

opportunity to observe with regard to
 the draft railway lease that the Acting
 Governor of Kenya has now reported that
 no record is available locally of the
 original capital cost of the Mbagati
 Railway. It has also been
 ascertained that the Crown Agents for
 the Colonies are not able to furnish the
 necessary information from their records.
 The Crown Agents state that the former
 Mbagati Soda Company placed a contract
 with Messrs. Paulin and Company for the
 construction of the railway in 1911 for the
 sum of £515,206, but they are not able to
 state the amount of the capital outlay. In
 the circumstances, Mr. Amery would be glad to
 know whether you are in a position to furnish
 any indication as to the sum which should be
 provided in Clause 21(A) of the draft railway
 lease.

I am, etc.,

4. Messrs. Sutton, Owen and Oliver,
 the solicitors to the C.A., have been instructed
 to communicate to you direct with regard to the
 amendments to the draft lease and railway lease.

(Signed) W. G. RAYSON

1925

E. AFRICA

20430
 6 MAY 25

GOV. AGENTS

2nd May 1925.

REGISTRATION
 [Handwritten signatures]

W. G. PENSION SCHEME.
 RATES OF CONTRIBUTIONS.

Refers to contributions of Dr J.H. Thomson,
 Mr R.H. Jess, and Mr R.P. Caldwell, which are higher
 than the rates applicable to their scales of salary.
 Requests instructions as to refundment.

U.S. of S.
 Secretary of State

Foreign Office

MINUTES

Dr Thomson
 The mistake has arisen through
 ignoring the offering form, each of which
 provides a maximum for the purpose of
 contributions. As to the precise point at
 which a new maximum figure was the
 question raised by the C.A. in 2/18/25.
 If it had not been done the amount would
 be affected by the decrease in that paper.
 Dr Thomson has now reached £800, & he is
 being permitted to stand. He will in
 any case shortly contribute a maximum
 of £900.

Subsequent Paper

2/18/25

The loss

The error here was due to an incorrect assumption on the part of the C.A. From 13 Sept 1921 to 30 Sept 1923 (May) the amount should have been assessed at £15 instead of £10 a year. From 1 May 1923 to 26 May 1924 (May) this amount was £400 and was correct.

The judgment

This also is a case of ignoring the his officious laws.

It appears from that a contribution to all these cases has been expected beyond the law, they should be refunded to the Government for his observation.

* With interest of 5% to be paid to the Government (1923)

I think a section should be explained to the officers concerned, & that they should be given an option to be exercised now or at any time, of having a refund with interest at 5% or leaving the matter as it stands.

CJF 27.5.25.

WGD 27.5.25

WGD 28/5

WGD 28/5

WGD 28/5

Mr. Jewell.

Colonial Office.

C. O.
20430

6 MAY 25

I enclose herewith a copy of a letter from the Treasurer, Kenya, regarding the collection of widows' and orphans' Pension Scheme contributions from Dr. J. H. Thomson and Mr. H. B. Jess, Postal Clerk, at rates higher than those applicable to their scales of salary and shall be glad if you will let us know what reply should be made.

When Dr. Thomson first became a contributor to the Scheme i.e., on the 1st October, 1921, the Government of Kenya furnished us with this officer's Statement of Particulars, which showed that he entered the East African Service in 1913, and ticked in red ink the entry that his maximum was £900 per annum. Consequently we assumed that he had passed his £800 bar and assessed him for widows' and orphans' contributions on his maximum of £900 per annum and a notification to this effect was sent to Kenya on the 13th September, 1921.

A Statement of Particulars form was also the only information furnished by the Colonial Government in the case of Mr. Jess, who became a contributor on the 13th September, 1921, and in the absence of particulars concerning his salary, he was regarded for the purpose of the Scheme as on the usual scale applicable to Postal Clerks i.e., £300-15-£350 per annum. Contributions were therefore assessed at £15 per annum and a notification of this sent to Kenya on the 12th June, 1922.

The enclosed letter from Kenya points out that these assessments were wrong and asked for our views on the question

question of a refund of contributions overcollected.

Dr. Thomson was transferred to Tanganyika Territory on the 4th October, 1923 and still contributes at £67.10.0 per annum i.e., £45 scale rate plus £22.10.0 additional annual contribution whereas the appointment of Mr. Jess, who was transferred to Uganda on the 1st May, 1923, was terminated on the 26th August, 1924 but he remains covered for a widow's pension until the 15th August, 1925.

The Scheme has been under risk in both cases to pay a pension at a rate applicable to the contributions actually made by these officers and it seems doubtful whether we should offer refunds.

On the other hand if we are legally compelled to refund the contributions overcollected it would appear that this should be done as early as possible in order to relieve the Scheme of the extra risk, as Dr. Thomson could very well wait until all benefits under the Scheme had lapsed and then ask for a refund of the contributions overcollected. Similarly Mr. Jess could ask for a refund after the expiry of the 3rd period for which he remains registered for a widow's pension under the Scheme.

The case of Mr. R.P. Caldwell, Assistant Auditor Tanganyika Territory, concerning which we minuted to you on the 9th April, is similar to the above cases, and we shall be glad if you will please inform us whether a refund should be made in this case also.

Mr. Caldwell is married and commenced to contribute on the 24th January, 1925. We assessed his widow's and Orphans' contributions at £30 per annum but were afterwards informed by the Government of Tanganyika Territory that there was an efficiency bar in his scale of salary at £500 per annum. Contributions have therefore been overcollected at the rate of £20 per annum with effect from the 24th January, 1925.

COPY

242

The Treasury,

Nairobi, 10th March, 1923

[Recd. G.A. 14th April]

Dear Sir,

Widows' and Orphans' Pension Scheme

It has come to my notice that Dr. J. H. Thomson, Medical Officer, and Mr. H. B. Joss, Postal Clerk contributed to the Scheme in 1923 at a rate higher than that applicable to their scales of salary and I shall be grateful if you will let me have your advice on the subject.

Dr. Thomson was then drawing £700 on the scale of £600 - £900 but as there is an efficiency bar at £800, his maximum for the purposes of the scheme was £800 and his contributions should therefore have been at the rate of £40 per annum. Your notification No. 1386 K. P. D. F. 5433 dated the 13th September, 1921, however, stated that his normal contribution would be at the rate of £45 per annum, i.e. that applicable to a maximum salary of £900 and contributions were made at this rate, in addition to his voluntary contribution of £22. 10. 0 per annum, during the period from 1st October, 1921 to the 3rd October, 1923. There would appear to be an excess-recovery therefore, of £15. 1. 3. Dr. Thomson was transferred to Tanganyika in October, 1923.

The case of Mr. H. B. Joss is similar. His scale of salary was £150 to £290, whilst your notification No. 774 K. P. D. F. 5829 registered his contribution at £18 per annum i.e. the rate applicable to a maximum salary of £400 per annum. Mr. Joss contributed at the rate of £18 per annum during the period from the 13th September, 1921 to the 30th April, 1923, when he was transferred to Uganda. In this instance there appears to have been an excess-recovery of £4. 18. 0.

SECRET

The Treasury

Madras, 10th March, 1925

Head. C.A. 14th April

Gentlemen,

Widow's and Orphan's Pension Scheme.

It has come to my notice that Mr. J. R. Thomson, Medical Officer, and Mr. R. J. Joss, Postal Clerk contributed to the Scheme in 1923 at a rate higher than that applicable to their grades of salary and I shall be obliged if you will let me have your advice on the subject.

Mr. Thomson was then drawing £700 on the scale of £600 - £900 but as there is an efficiency bar at £800 his maximum for the purposes of the scheme was £800 and his contributions should therefore have been at the rate of £40 per annum. Our notification No. 1286 K. P. 1923 dated the 13th September, 1921, however, stated that his normal contribution would be at the rate of £45 per annum i.e. that would be a maximum salary of £900 and contributions were required at this rate. In addition to his voluntary contribution of £2. 10. 0 per annum during the period from 1st October, 1901 to the 31st October, 1921 there would appear to be an excess recovery the date of £15. 1. 3. Mr. Thomson was transferred to Mangalore in October, 1923.

The case of Mr. R. J. Joss is similar. His scale of salary was £150 to £250. My letter notification No. 774 K.P. 1923 registered his contribution at £15 per annum i.e. the rate applicable to a maximum salary of £400 per annum. He contributed at the rate of £15 per annum during the period from the 13th September, 1921 to the 30th April, 1923, when he was transferred to Uganda. In this instance there appears to have been an excessive recovery of £4. 10. 0.

As these Officers were erroneously advised as to the amount to be contributed by them, I should be glad to receive your views on the question of a refund. I may add that neither of the Officers concerned has applied for a repayment, and, as any refund would reduce the amount of benefit payable, it is probable that they would prefer the matter to remain as it is at present.

I am keeping this matter pending, until I receive your comments on the subject.

I have the honour to be,

Gentlemen,

Your obedient Servant,

(Sgd. M.W. RAYLES)

For Treasurer.

22

As these Officers were erroneously advised as to the amount to be contributed by them, I should be glad to receive your views on the question of a refund. I may add that neither of the Officers concerned has applied for a repayment, and, as any refund would reduce the amount of pension payable, it is probable that they would prefer the position to remain as it is at present.

I am keeping this matter pending until I receive your comments on the subject.

I have the honour to be,

Gentlemen,

Your obedient servant,

Edw. F. W. BATHURST

for Treasurer

CA PA
20430725

243

June 16. 25
16/6

Brookline
Stoughton
Dennis
Marblehead
Marion Street
Dorchester
Quincy

AFT. Minutes
for the office

18 June 1925

Spent
Office

Will refer to you minutes P15F5433
of the 30th of April, regarding the
collection of Widows' Orphan
Penns. School contributions for
Mrs. H. Thomas, T.T. R. P. Jones
Wm. R. P. Johnson, T.T.

at rates higher than those
applicable to their standard
salary. It has been decided
that the position should be
explained to the three

officers concerned that they
should be given an option to
exercise now or later for all

of having a refund with interest
at five per cent when the
matter is decided. Please
arrange accordingly.

of the excess
contributions

(2) Sir Jeffries