

KENYA

19665

19665

22 APR 21

309

ORIGIN 280

PENSIONS

1921

2nd MARCH

Strongly supports proposal that E.A. PROTS C.T. should be regarded as one group for pension purposes

at previous Paper.

Mr. Hyatt

We should be glad if you should
in the first instance

Oct. 22. 4. 44

(See also 14706 2' bar
& the other replies below)

dec
17.5.44

Mr Bottomley see also 14706 2' bar

I have spoken to you about this question, and you have decided that it must be confined to the E. of territories, i.e. that the question of continuity with Imperial or (at some point) to be taken up and that the question of the applic. of the Supremacy Act, 1909, should also be excluded.

This

to Kenya Adm (copy dispatch) 20/4/44
3570 Tpf.
4369
18/4/44
Conf.

11/5/44

Next subsequent Paper.
1921
20011/32

This being the case, we can hardly do more than draft a Regulation, for submission to the Treasury, to give effect to the proposal to include for pension, temp. service in one Post followed by permanent service in another Post when in the same capacity.

I have drafted two alternative Regs. one of which might be substituted for the present first sentence of Reg 2 in a.p. No. 837. You may think it advisable to add a sentence stating that pension for mixed service will be affected between the Posts in which an officer has served, but this hardly seems necessary.

Off. June 16, 1922

W.S.

The Secretary

2. will refer to me I think, as regards the earlier part of the Regulations. There are two questions left to be treated legally, and I would suggest for the Commission to have one of the Regs. sent

W.S. 7/6/22

S. Littlewood

File. CS 176

at once

+ 3. d

18/6/22

Service in the

2. The Protectorate Kenya Colony and Protectorate, the other Protectorate in East Africa, and the Tanganyika Territory, ^{of the East Africa} as regarded, for pension purposes, as continuous, and officers who have served successively under two or more administrations in East Africa will be eligible for pensions in respect of their East Africa service, based on their final ^{orations} ~~rank~~ ^{rank}. For temporary service under one administration, if immediately followed by permanent service under another administration ^{in the same capacity}, may, if decided to be in the same ~~category~~ ^{category}, the permanent service, be allowed to count towards pension.

310

OR

2. The Kenya Colony and Protectorate, the Uganda Protectorate, the Nyasaland Protectorate, the Somaliland Protectorate, the Tanganyika Territory, and the Tanganyika Territory are regarded as one for pension purposes, and officers who have served continuously ^{in two} or more administrations will be eligible for pension or gratuity in respect of their service based on their final rank. Temporary service under one administration, if immediately followed by permanent service under another administration ^{in the same capacity}, may, if decided to be in the same capacity as the permanent service, be allowed to count towards pension.

African
No. 509

[5th Edition : Provisional.]

REGULATIONS

RELATING TO

PENSIONS AND GRATUITIES

TO BE MADE TO

EUROPEAN OFFICERS

IN RESPECT OF THEIR HAVING SERVED IN

THE KENYA COLONY AND PROTECTORATE,
THE UGANDA, SOMALILAND, NYASALAND,
AND ZANZIBAR PROTECTORATES, AND
THE TANGANYIKA TERRITORY.

COLONIAL OFFICE,

October, 1920.

REGULATIONS relating to Pensions and Gratitudes to be made to European Officers in respect of their having served in the Kenya Colony and Protectorate, the Uganda, Somaliland, Nyassaland, and Zanzibar Protectorates, and the Tanganyika Territory.

1. The scale of pensions and gratuities shall be that now in force in His Majesty's Consular Service in China, Japan, and other countries classed for the purpose as unhealthy as laid down in 39 and 40 Vict., cap. 53, 11th August, 1876, which provides as follows:—

“Act of Parliament to make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy Climates.

“Unhealthy Places.

1. The Treasury may from time to time by order declare that any country or place therein named shall be deemed, and the same shall thereupon be deemed, for the purposes of ‘The Superannuation Act, 1859’ and this Act, to be an unhealthy place.

“The Treasury may from time to time by order revoke or vary an order previously made under this section, but the amount of superannuation, compensation, gratuity, or other allowance to be granted to any person serving, before the date of the order of revocation or alteration, in the unhealthy place affected thereby shall be the same as if it had not been made.

“2. For the purpose of reckoning the amount of any superannuation, compensation, gratuity, or other allowance to be granted under ‘The Superannuation Act, 1859,’ to a person

“3. Section 3 of ‘The Superannuation Act, 1859,’ provides as follows:

“2. Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent Civil Service of the State, whether their remuneration be computed by day pay, weekly wages or annual salary, and for whose provision shall not otherwise have been made by Act of Parliament, or who may not be specially excepted by the authority of Parliament, shall be as follows:— (that is to say) —

“To any person who shall have served ten years and upwards and under eleven years, an annual allowance of 10-60ths of the annual salary and supplements of his office.

“For eleven years, and under twelve years, an annual allowance of 11-50ths of such salary and supplements.

And in like manner a further addition to the annual allowance of 1-50th in respect of each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of 20-60ths may be granted, and no addition shall be made in respect of any service beyond 40 years.

“Provided always, that if any question should arise in any Department of the public service as to the claim of any person or class of persons for superannuation under this clause, it shall be referred to the Commissioners of the Treasury whose decision shall be final.”

who has served in an established capacity in the permanent Civil Service of the State, two years' service in an unhealthy place shall be reckoned as service for three years, and service in an unhealthy place for any greater or less period than two years shall be reckoned in the like proportion.

“Provided that nothing in this section—

“(1.) Shall alter so much of section 2 of ‘The Superannuation Act, 1859,’ as requires a service of ten years before an annual superannuation allowance can be granted; or,

“(2.) Shall, without the consent of the Treasury, apply to a person who was residing in an unhealthy place when he entered the permanent Civil Service of the State.

“Supplementary.

“3. Every order under this Act shall be laid before both Houses of Parliament, in accordance with section 13 of ‘The Superannuation Act, 1859.’

“4. This Act shall apply to persons who have retired from the public service since the 17th day of February, 1876.

“This Act may be cited as ‘The Superannuation Act, 1876,’ and shall be construed as one with ‘The Superannuation Act, 1859,’ and that Act and this Act may be cited together as ‘The Superannuation Acts, 1859 and 1876.’”

2. Service in any of the Protectorates shall, if continuous, count for pension or gratuity, and not-service in that Protectorate only from which the officer is retired. 3. An officer shall be allowed, and may be required, to retire on reaching the age of 50 years or on completion of 30 years' total service, whichever is the earlier, without the necessity of producing a medical certificate, but he may be retained in the Service for such period as the Government with the officer's consent may think fit.

4. Pensions and gratuities will, in the case of the grant-aded Protectorates, be submitted to the Lords Commissioners of His Majesty's Treasury for their sanction, and, when sanctioned, will be made a charge on the Protectorate revenues.

5. Due provision will be made year by year in the Protectorate Estimates for the pensions and gratuities falling in course of payment in each year; but no special fund will be set apart for that purpose.

* The principle on which pensions are granted for unpaid services will be considered at a later date.

REGULATIONS relating to Pensions and Gratuities to be made to European Officers in respect of their having served in the Kenya Colony and Protectorate, the Uganda, Somaliland, Nyassaland, and Zanzibar Protectorates, and the Tanganyika Territory.

1. The scale of pensions and gratuities shall be that now in force in His Majesty's Consular Service in China, Japan, and other countries classed for the purpose as unhealthy as laid down in 39 and 40 Viet., cap. 53, 11th August, 1876, which provides as follows:—

"Act of Parliament to make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy Climates.

"Unhealthy Places.

"1. The Treasury may from time to time by order declare that any country or place therein named shall be deemed, and the same shall thereupon be deemed, for the purposes of 'The Superannuation Act, 1859' and this Act, to be an unhealthy place.

"The Treasury may from time to time by order revoke or vary an order previously made under this section, but the amount of superannuation, compensation, gratuity, or other allowance to be granted to any person serving, before the date of the order of revocation or alteration, in the unhealthy place affected thereby shall be the same as if it had not been made.

"2. For the purpose of reckoning the amount of any superannuation, compensation, gratuity, or other allowance to be granted under 'The Superannuation Act, 1859,' to a person

"W. & A. Section 3 of 'The Superannuation Act, 1859,' provides as follows:—

"1. Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent Civil Service of the State, whether their remuneration be computed by day pay, weekly wages or annual salary, and for whom provision shall not otherwise have been made by Act of Parliament, or who may not be specially exempted by the authority of Parliament, shall be as follows:— (that is to say)—

"To any person who shall have served ten years and upwards and under eleven years, an annual allowance of 10-60ths of the annual salary and emoluments of his office.

"For eleven years and under twelve years, an annual allowance of 11-60ths of such salary and emoluments.

"And in like manner a further addition to the annual allowance of 1-60th in respect of each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of 40-60ths may be granted, and no addition shall be made in respect of any service beyond 40 years.

"Provided always, that if any question should arise in any Department of the public service as to the claim of any person or class of persons for superannuation under this clause, it shall be referred to the Commissioners of the Treasury whose decision shall be final."

(1859, c. 53) s. 2. W. & A. s. 3. 1859, c. 53, s. 2. G. 1

who has served in an established capacity in the permanent Civil Service of the State, two years' service in an unhealthy place shall be reckoned as service for three years, and service in an unhealthy place for any greater or less period than two years shall be reckoned in the like proportion.

"Provided that nothing in this section—

"(1) shall alter so much of section 2 of 'The Superannuation Act, 1859,' as requires a service of ten years before an annual superannuation allowance can be granted; or,

"(2) shall, without the consent of the Treasury, apply to a person who has resided in an unhealthy place when he entered the permanent Civil Service of the State.

"Supplemental.

"3. Every order under this Act shall be laid before both Houses of Parliament in accordance with section 13 of 'The Superannuation Act, 1859.'

"4. This Act shall apply to persons who have retired from the public service since the 17th day of February, 1875.

"This Act may be cited as 'The Superannuation Act, 1876,' and shall be construed as one with 'The Superannuation Act, 1859,' and that Act and this Act may be cited together as 'The Superannuation Acts, 1859 and 1876.'"

2. Service in any of the Protectorates shall, if continuous, count for pension or gratuity, and not service in that Protectorate only from which the officer is retired. 3. An officer shall be allowed, and may be required, to retire on reaching the age of 50 years or on completion of 20 years' service, whichever is the earlier, without the necessity of producing a medical certificate, but he may be retained in the Service for such period as the Government with the officer's consent may think fit.

4. Pensions and gratuities will, in the case of the grant-aided Protectorates, be submitted to the Lords Commissioners of His Majesty's Treasury for their sanction, and, when sanctioned, will be made a charge on the Protectorate revenues.

5. Due provision will be made year by year in the Protectorate Estimates for the pensions and gratuities falling in course of payment in each year, but no special fund will be set apart for that purpose.

* The principle on which pensions for persons for whom service will be calculated are fixed contribution.

REGULATIONS relating to Pensions and Gratuity to be made to European Officers in respect of their having served in the Kenya Colony and Protectorate, the Uganda, Somaliland, Nyassaland, and Zanzibar Protectorates, and the Tanganyika Territory.

1. The scale of pensions and gratuities shall be that now in force in His Majesty's Consular Service in China, Japan, and other countries classed for the purpose as unhealthy as laid down in 39 and 40 Vict., cap. 53, 11th August, 1876, which provides as follows:—

Act of Parliament to make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy climates.

Unhealthy Places.

"1. The Treasury may from time to time by order declare that any country or place therein named shall be deemed, and the same shall thereupon be deemed, for the purposes of 'The Superannuation Act, 1859' and this Act, to be an unhealthy place.

"The Treasury may from time to time by order revoke or vary an order previously made under this section, but the amount of superannuation, compensation, gratuity, or other allowance to be granted to any person serving, before the date of the order of revocation or alteration, in the unhealthy place affected thereby shall be the same as if it had not been made.

"2. For the purpose of reckoning the amount of any superannuation, compensation, gratuity, or other allowance to be granted under 'The Superannuation Act, 1859,' to a person

Act—Section 2 of 'The Superannuation Act, 1859,' provides as follows:—

"1. Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent Civil Service of the State, whether their compensation be computed by the day, weekly wage, or annual salary, and for whom provision shall not otherwise have been made by Act of Parliament, or who may not be specially exempted by the authority of Parliament shall be as follows:— that if he served for less than ten years, an annual allowance of 10-60ths of the annual salary and compensation of his office.

For eleven years, and under twelve years, an annual allowance of 11-60ths of the annual salary and compensation.

And in like manner a further addition to the annual allowance of 1-50th in respect of each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of 20-60ths may be granted; and no addition shall be made in respect of any service beyond 40 years.

Provided always, that if any question should arise in any Department of the Public Service as to the claim of any person or class of persons for superannuation under this clause, it shall be referred to the Commissioners of the Treasury whose decision shall be final."

who has served in an established capacity in the permanent Civil Service of the State, two years' service in an unhealthy place shall be reckoned as service for three years, and service in an unhealthy place for any greater or less period than two years shall be reckoned in the like proportion.

"Provided that nothing in this section—

"(1) Shall alter so much of section 2 of 'The Superannuation Act, 1859,' as requires a service of ten years before an annual superannuation allowance can be granted; or,

"(2) Shall, without the consent of the Treasury, apply to a person who was residing in an unhealthy place when he entered the permanent Civil Service of the State.

Supplemental.

"3. Every order under this Act shall be laid before both Houses of Parliament, in accordance with section 13 of 'The Superannuation Act, 1859.'"

"4. This Act shall apply to persons who have retired from the public service since the 17th day of February, 1873.

"This Act may be cited as 'The Superannuation Act, 1876,' and shall be construed as one with 'The Superannuation Act, 1859,' and that Act and this Act may be cited together as 'The Superannuation Acts, 1859 and 1876.'"

2. Service in any of the Protectorates shall, if continuous, count for pension or gratuity, and not-service in that Protectorate only from which the officer is retired. An officer shall be allowed, and may be required, to retire on reaching the age of 50 years or on a completion of 20 years' professional service, whichever is the earlier, without the necessity of producing a medical certificate, but he may be retained in the Service for such period as the Government with the officer's consent may think fit.

4. Pensions and gratuities will, in the case of the grant-adeed Protectorates, be submitted to the Lords Commissioners of His Majesty's Treasury for their sanction, and, when sanctioned, will be made a charge on the Protectorate revenues.

5. Due provision will be made year by year in the Protectorate Estimates for the pensions and gratuities falling in course of payment in each year; but no special fund will be set apart for that purpose.

"The principle on which pensions or gratuities for officers who will be calculated are fixed contributions."

GOVERNMENT OF KENYA.
NO. 185

C
GOVERNMENT HOUSE
19665 NAIROBI.
BRITISH EAST AFRICA.
REC'D 22 APR 2k March, 1921.

1 APR 1921

313

Sir,

With reference to Viscount Milner's despatch No. 1683 of 22nd November, 1920, I have the honour to record my strong support and that of my Executive Council of the proposal to regard the administration of the Protectorates in East Africa and the Tanganyika Territory as one group for pension purposes. In this respect I would refer also to similar views expressed by Sir Percy Girouard in his despatch No. 302 of the 5th June, 1900.

See 54075/21

See 22173/109

2. In this connection I would invite your attention to my despatch No. 13 of the 19th February written in my capacity as High Commissioner for Zanzibar.

See 14706/21

I have the honour to be,
Sir,
your humble, obedient servant,

Edward Northey

GOVERNOR.

THE RIGHT HONOURABLE
WINSTON CHURCHILL, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET.

Contd 3572

19665 *Thanga*
21

23

2nd *SC*

25 June 1921.

314

DRAFT.

Asst. Secretary,
Annexation Dept.

Treasury (S. 4223)
20

MINUTE. 15

Sir,

With reference to your letter of the 2nd of November last (S. 4223) I am directed by Mr. Sec. Churchill to request you to inform the Lords Comons of the Treasury that the administrations in East Africa have expressed general agreement with the proposal to treat ^{Thanga} the East African Protectorate and the Tanganyika Territory as one for purposes.

Mr. Hunter 21

Mr. ~~Baker~~ 21

Mr. ~~Lawson~~ 21

Mr. Grindall.

Sir H. Lambert.

Sir H. Read.

Sir G. Fiddes.

Col. Amery.

Mr. Churchill.

Att. attached to 19665
ap. no. 839

2 I am to enclose, for their Lordships' conon., the draft of a regulation

regulation to give effect to the
proposal.

3. The regulation, ^{if} when approved,
would replace the first portion of
the existing Regulation 2. The
remainder of the present Regulation 2
would become No. 3 of the revised
Regulations, ^{and} those that follow
would be re-numbered in consequence.

Can

W. H. L. 1913