

38018

Part II

38018

KENYA  
CO 533/463

Summary Sheet

Pensions and Gratuities to

Non-European Staff.

Previous

R. 297 7/12/56

R. 294 23/11

M<sup>r</sup> Seel 23/11

M<sup>r</sup> R. West May 1/12

M<sup>r</sup> Parkin

Subsequent

R 294 10/12

297 22/11

R. 303 (26) 23

R. 297 24/12

1937

R. 297 11/5 R. 294 20/12

R. 309 12/5 R. 297 5/1/37

R. 297 12/5 M<sup>r</sup> Chandler 1/2

R. 294 13/5 297

R. 297 5/8

Room 294 6/10

M<sup>r</sup> Seel 7/8

M<sup>r</sup> Parkin 7/10

R. 294 8/10

R. 297 16/10

R. 83 17/8

Room 294 19/10

M<sup>r</sup> Parkin 19

303 21/10

R. 299 24/10

FILE A

DESTROYED UNDER STATUTE

Col. Saay-3pn. ----- 5.9.36.  
Transmits particulars of gratuity awarded to Aweth bin  
Ahmed, Porter, Govt. Coast Agency, on retirement.

(68) Deputy Governor No. 472. ----- 8.9.36.  
Reports payment of compassionate gratuity to the  
dependants of Donatus Opyo, Painter, in the P.W.D., who  
died from pneumonia; and enquires approval can be given  
for payments up to £20 in future similar cases without  
prior reference.

(1) put by

(2) Sanction the compassionate  
gratuity and agree to payments  
not exceeding £20 in future cases  
without reference.

JR Fairclough  
6/10/36

I w<sup>d</sup> suggest that Rs 900  
(which is govt. Govt's amount  
on 23233/34) <sup>the addition of</sup> added by a bonus  
on the lines Dec. 2 of the Superannuation  
Act of 1914. - vs

If any person dies while in his  
employment, (bes) a person to whom a gratuity  
might have been awarded under Rs 1000 if at  
the time of his death he had retired from such  
employment because of infirmity I see it as  
today, <sup>there</sup> the way if the Govt. thinks fit be  
granted to his dependants <sup>a sum not exceeding</sup> such gratuity  
as might have been granted to the  
deceased person had he so retired.

This w<sup>d</sup> do all things in spirit.

J. Seal  
7/10/36

Covering...  
 pay that...  
 principle...  
 It is suggested that the object in view  
 might be achieved by the amendment  
 proposed by Mr. Seal

S. Campbell  
 7/10/36

(69) To Kenya, 810 (68 answer) 18 Oct 1936

70 Governor No. 499.-----18.9.36.  
 Transmits particulars of pension payable to A.  
 Price, 1st. Grade Clerk, Local Govt. Lands and Settlement,  
 on the assumption that S. of S. will approve  
 service counting from date of first appt. viz. 22.9.1919

Computation is correct, on assumption that  
 we approve of temporary service being  
 allowed to count for pension purposes

P.H. Richards  
 19/10/36

M. Stansburgh  
 19/10/36

J.J. Basson  
 19/10/36

To Kenya 859 (70 answer) 26 OCT 1936

72. GOV. KENYA. .... 111 CONF. .... 10.36.  
 Mr. (20) details circa in which he requests ruling as to  
 whether the amount of gratuity paid to Mr. Hampar Ischi  
 Ram was correctly calculated by the Kenya Treasurer and  
 whether in future similar calculations the total amount  
 of salary and emoluments should include an appropriate  
 amount in respect of the value of quarters in cases where  
 a non-pensionable officer has been entitled to free  
 quarters under his terms of service.

73. COL. SEC. .... 3PN. .... 9.10.36.  
 Trs. particulars of pension and gratuity awarded to  
 Mr. A. A. Mall, First Grade Clerk, Posts & Tele. Dept., on his  
 retirement on grounds of ill-health.

DESTROYED UNDER STATUTE

74. COL. SEC. .... 3. N. .... 9.10.36.  
 Trs. particulars of gratuity awarded to Sterano s/o  
 Morirau, Watchman, Customs Dept., on his retirement due to  
 his inability to perform further useful work owing to age.

DESTROYED UNDER STATUTE

75. COL. SEC. .... 3. N. .... 9.10.36.  
 Trs. particulars of revised pension and gratuity in  
 respect of the service of Mr. B. L. Kapur (see No. 80-qn-1935  
 file.).

SEE 38080/1937  
 DESTROYED UNDER STATUTE

76. COL. SEC. .... 3. N. .... 12.10.36.  
 Trs. particulars of pension and gratuity awarded to  
 Mr. F. A. da Gama Rose, Cashier, Provincial Administration,  
 on his retirement.

DESTROYED UNDER STATUTE

77. COL. SEC. .... 3. N. .... 15.10.36.  
 Trs. particulars of gratuity awarded to Witonga s/o  
 Wachira, Headman, Public Works Dept., on his reattachment  
 from the service due to departmental re-organisation.

(73-74) put by

(72)

78. COL. SEC. .... 3PN. .... 21.10.36.  
 Trs. particulars of pension awarded to Mr. K. Rahman Khan,  
 Veterinary Assistant, Agricultural Dept., on his retirement  
 from the Service on completion of 50 years of age.

(73-78) put by

(72) admittedly, there is no

(Kenya O.S. L.M. / 32  
 Reg. 12.6)

definition of pay in the Regulations  
 nor, for that matter, in the  
 Superannuation Act, 1887. Except  
 in the Chester case (29038 EA) which is  
 the Govt. suggests, there must have  
 been an oversight, we have always

interpreted "pay" as including  
house allowance and personal  
allowance ~~and~~ taking what  
would have been pensionable  
emoluments if the officer had  
been pensionable.

I have spoken to the  
Treasury who say that they  
interpret "pay" as including  
allowances if the officer is  
clearly entitled to them, and would  
include "rent allowance" if the  
officer was in receipt of it.

In the circumstances and in equity  
we should, I consider, support the  
Kenya view and send off 7  
72 reply to Uganda.

JR Farrelly  
23/11/86

I agree you must use the  
term pensionable emoluments if  
a pensionable officer but we have  
always regarded "pay" as meaning  
net for the purpose of computing  
these "comparative" gratuities

S. J. Hill  
23/11/86

There will be little  
compassion in the  
other hand.

On merits I quite agree, but I am afraid  
the law is dead against you. In Upperton v. Ridley  
[1900] 1 Q.B. 880 and [1903] A.C. 281 it was held that  
an allowance of 1/- a day paid to a Police Officer  
for attending permanently on special duty at the  
House of Lords was not "pay" for the purpose of  
calculating his pension. In Goodwin v. Sheffield  
Corporation [1902] 1 K.B. 629 it was held that the  
value of free residence, fuel, gas and water was not  
part of a Policemans pay for the same purpose.

In Bayley v Bayley [1922] 2 K.B. 227 it  
was held that an Army Officer's command pay,  
which is payable only to an officer in command  
of a unit, was "pay" for the purposes of an  
agreement, but that lodging, fuel, light and  
ration allowances were not. The judgments in it  
turn to some extent upon the circumstances  
of each case. Nevertheless it seems that the  
result, so far as the present question is concerned,  
is that "pay" in the East African Regulation  
will include personal allowance, possibly duty  
allowance, not house allowance and certainly not  
the value of free quarters.

In the circumstances I suggest that the  
word should be defined as including emoluments  
which if the officer held a pensionable office  
would be included in his pensionable emoluments  
<sup>but I ought to add that</sup>  
(although it is not the practice to include duty  
allowance in pensionable emoluments, it seems to  
me ~~clear~~ that it is included <sup>in</sup> the <sup>model</sup> standard  
definition if it is granted personally to the  
officer).

Quite  
hor  
above

I would also suggest that if this is agreed in principle <sup>the</sup> gratuity in this case should be specially granted.

J. O. O'Connell  
1/12/36.

I have spoken to Mr. Nettle.

He admits that there are one or two 'nasty' legal cases wh. conflict with Treasury practice - which is as described in Mr. Fairclough's minute - but these <sup>have</sup> ~~are~~ mostly turned on the wording of special Act: & he showed that it is a dangerous thing to argue from one pensions enactment to another. (We know that the Treasury look upon police pensions & civil service as quite different.)

I think we are pretty safe in following the Treasury in this matter, & would inform Kenya that the ~~invariable~~ practice of the S & S has always been as set A in Mr. Fairclough's

Minute & that he is of opinion that the practice should be continued. Add that a copy of the cover is being sent to Uganda.

And send my acct.

J. O'Connell

5/12/36

See slip attached. It is not <sup>common</sup> practice here to give free quarters as a pensionable emolument, & I think the point may be regarded as covered by <sup>The Treasury's</sup> ~~the Treasury's~~ reference to rent allowance.

I do not want to complicate matters by attempting a definition of 'pay'.

As proposed by Mr. Bell.

J. O'Connell  
9.12.36.

at once. J

NOTED PRECEDENTS

- 79 So Kenya. Conf (72. Annex) - 23.12.36
- 80. " Uganda Conf (72. 72-79) A/ 23.12.36

81. COL. SEC. .... 3PN. .... 3.11.36  
Trs. particulars of gratuity awarded to Mr. Isher Singh, Sub-foreman, Public Works Dept.

DESTROY

See encl. B/14 to J No. 3 on 15740/29...

82. COL. SEC. .... 3PN. .... 3.11.36  
Trs. particulars of gratuity awarded to Mr. C.C.G. Davis, Temporary Foreman, Public Works Dept.

DESTROY

83. COL. SEC. .... 3PN. .... 4.11.36  
Trs. particulars of gratuity awarded to Mr. A.M. da Costa, Cook, Medical Dept.

84. COL. SEC. .... 3PN. .... 6.11.36  
Trs. particulars of gratuity awarded to Musa s/o Juberi, 2nd. Class Corporal, Customs Dept.

85. COL. SEC. .... 3PN. .... 7.11.36  
Trs. particulars of gratuity awarded to Nzungu s/o Angwen, Chief, Provincial Administration, on his retirement from the Service due to his advancing age.

86. COL. SEC. .... 3PN. .... 23.11.36  
Trs. particulars of gratuity awarded to Mrs. K.D. Shastri, Asian Education Officer, the award of which was approved in Leg. Co. on 29.10.36.

*No. 86 transferred to PF. 53246E A*

*Haidarona*

*295*

*24/12/36*

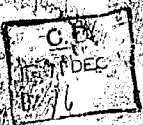
*(81) to (85) may be further*

*P. H. Richards  
30/12/36  
atome*

~~XXXX~~

*be therefore to see 79*

38018/36 Henry a 79



C. O.

- Mr. Richards 18/12/36
- Mr. Parnborough 10/12
- Mr. Ecol 18
- Sir C. Parkinson
- Sir G. Tomlinson
- Sir C. Bottomley
- Sir J. Shuckburgh
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

22 December 1936

DRAFT.

Kemya  
Confidential  
Gov. Byrne

Copy to Uganda 50

I have to ack the receipt  
no. 111  
of your Confidential despatch of the 5<sup>th</sup>  
October, in which you enquire whether  
(72) the amount of the gratuity awarded to  
Mr Rampat Lachi Ram, First Class  
Corporal, Customs Department was  
correctly calculated, and whether in future  
calculations of this nature the total  
amount is in wages and emoluments  
should be appropriate amount in  
respect of the value of quarters in cases  
when a non-pensionable officer has been  
entitled to free quarters under his terms  
of service

2. The practice in the  
Colonial Office has always been to  
interpret "pay" as including home  
allowance and personal allowance  
i.e., taking what would have been  
"pensionable"

FURTHER ACTION.

Copy with reply (72)  
R. G. Uganda  
info. [Signature]

reasonable estimate of the effects had had a  
been <sup>part</sup> reasonable, and in my opinion that  
practice should be continued.

3. A copy of this correspondence is being  
sent to the Governor of Uganda.

Thames

(Signed) W. ORMSBY GORE.



RECEIVED

36 NOV 1936

C. O. REC



72

KENYA.

No. III

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

7

CONFIDENTIAL.

5 October, 1936.

Sir,

With reference to Kenya Note No. S/Est. 19/1/959/42 of the 11th March, 1936, transmitting the Form of Particulars of gratuity awarded to Mr. Rampat Lachi Ram, First Class Corporal, Customs Department, I have the honour to inform you that the Government of Uganda is not prepared to agree with the manner in which the gratuity was computed in this case, and has not therefore agreed to the payment of its share which was assessed at Shs.162.62.

2. The Government of Uganda observes that the total gratuity was calculated on the basis of a week's pensionable emoluments and claims that it should have been calculated in accordance with Regulation 12 (1) of the Non-European Pensions Ordinance, 1932, on the basis of a week's "pay", which that Government maintains does not include house allowance or any other allowances such as are usually included in the term "pensionable emoluments".

It is understood that the Government of Uganda has hitherto interpreted the word "pay", as used in Regulation 12 (1) of the Non-European Pensions Ordinance and in the Superannuation Acts, as meaning "wage" and as not including any allowances.

3. My Government on the other hand used to include the value of quarters in the total amount of salary

*Answer (79)  
1-2*

THE RIGHT HONOURABLE  
W. OMSBY-GORE, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.

salary or wages and emoluments on which gratuities were paid under the Superannuation Acts. Similarly it has been the practice to include the value of quarters in the total amount on which gratuities have been paid under the European and Non-European Pensions Ordinances in respect of a non-pensionable office, in the same manner as provided for by regulation in respect of a pensionable office.

4. The word "pay" has not been defined in either Pensions Ordinance and in 1928 the Attorney General advised that there is no rigid legal definition of the word and that it is generally interpreted according to its context. He did not consider that any distinction should be drawn between the basis of assessment of gratuities in respect of a non-pensionable office and that of a pensionable office, and inasmuch as the practice hitherto had been to admit house allowance in ascertaining the amount of gratuity, he was of opinion that the word "pay" should be construed to include house allowance and any personal allowance. His advice has been followed since and the numerous Forms of Particulars transmitted to you clearly shew the practice in this respect.

5. The Government of Uganda points out that in Kenya despatch No.450 of the 5th August, 1931, regarding the payment of a marriage gratuity to a female Postal Clerk and Telegraphist, it was not proposed that the word "pay" should be interpreted other than to mean actual salary without any allowances.

There would appear to have been some oversight in this particular case, in which it would have been in accordance

PK OF MISS E. CHESTNUT  
293387-1

accordance with the usual practice followed in this Colony if a recommendation had been made that the basis of the calculation should be salary plus the value of quarters.

6. In my Confidential despatch No.155 of the 26th October, 1931, regarding a gratuity payable to a lineman in the Posts and Telegraphs Department, the amount in respect of house allowance which had been included in the basis of assessment was specifically mentioned and it was assumed from despatch Confidential (3) of the 2nd December, 1931, received in reply that Sir Philip Cunliffe-Lister (now Viscount Swinton) had approved the principle.

In that case the Government of Uganda agreed, without comment, with the figures of gratuity as calculated.

7. A computation of the nature referred to was recently submitted to you in the case of Mr. C.G. Bishop, to which Mr. Wade's despatch No.369 of the 21st July, 1936, refers. It will be observed that in the statement of particulars enclosed therein, a personal consolidation allowance of £50 per annum was added to salary. This allowance was actually in the nature of house allowance granted to officers of the Local Civil Service who were entitled by their terms of service before transfer to free quarters or an allowance in lieu thereof (vide paragraph 16 (2) of Secretariat Circular No.2 of the 28th January, 1935).

8. Since the Government of Uganda has suggested that your ruling on the matter be obtained I shall be glad to learn whether, in your opinion, the amount of gratuity

paid

paid to Mr. Rampat Lachi Ram was correctly calculated by my Treasurer and whether in future calculations of this nature the total amount of salary or wages and emoluments should include an appropriate amount in respect of the value of quarters in cases where a non-pensionable officer has been entitled to free quarters under his terms of service.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER-GENERAL,  
GOVERNOR.

C. O.

38018/36

JP  
11

Mr. Whitehead  
21/10 J.S.

Kya

- Mr.
- Mr.
- Mr.
- Sir C. Parkinson
- Sir G. Tomkinson
- Sir C. Bottomley
- Sir J. Shuckburgh
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

J.S.

21 OCT  
17. 24

6 Oct. 1936

Sir,

I have etc. to ask. the

DRAFT.

(4) recd. of your dep. No. 499 of the  
 18th. Sept. & to inform you  
 that I approve your  
 recommendation that, for  
 the purpose of <sup>computing</sup> calculating  
 the pension & gratuity <sup>to be</sup>  
 awarded to Mr. A. Price  
 on his retirement from his  
 appt.

Ken  
No: 851  
God.

FURTHER ACTION.

appt. as 1st-Grade Clerk,  
Local Government, Harolds  
Settlement, his service may  
be ~~retroacted~~ allowed to  
count as from the date of his  
first appt., viz. the 22nd. Sept.,  
1919.

I have etc

(Signed) W URMS

KENYA.

No. 499



380197/36 K  
GOVERNMENT HOUSE  
NAIROBI  
KENYA

RECEIVED  
20 OCT 1936  
C. O. REBY

18 September, 1936.

Sir,

I have the honour to inform you that Mr. A. Price, 1st Grade Clerk, Local Government, Lands and Settlement, who is retiring from the Service, on the grounds of ill-health, with effect from the 21st September, was originally engaged as a Temporary Clerk on the 22nd September, 1919, and was absorbed into the permanent clerical establishment on the 1st April, 1920.

Under Section 7 of the Non-European Officers' Pensions Act, 1932, I recommend that for purposes of pension his service may be allowed to count from the date of his first appointment, viz. 22nd September, 1919.

2. I enclose a Form of Particulars in respect of pension payable to Mr. Price amounting to Shs. 1,413/39 a year together with a gratuity of Shs. 4,711/30. This computation is based on the assumption that you will not withhold your approval of the recommendation contained in paragraph 1 above.

Form.

I have the honour to be,  
Sir,  
Your most obedient, humble servant,

*C. O. Reby*  
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE  
W. ORMSBY-GORE, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.

COLONY AND PROTECTORATE OF KENYA

**COLONIAL PENSIONS, Etc.**

PARTICULARS required to be furnished in reference to persons recommended for Superannuation, Compensation or Compassionate Allowances, or Gratuities on Retirement

1. Name of Applicant in Full Anthony Price
2. Office or Situation I Grade Clerk - Local Government, Lands & Settlement Department.
3. Recommended for a pension/gratuity of Sh. 1884.52 a year
4. Age 42 years, born - 6th July, 1894.
5. Service 16 years 11 months and 30 days
6. Salary or wages (actual/average) Sh. 6000 a year
7. Value of quarters (actual/average) 15% of Sh. 4560 / 684 "
- 7a. Other emoluments (actual/average) \_\_\_\_\_
- Total amount of Salary or Wages and Emoluments on which Superannuation, etc., is claimed Sh. 6684 a year
8. Cause of retirement Ill health.
9. Absence beyond ordinary Vacation Leave \_\_\_\_\_

	Period of Absence	NUMBER OF DAYS			Cause of Absence
		On full salary	On half salary	Without salary	
19	To				
19	To				
19	From To				
19	From To				
19	From To				
19	From To				
19	From To				
19	From To				
19	From To				
19	From To				
TOTAL					

10. Date of cessation of duty 15th July, 1936  
(Granted leave, with pay, from 16th July to 20th Sept. 1936)
11. Date of cessation of salary 20th September, 1936.
12. Date from which, inclusively, pension will commence 21st September, 1936.  
~~on which gratuity falls due~~



13. Dates of Commencement and Termination of the several Appointments held by Applicant, with their Emoluments, distinguishing Salary from other Allowances, and specifying such Allowances.

Designation of post and scale of salary	From	To	Salary per annum Sh. Cts.	ANY OTHER ALLOWANCE		Total emoluments per annum	Age
				Nature	Rate per annum		
Temporary Clerk	29-9-19	31-8-20	2160				
IV Grade Clerk S. 2160x145x280	1-4-20	31-3-23	2880				
III Grade Clerk S. 3000x240x420	1-4-25	31-8-24	3000				
	1-4-24	31-3-25	3240				
II Grade Clerk S. 3580x240x450	1-4-25	31-5-26	3480				
	1-4-26	31-5-27	3720				
	1-4-27	31-12-27	3960				
I Grade Clerk S. 4560x240x600	1-1-28	31-12-28	4560				
	1-1-29	31-12-29	4800				
	1-1-30	31-12-30	5040				
	1-1-31	31-12-31	5280				
	1-1-32	31-12-32	5520				
	1-1-33	31-12-33	5760				
	1-1-34	20-9-36	6000				
TOTAL							

14. Whether each of the appointments held by the Applicant has been on the Fixed Establishment of the Colony. Yes
15. Whether the duties of the several offices or situations held since the Applicant entered the Civil Service have been such as to require that the holder should give his whole time to the public service. Yes
16. Whether holding any other Public Appointment, or receiving or claiming to receive any public money by compensation, half-pay or otherwise. No
17. If any kind of Pension or other Allowance has been commuted under the Imperial Pensions Commutation Acts, 1869 and 1871, the annual amount or Pension or Allowance so commuted and the date of commutation should be inserted. None.
18. Statement, if the circumstances warrant it, that the Applicant "has discharged his duties with diligence and fidelity, to the satisfaction of the Head Officer of his Department" to be signed by any two of such Head Officers, if there shall be more than one, or by such Head Officer, if there shall be but one, together with "such a statement as will exhibit the merit, and value, and labour of the services of the person recommended, embracing as long a period of his public service as can be authentically stated," and observations as to Special Services, Suspension, Reprimand, etc., with full particulars of any injuries received on duty, or other claims or matters for consideration.

The applicant has discharged his duties with diligence and fidelity to the satisfaction of the Head Officer of his Department. He was an efficient clerk during his 17 years service and displayed marked zeal in the discharge of his duties.

*R. J. Stocking*  
AG: COMMISSIONER FOR LOCAL GOVERNMENTS,  
LANDS AND SETTLEMENT.

19. Computation, by the Treasurer, of the pension/gratuity, etc. :-  
I certify that the pension/gratuity which may be paid to the Applicant according to the Rules of the Colonial Service, amounts to One thousand eight hundred and eighty four shillings and fifty two cents (S.1884/52) a year.

and I base my Certificate on the following calculation :-

Date of first appointment	<u>22nd September, 1919.</u>		
Date of retirement/transfer	<u>20th September, 1936.</u>		
Actual service	Years	Month	Days
	16	11	30
Deduct period of leave without pay			
Balance	16	11	50

Service for purposes of pension 205 months  
 Actual ~~salary~~ salary and emoluments Sh. 6684 a year  
 Whereof 205/720ths = Sh. 1884.52 a year  
 Gratuity earned under \_\_\_\_\_

being at the rate of \_\_\_\_\_  
 N.B. Mr. Price has exercised the option to receive a reduced pension  
 and gratuity according to Reg. 15 of the Non-European Officers Pensions Ordinance, 1932.  
 The pension payable to him is therefore Sh. 1415/89 a year with a gratuity  
 of Sh. 4,711.50 cts.

THE TREASURY,  
 NAIROBI. 20th August, 1936.  
 for Treasurer,  
 Colony and Protectorate of Kenya.

38018/1986 Kenya

G.D.  
9 OCT  
1986

C.O.

- Mr. Farrelly 8/10/86
- Mr. Seal 8/10/86
- Mr. Sir G. Parkinson
- Sir G. Tomlinson
- Sir C. Bottomley
- Sir J. Shuckburgh
- Periti. U.S. of S.
- Parly. U.S. of S.

Secretary of State.

16 October 1986

DRAFT.

KENYA

No. 810

Gen.

I have to ack. the receipt of your despatch No. 472 of the 8<sup>th</sup> Sept. and to convey to you that my approval is being tendered of the award to the dependants of our late Bowater Orygo of a compassionate gratuity of Sh. 400.

1. Regarding your proposal
2. Which I agree in principle to payments in

future similar cases of grants (Sh. 400) not exceeding £20 without (Sh. 500) I have no objection to prior refer. I would suggest that I should have had No. 400 of the Case of Reginald might be covered by the addition of a para. on the

FURTHER ACTION.

This, but I sh. also have no objection if you should like to deal with the matter by amending

the limit of Section 2 of the  
Superannuation Act, 1919, viz. -

If any person dies while  
in his employment, being a  
person to whom a gratuity  
might have been awarded under  
Reg. 900, if at the time of his  
death he had retired from  
such employment because of  
infirmity of mind or body,  
there may, if the Gov. thinks  
fit, be granted to his dependants  
a sum not exceeding such  
gratuity as might have been  
granted to the deceased person  
had he so retired.

(Signed) W. ORMSBY GORE.

380/18

08

KENYA.

No. 472.



GOVERNMENT HOUSE.

NAIROBI.

KENYA.

8 September, 1936.

RECEIVED

5-OCT-1936

C. O. REGY

Sir,

323-1/24

With reference to Lord Swinton's despatch No. 620 of the 31st July, 1934, on the subject of the payment of compensation to the dependents of native employees of Government who die from natural causes, I have the honour to report for your consideration a case of the payment of a compassionate gratuity in the following circumstances.

2. Donatus Opyo, an African painter employed by the Public Works Department, recently died of pneumonia, leaving a widow and in straitened circumstances. I am advised that he commenced the employment of Government in 1908, and that far as can be ascertained he had worked continuously until the date of his death. The case differs, however, from that which formed the subject of Lord Swinton's despatch referred to above, in that it is not possible to state that the disease from which he died was contracted in the actual discharge of his duty and was specifically attributable to the nature of that duty. In view of the fact, however, that had he retired on the day preceding his death he would have been eligible under the provisions of Regulation 900 of the Colony's Code of Regulations, for a gratuity of approximately

Shs.

THE RT. HON.

W. CRIMSBY GORE, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.1.

Shs. 540/-, and having regard to the circumstances of his dependents, I have caused a compassionate gratuity of Shs. 400/- to be paid to them.

3. In requesting your covering sanction to this payment I should be glad to learn whether you would be prepared to agree that payments of compensation not exceeding a sum of £20 may in future be made in cases similar to this, should they arise, without specific reference to you.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Amthwaite*

GOVERNOR'S DEPUTY.