

1925

E. AFRICA  
KENYA

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FROM

GVERNOR CORYNDON.

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DATE

2nd January 1925.

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RE 6 FEB 25

OR CIRCULATION:—

Mr.

Mr.

Mr.

Asst. U.S. of S.

Perm. U.S. of S.

Part. U.S. of S.

Secretary of State.

PENSIONS REPORT OF COMMITTEE ON PENSIONS  
AND PASSAGE EXPENSES.

Submits views.

Previous Paper

608. 5831

24  
25

MINUTES

Noted

Pub. by

(Recd. today  
from G.O.)

K. Ashworth

19/12/28

at once.

Pub. by

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Subsequent Paper

Res. 8501. Ca

KENYA.

No: 6.



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GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

5847

2nd January, 1925.

REC  
R 6 FEB 25

Sir,

*Gov. H. H. G.*  
I have the honour to refer to Mr. Thomas' despatch Kenya No. 619 of June 12th which related to the Pensions Report of the Committee on Pensions and Passage Expenses of Colonial Officers forwarded under Circular despatch of May 14th.

Memorandum  
from A.G.

Extract from  
Report.ref. para 5

2. I have given close consideration to the intricate matters which form the subject of the Report, and before replying upon the various points raised therein I take this opportunity of conveying on behalf of the Kenya Civil Service the high appreciation felt locally of the <sup>full and careful</sup> ~~thorough~~ study of their interests which is evinced in the Report, and to assure you that the endeavours of successive Secretaries of State towards the amelioration of service conditions are gratefully recognized here.

3. In making the following comments I have been assisted by the Select Committee of Legislative Council appointed to consider the Terms of Government Service. I have no hesitation in agreeing with the important conclusion of your Committee that the Mauritian system of Pensions for Mixed Service with the amendments recommended by them can be applied to this Colony, and I earnestly trust that it will be found possible to include all the Crown Colonies

within

THE RIGHT HONOURABLE  
LIEUTENANT COLONEL L. C. M. S. AMERY, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W.

within the Schedule of the Kenya Ordinance. At the same time, if <sup>the</sup> difficulties adumbrated in Sec.19 of the Report are of such a nature that in order to place on that Schedule the West and East Indian groups much delay would be encountered, I would prefer the partial remedy of existing grievances which would be brought about by scheduling at first the remaining Governments of the East African group and all those of the West African in the hope that before long it will be found possible widely to extend the list. Indeed it is an expressed hope of Civil Servants in this Colony that unbroken service partly Colonial and partly under Home Government or the Foreign Office may be similarly rewarded.

4. In connection with the provision for the addition to Pensions in respect to Professional Qualifications, I venture to express the hope that the objections of the Lords of the Treasury will not prove insuperable; at the request of the Attorney General I am transmitting as an enclosure to this despatch a memorandum in which Mr. Iyall Grant presents some cogent arguments. I have no doubt that the importance of attracting experienced professional men is fully realized by you.

5. I should welcome the application to the local Civil Service of the principle of an optional reduction of annual pension so as to provide for a gratuity, and I venture to urge that the option should be exercisable or revocable at any time prior to an Officer's retirement from active service. Unless there are strong practical reasons to the contrary officers should not, in my opinion, be compelled to make at an early

early stage of their career a choice which unforeseen causes may later cause them to regret. It is not difficult to foresee cases where an officer's position may have so considerably changed that he would be able to put up a strong case to be allowed to reconsider his previous decision. I attach an extract from the report of the European Civil Service Association of Kenya in this connection.

6. I am in entire agreement with the proposal regarding Gratuities on Death.

7. I note that immediate alteration of the existing arrangements in the matter of Mixed Service is not anticipated. I venture to express my hope that this most desirable improvement of service conditions may be introduced as early as possible, and that no officers now serving here will be precluded from the benefits of the proposed scheme.

8. The local Civil Service Association urge the adoption in the E. A. group of the monthly unit rather than the yearly for pension assessment. They point out that it is possible under the present system for a retiring official to draw no pension on nearly a year's service. With this recommendation I concur.

9. In conclusion, although the point is somewhat outside the scope of the despatches under reference, I would indicate the desirability of devising methods whereby officers in the Pensionable Services of the Dominions could be transferred temporarily or otherwise to Crown Colony Services without injury to their ultimate pensionable prospects on a system similar to that adopted in the case of the temporary transfer of Army Officers, by which the Colony to which

which the officer is seconded makes itself responsible for a proportionate share of his pension.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R. H. Caydon

GOVERNOR.

1st September, 1924.

The Hon'ble Colonial Secretary,

N a i r o b i.

re: PENSIONS- COLONIAL SERVICE.  
Ref. Your No. S/E 10499/1/5 of the 29th July last.

In regard to paragraph 4 of the Secretary of State's despatch there would appear to be no difficulty in scheduling the West African Colonies as their pension arrangements will be the same as those for Eastern Africa (with the exception of the additions mentioned in paragraph 3).

The Eastern and West Indian groups could also probably be scheduled.

2. With reference to the proposal that the professional addition of years should not apply to Eastern Africa I would respectfully request that this may be reconsidered. His Excellency, when Governor of Uganda, recommended the application of this principle. It applies throughout West Africa, the Eastern Colonies and in fact in almost all the Crown Colonies. I am not aware of the exact views expressed by Parliament, but I understand that what the Secretary of State refers to is the report of a committee on the Home Services where conditions are quite different. I believe that Judges' and other pensions of a special class are calculated on a different footing from ordinary civil service pensions.

The

The object, as I take it, of the proposed addition of years in the Crown Colonies, is to enable the Crown to obtain a certain proportion of highly qualified men in important posts.

A large number, e.g. Judges, are men who have entered the Colonial Service at the same age as that at which other officers join. Their experience is acquired locally and they share the full advantages enjoyed by other officers in respect of pay, promotion and pension. In some cases they are officers who have entered the service in a non-legal capacity and have acquired all their legal training at Government expense and with Government assistance e.g. in the Malay States I am told that an officer may get 18 months in England on full pay in order to get called to the Bar and gets a Government gratuity for each examination in which he achieves distinction. This period counts for pension.

It is however, <sup>as</sup> I have been informed, recognised by the Secretary of State and it seems evident that a service containing a majority of Judges and law officers with purely local experience requires reinforcing by the appointment of some men who have had the wider and solidier experience of law which is only to be obtained by practice in the larger field of the Home Bars. -

The Secretary of State must be aware that such experience is only to be gained by years of laborious and extremely illpaid toil. The necessary education

has

has been acquired at the candidate's own expense.

The Colonial Office Memorandum Miscellaneous No. 117 referring to legal appointments states that candidates should be under 40 years of age and of at least four years standing in their profession.

In that memorandum no mention is made of the fact that candidates cannot expect a professional addition of years in East Africa.

To give an example of how the system works. A and B leave the University together. A enters the Colonial Service, at 24 passes Government law examinations, works for the Bar, is seconded from the Colony for the purpose of being called, is called, and is made a law officer at the age, say, of 35 and a Judge at 40. He retires at 50 on a pension of  $\frac{26}{40}$  of his pay. All his legal experience has been acquired at Government expense.

B studies for the Bar, pupils and devils to Counsel and takes any odd jobs he can get. For years he is living entirely on capital or his parents' support. It is only in the rarest cases that he is able to earn a living until at any rate he has been called to the Bar for three or four years.

All this time he is acquiring legal experience of a higher order than that of A. At 35 he accepts a post of law officer in the Colonies and is promoted to a judgeship at 40. He retires at 50. His pension is  $\frac{15}{40}$  of his pay not much more than half that of A. The professional addition in this case would add about another  $\frac{6}{40}$  bringing his total to  $\frac{21}{40}$ .

In



In addition B is probably throughout his career handicapped for promotion as against A because of A's seniority in the service.

The whole question is whether Government wishes to get men with B's experience into the service. In all other Colonies this question has been answered in the affirmative, and no one who has had experience of law in Crown Colonies can doubt the wisdom of such an answer.

It is now proposed to adopt for Eastern Africa a system which gives every inducement to a man to acquire his whole experience locally and penalises heavily experience obtained at the Bar at home.

I shall be obliged if the enclosed copy of this letter can be sent to the Secretary of State.

*R. W. Gulliford*

ATTORNEY-GENERAL.

Extract from Report by the European Civil  
Service Association  
of Kenya.

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6. The proposal made in para 30 to allow the commutation of one quarter of any pension meets with our entire approval; we are however at some loss to guess on what basis has been calculated the 10 years purchase suggested but not, it is noted, definitely recommended. We cannot see any objection (unless the tropical ex-civil servant has a shorter expectation of life than retired unofficials from the tropics: a bad reason for penalising him) to using the ordinary actuarial tables on which Insurance Companies base their calculations of tropical life expectations. A system by which the purchase basis of a man of 45 is the same as that of a man of 55 appears to us unnecessarily crude and rough and ready. Further we fail to see any valid reason for limiting the period within which an officer must declare that he proposes to exercise his option, even if he were not to ask for commutation until after he has been drawing pension for some time, it should be a simple matter of reference to actuarial tables to ascertain the number of years' purchase to which he would be entitled.

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