is voluntary, in practice it cannot be considered to be so. It is unjust to penalise an officer for accepting a transfer before accepting a transfer at a later time.

12. I am of the opinion that the 25 can have been raised especially when the case is considered. For the case be submitted to the Section; not necessarily to those officers who in the future they have completed ten years in East or West Africa respectively.

I have, &c.,

(Signed) J. B. HOWES

Judge.



F. 4452.

4, Millbank,  
Westminster,  
London, S.W.1.  
29th July, 1925

A. E. Howes, Esq.  
Puisne Judge,  
c/o The Colonial Secretary,  
Accra, Gold Coast.

436

Sir,

In reply to your letter of the 3rd June regarding your position under the East African Widows' and Orphans' Pension Scheme I have to inform you that, as you had not at the date of your transfer to the Gold Coast, completed 10 years' service and were not therefore of pensionable standing, your position under the Scheme is governed by Section 28 (1) of the General Ordinance which reads as follows:-

"If a contributor who is married or has a widow with children of pensionable age and whose service is not of such a length as would render him eligible for pension if retired from the East African Service on medical certificate, and whose contribution term has not expired, dies in the East African Service, his pension shall be payable on his death and shall be at the rate of four-fifths of the amount which by the pension tables, his pension at the same rate shall be granted if such a contributor having left the East African Service on retirement, transfer or otherwise, dies within a period defined in the law as his leaving the Service equal to one-third of the number of complete months during which he contributed; but if a contributor shall not be eligible to continue after he has left the East African Service, and if he is alive on the expiration of the period above mentioned, he shall cease to be entitled to rank for benefit under this Ordinance whether by way of pension or return of contributions.

If such a contributor under the Scheme, having left the East African Service, as aforesaid, is appointed or re-appointed to the service of this Government before the expiration of the period during which he was entitled to rank for benefit under the Scheme, he shall commence on re-appointment to contribute under this Ordinance as from the expiration of that period, or if he had left prior to the date of his appointment or re-appointment to the Service of this Government, anything in Section 3 of this Ordinance to the contrary notwithstanding."

3. You will therefore cease to rank for benefit under the above Scheme, whether in respect of ordinary or lump sum contributions, from 21st January, 1926.

(Signed) J. J. POTTER,  
for Crown Agents.

OLD COAST

Downing Street,

1095.

20th November, 1925.

Sir,



Receipt  
for 16th  
1925

Const Govern

are read as follows.

"In the scheme now under  
 "provision has been made and  
 "scheme) for officers serving

PRIOR  
BRIGADIER GENERAL

SIR F. G. GUGGISBERG, K.C.M.G., D.S.O.,

&c., &c., &c.

and for officers on the pension list...  
 are not yet pensionable... In the  
 last... of the... former class of  
 are altogether... tributors.  
 In the case of...  
 and Orleans, position...  
 satisfactory, either from the point of view  
 the Government or... of the... unless  
 made suitable provision for...  
 resolution... the... is...  
 the best that could...  
 a pension to the... of the... during  
 this service at... 20 per cent... than  
 if... to go on contribute  
 at the same rate for the full ordinary term of  
 contribution, and after he quits... West African  
 Service he is... to... further  
 contributions, similarly insured...  
 reasonably to...  
 health would be likely...  
 ...  
 ...  
 ... of his...  
 ...  
 ...  
 difficulty in collecting...

4. The provision allowing an officer who was in the West African Service before 1st January 1914 to make a lump sum contribution was added to the West African Scheme by the Secretary of State's despatch of 22nd September 1913 (published in the same Gazette). This addition and the provision for an additional annual contribution were, as that despatch indicated, primarily inserted so as to enable the officer of some standing in the West African Service who joins the Scheme at its commencement to secure by increased contributions a pension for his widow or orphans of an amount approximating to that which the Scheme will provide in return for the compulsory contributions in the case of officers who enter the West African Service after the commencement of the Scheme. The arrangement made for West Africa in 1913-14 was made after consultation with the Actuary and is perfectly fair for those who make ordinary or additional annual contributions. It works somewhat harshly in the case of an officer who does not hold a pensionable post, or who, though holding a pensionable post, has not served for 7 years in the case of West Africa (or 10 years East Africa) and who elects to make a lump sum contribution, but it was not contemplated when it was introduced that officers with such short service would be likely to want to elect to make a lump sum contribution, still less that they would actually so elect without mastering the provisions of the Scheme.

5. I would add that Mr. Howes is mistaken in what he says in paragraph 10 of his letter as to his position under the West African Scheme. He entered the Uganda Service in May 1916 and therefore completed 7 years public service in May 1923. When he was transferred to the Gold Coast in 1924 he had thus had over seven years public service and therefore, by Section 19 of the Regulations under the Gold Coast European Officers' Pensions Ordinance, as soon as he had completed 12 months' service in the Gold Coast he became eligible to be granted a pension from Gold Coast funds if retired from the West African Service on medical certificate. Accordingly if he leaves the West African Service after 26th November 1925 and before his contribution term has expired, he will come under Section 27 of the Gold Coast Wives' and Orphans' Pensions Ordinance.

I have, etc.

(Signed) L. L. BERRY.



If such a contributor under the Scheme, having left the East African Service as aforesaid, is appointed or re-appointed to the service of this Government before the expiration of the period during which he was entitled to rank for benefit under the Scheme, he shall commence or recommence to contribute under this Ordinance as from the expiration of that period, or if he so elects from the date of his appointment or re-appointment to the Service of this Government, anything in Section 3 of this Ordinance to the contrary notwithstanding."

2. You will therefore cease to rank for benefit under the above Scheme, whether in respect of ordinary or lump sum contributions after the 31st January, 1926.

(Signed) J. A. POTTER,  
 for Crown Agents.

and for officers on the pensioned list...

who are not yet pensioned...

last year... former class are...

...and officers...

and Orphans, part of...

satisfactory...

the Government or...

made suitable provision...

the resolution...

the best interest...

service at...

at the same rate...

after he quits...

without having to pay...

similarly insured...

assembly to...

death would be...

in his service...

retired on...

of his...

difficulty in collecting...

4. The provision allowing an officer who was in the West African Service before 1st January 1914 to make a lump sum contribution was added to the West African Scheme by the Secretary of State's despatch of 22nd September 1913 (published in the same Gazette). This addition and the provision for an additional annual contribution were, as that despatch indicated, primarily inserted so as to "enable the officer of some standing in the West African Service who joins the Scheme at its commencement to secure by increased contributions a pension for his widow or orphans of an amount approximating to that which the scheme will provide in return for the compulsory contributions in the case of officers who enter the West African Service after the commencement of the Scheme." The arrangement made for West Africa in 1913-14 was made after consultation with the Actuary and is perfectly fair for those who make ordinary or additional annual contributions. It works somewhat harshly in the case of an officer who does not hold a pensionable post, or who, though holding a pensionable post, has not served for 7 years in the case of West Africa (or 10 years East Africa) and who elects to make a lump-sum contribution; but it was not contemplated when it was introduced that officers with such short service would be likely to want to elect to make a lump-sum contribution - still less that they would actually so elect without mastering the provisions of the Scheme.

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5. I would add that Mr. Hove is mistaken in what he says in paragraph 10 of his letter as to his position under the West African Scheme. He entered the Uganda Service in May 1916 and therefore completed 7 years public service in May 1923. When he was transferred to the Gold Coast in 1924 he had thus had over seven years public service and therefore, by Section 19 of the Regulations under the Gold Coast European Officers Pensions Ordinance, as soon as he had completed 12 months' service in the Gold Coast he became eligible to be granted a pension from Gold Coast funds if retired from the West African Service on medical certificate. Accordingly if he leaves the West African Service after 26th November 1925 and before his contribution term has expired, he will come under Section 27 of the Gold Coast Widows' and Orphans' Pensions Ordinance.

I have, &c.

(Signed) L. S. SMERY.

Mr. Cliffe 23/11/25

Mr. Jeffries. 26/11

Mr. Brown 26/11/25

Mr. Strachey 27-11

Sir J. Shackburgh

Sir C. Davis.

Sir G. Grindle.

Sir J. Macartain Smith.

Mr. Ormsby Gore.

Mr. Anery.

CDM Mr. Justice Brien.

DRAFT.

Ind.

NOV 28 1925  
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PHOTOGRAPH - NOT TO BE REPRODUCED IN ANY FORM WITHOUT THE PERMISSION OF THE OFFICE OF LONDON

... (1) ...  
... consideration special ...  
... reach 22 of the ...  
... should lose all benefit from his ...  
... contributions to the scheme, and in ...  
... particular from the lump sum contribution ...  
... which

which, he stated, he would not have made  
if he had fully understood the position.  
The arrangement is to be made initially  
for a period of 10 years, the number  
of cases that the Government has  
to collect 1000 bulletins of a number  
class of persons either in Government service  
for a receipt of a pension. This arrangement  
is perfectly fair in the case of officers  
who pay the ordinary contribution or an  
additional annual contribution; it is only  
in the case of those who have made a lump sum  
contribution

contribution that it may be said to operate harshly. When however the

arrangement was devised, it was not

contemplated that officers with a

very short term of service to their credit

would be likely to elect to make a

lump-sum contribution - still less that

they would actually so elect without

mastering fairly the provisions of the

scheme.

I shall be glad if you will

take such steps as you may think des-

irable to ensure that the position is

clearly understood by all officers

serving under you, in order that no

officer may in the future claim that he

has accepted a transfer out of East

Africa under any misunderstanding on this

point.

I have,

(Signed) L. S. AMERY