

LAWS OF THE COMMUNITY



The Pensions Act

CHAPTER 11

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CHAPTER 11

THE PENSIONS ACT

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CHAPTER 11

THE PENSIONS ACT

Commencement: 1st January 1948

An Act of the Community to provide for the grant and regulating of pensions, gratuities and other allowances in respect of the public service of officers under the Community and the East African Posts and Telecommunications Corporation

5 of 1950,
2 of 1951,
8 of 1954,
15 of 1954,
5 of 1955,
5 of 1957,
21 of 1961,
18 of 1962,
16 of 1964,
4 of 1970, Sch.,
10 of 1970, Sch.,
L.N. 84/1961,
L.N. 1/1967
(E.A.C.).

1. This Act may be cited as the Pensions Act.

Short title.

2. (1) In this Act, except where the context otherwise requires—

Interpretation.

“approved special retirement scheme” means a scheme of retirement approved under section 3 (6);

“the Corporation” means the East African Posts and Telecommunications Corporation;

5 of 1957,
21 of 1961,
18 of 1962,
16 of 1964,
4 of 1970, Sch.,
L.N. 84/1961,
L.N. 1/1967.

“other public service” means public service not under the High Commission, the Organization, the Community, the Court of Appeal for Eastern Africa or, with effect from the 1st December 1967, the Court of Appeal for East Africa, or the Corporation;

“Oversea Superannuation Scheme” means the scheme to establish a fund to provide service pensions and gratuities and pensions to dependants on a contributory basis for Colonial Research and allied services;

“pensionable office” means—

(a) in respect of service under the High Commission, the Organization, the Community or the Corporation, an office which has been declared by the High Commission, the East African Common Services Authority, or, in the case of offices in the Community and in the Corporation, the Authority, as the case may be, by a notification published in the Gazette, to be pensionable under this Act with effect from such date, whether before or after the date of publication, as may be specified in the notification; and any such notification may from time to time be amended, added to, or revoked, by another notification so made and published:

Provided that where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;

- (b) in respect of other public service, an office which is for the time being a pensionable office under the law or regulations in force in such service;

“pensionable emoluments”—

- (a) in respect of service under the High Commission, the Organization, the Community or the Corporation includes salary, overseas addition, inducement allowance and personal allowance, but does not include duty allowance, house allowance, entertainment allowance, or any other emoluments whatever;

- (b) in respect of other public service, means emoluments which count for pension in accordance with the law or regulations in force in such service;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office, and which is specifically stated to be pensionable;

“public service” means—

- (a) service in a civil capacity under the government of any country or territory in the Commonwealth;

- (b) service under the High Commission, the Organization, the Community or the Corporation, and includes service under the East African Railways and Harbours Administration, the East African Railways Corporation and the East African Harbours Corporation;

(c) service which is pensionable—

- (i) under the Oversea Superannuation Scheme;
- (ii) under any Acts relating to the superannuation of teachers in the United Kingdom;
- (iii) under a local authority in the United Kingdom;
- or
- (iv) under the National Health Service of the United Kingdom;

(d) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa or, with effect from 1st December 1967, the Court of Appeal for East Africa;

(e) any other service which the Authority may determine to be public service for the purposes of this Act;

“salary” means the salary attached to a pensionable office, or where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office;

“service of the Community” or “service under the Community” means public service in a civil capacity under the High Commission, the Organization or the Community;

“wife” includes, in the case of an officer under whose religion or tribal custom polygamy is lawful, any person to whom the officer is lawfully married in accordance with the tenets of that religion or tribal custom; and in any such case, the amount of any pension, gratuity, or other allowance, for which a wife is eligible under this Act shall be divided equally among all such wives during the period in which there is more than one wife eligible therefor; and “widow” shall be construed accordingly.

(2) For the avoidance of doubt it is hereby declared that where an officer has been confirmed in a pensionable office and is thereafter appointed to another pensionable office then, unless the terms of such appointment otherwise require, such last-mentioned office is, for the purposes of this Act, an office in which he has been confirmed.

(3) Where it appears to the Authority that there is no satisfactory proof of the correct age of an officer or of any child, then the Authority may, upon such evidence as it may think fit, presume the age of the officer or of such child, and such presumed age shall be taken to be the correct age of the officer or of such child, for the purposes of this Act.

3. (1) Pensions, gratuities, and other allowances, may be granted by the Authority, in accordance with the regulations contained in the First Schedule, to officers who have been in the service of the High Commission, the Organization, the Community or the Corporation.

Pensions
regulations.
L.N. 1/1967.

(2) The regulations contained in the First Schedule may from time to time be amended, added to, or revoked, by regulations made by the Authority, and all regulations so made shall be laid before the Assembly and published in the Gazette.

(3) Whenever the Authority is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose:

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the Assembly signified by resolution.

(4) Any pension or gratuity granted under this Act shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

(5) All regulations made under this section shall have the same force and effect as if they were contained in the First Schedule.

(6) Notwithstanding the provisions of this Act, it shall be lawful for the Authority, in relation to any specified class of officer, to approve a scheme of retirement, pensions, gratuities or other payments, hereinafter referred to as an "approved special retirement scheme", and any such scheme shall have effect as if the provisions thereof were part of this Act.

Pensions, etc.,
to be paid out
of funds of
Community or
Corporation.
L.N. 1/1967.

4. In the case—

(a) of an officer in the service of the Corporation, there shall be charged on and paid out of the funds of the Corporation;

(b) of an officer in the service of the Community there shall be charged on and paid out of the General Fund,

all such sums of money as may from time to time be granted way of pension, gratuity, or other allowance, under this Act.

Pensions, etc.,
not of right.
L.N. 84/1961.

5. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Act affect the liability of any officer to be dismissed according to law.

(2) Where it is established to the satisfaction of the Authority that an officer has been guilty of negligence, irregularity, or misconduct, the pension, gratuity, or other allowance, may be reduced or altogether withheld.

6. No pension, gratuity, or other allowance, shall be granted under this Act to any officer except on his retirement from the public service in one of the following cases—

(a) subject to the provisions of section 21, on or after attaining the age of fifty years;

(b) in the case of transfer to other public service, in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity:

Provided that if his service in such other public service is superannuated under the Federated Superannuation System for Universities or a similar insurance scheme he has retired on one of the grounds mentioned in paragraphs (a), (c), (d), (e) and (f) of this section;

(c) on the abolition of his office;

(d) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected;

(e) on medical evidence, to the satisfaction of the Authority, that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;

(f) in the case of termination of employment in the public interest as provided in this Act;

(g) on retirement in circumstances not mentioned in the preceding paragraphs of this section, rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947, of Parliament or any Act of Parliament amending or replacing those Acts;

(h) on retirement in accordance with any approved special retirement scheme:

Provided that—

(i) a gratuity may be granted to a female officer, in accordance with the provisions of this Act, who resigns on or with a view to marriage or is required

Circumstances
in which pension
may be granted.
8 of 1954,
5 of 1955,
18 of 1962,
16 of 1964,
L.N. 1/1967.

1 & 2 Geo.
5 c. 24.
11 & 12 Geo
6 c. 12.

to retire on account of her marriage, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity, or other allowance;

- (ii) that a pension, gratuity or other allowance may be granted in accordance with this Act to an officer on his retirement from any local government service which the Authority has determined to be public service for the purposes of this Act, to which he has been transferred notwithstanding that there is no provision in such service for the retirement of such officer on pension or gratuity, if the circumstances in which such officer retires are circumstances in which, had he remained in the service of the Community he would have been eligible for a pension, gratuity or other allowance under this Act;
- (iii) that the provisions of this section shall not have effect so as to preclude the payment of any sum of money payable under an approved special retirement scheme otherwise than upon retirement.

Termination
of employment
in the public
interest.
8 of 1954,
L.N. 1/1967.

7. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service and the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest and a pension, gratuity, or other allowance cannot otherwise be granted to him under this Act, the Authority may, if it thinks fit, grant such pension, gratuity, or other allowance as it thinks just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in section 6 (e).

Compulsory
retirement.
5 of 1955,
18 of 1962,
L.N. 1/1967.

8. It shall be lawful for the Authority to require an officer to retire from the service of the Community or the Corporation—

- (a) subject to the provisions of section 21, at any time after he attains the age of fifty years;
- (b) in the case of a female officer, on account of her marriage;
- (c) in accordance with the terms of any approved special retirement scheme.

9. (1) Except in cases provided for by subsection (2), a pension granted to an officer under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service under the Community or the Corporation.

Maximum pension.
21 of 1961,
16 of 1964,
L.N. 1/1967.

(2) An officer who has been granted a pension in respect of other public service shall not at any time draw from the funds of the Community or the Corporation an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments enjoyed by him at any time in the course of his public service:

Provided that —

(a) where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of such pension shall be deemed for the purpose of this subsection to be what it would have been if part of it had not been commuted or, in the case of a pension granted under the Superannuation Acts of the United Kingdom or under the Oversea Superannuation Scheme, to be four-thirds of its actual amount; and

(b) where the amount of any pension granted under the Superannuation Acts of the United Kingdom is increased by virtue of the provisions of section 35 or section 36 of the Superannuation Act, 1949, of the United Kingdom, or any provisions amending or replacing those sections, the amount of the increase shall not be taken into account for the purposes of this section.

(3) Where the limitation specified by subsection (2) operates, the amount of the pension to be drawn from the funds of the Community or the Corporation shall be subject to the approval of the Authority, in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service.

(4) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension under this Act, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

Liability of pensioners to be called upon to take further employment. 18 of 1962, 16 of 1964.

10. (1) Every pension granted under this Act shall be subject to the condition that unless or until the officer attains the age of fifty years, he may, if physically fit for service, be called upon by the Authority to accept an office in the service of the Community or the Corporation, as the case may be, not less in value than the office which he held at the date of his retirement; and where a pensioner so called upon declines to accept such office, the payment of his pension may be suspended until he has attained the age of fifty years.

(2) Subsection (1) shall not apply in any case where the Authority, being of opinion that the officer is not qualified for other employment in the public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

(3) This section shall not apply to any officer who is required to retire under the provisions of an approved special retirement scheme.

Suspension of pensions on re-employment.

11. Where an officer to whom a pension has been granted under this Act is appointed to another office in the public service, the payment of his pension, or any part thereof, may, with his consent and if the Authority thinks fit, be suspended during the period of his re-employment.

Pensions, etc., not to be assignable. 16 of 1964, L.N. 1/1967.

12. A pension, gratuity, or other allowance, granted under this Act shall not be assignable or transferable except for the purposes of satisfying—

- (a) a debt due to the Community or the Corporation, as the case may be, or due in respect of income tax; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child, of the officer to whom the pension, gratuity, or other allowance, has been granted,

and shall not be liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatever except any such debt due to the Community or the Corporation, as the case may be, or due in respect of income tax.

Pensions, etc., to cease on bankruptcy. 16 of 1964.

13. (1) Where any person to whom a pension or other allowance has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) Where any officer is adjudicated bankrupt or declared insolvent by judgment of any competent court either—

(a) after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance, under this Act, but before the pension, gratuity, or other allowance, is granted; or

(b) before such retirement, and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case, any pension or other allowance eventually granted to him shall cease as from the date of adjudication or declaration (as the case may be) and, in the latter case, the pension or other allowance may be granted, but shall cease forthwith and not become payable, and in either case the gratuity may be granted but shall not be paid to him.

(3) Where a pension or other allowance ceases, or where any gratuity is not paid, by reason of this section, it shall be lawful for the Authority from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous or discontinuous, as the Authority thinks fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or other allowance, had he not become bankrupt or insolvent, to be paid to, or applied for, the maintenance or benefit of all or any, to the exclusion of the other or others, of the following, that is to say, such person and his wife, child, or children, or such other dependants as the Authority may determine, in such proportion and manner as the Authority thinks proper; and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section shall, for the purposes of this section, be regarded as applied for his benefit.

(5) Where a person whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Authority to direct that the pension or other allowance shall be restored and the gratuity, or so much thereof (if any) as remains after deducting any payments made under subsection (3), paid as from the

date of such discharge or any later date; and the pension or other allowance shall be restored, and the gratuity or such remainder thereof (if any) paid, accordingly.

Pensions, etc.,
may cease on
conviction.
16 of 1964.

14. (1) Where any person to whom a pension or other allowance has been granted under this Act is sentenced to a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Authority so directs, cease as from such date as the Authority determines.

(2) Where any officer is sentenced to a term of imprisonment by any competent court for any offence after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance, under this Act but before the pension, gratuity, or other allowance, is granted, then—

- (a) subsection (1) shall apply as respects any pension or other allowance which may be granted to him; and
- (b) the Authority may direct that any gratuity which may be granted to him shall not be paid.

(3) Where a pension or other allowance ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Authority to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or other allowance, but for the provisions of this section to be paid or applied in the same manner in all respects as provided in section 13; and such moneys shall be paid or applied accordingly.

(4) Where any person whose pension or other allowance ceases, or whose gratuity is not paid, by reason of this section after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect, or his gratuity shall be paid, but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof and the amount of any gratuity account shall be taken of all moneys paid or applied under subsection (3).

Pensions, etc.,
on accepting
certain
appointments.

15. Where any person to whom a pension or other allowance has been granted under this Act, otherwise than under section 17, becomes either a director of any company the principal part of whose business is in any way directly concerned with any of the Partner States, or an officer or servant employed in any of the Partner States by any such company, without the prior permission in writing of the Authority, such pension or allowance shall cease if the Authority so directs:

Provided that it shall be lawful for the Authority on being satisfied that the person in respect of whose pension or other allowance any such direction has been given has ceased to be a director of such company, or to be employed as an officer or servant of such company in any of the Partner States, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if it thinks fit, to such a date as it may specify; and the pension or other allowance shall be restored in accordance with any such directions.

16. (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of the Community or the Corporation, it shall be lawful for the Authority to grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater.

Gratuity where
an officer dies.
5 of 1955,
21 of 1961.

(2) Where an officer dies after retirement from service under the Community or the Corporation having been granted, or having become eligible for, a pension or other allowance under this Act and the sums paid or payable to him at the date of his death on account of such pension or other allowance, including any sum awarded by way of gratuity under regulation 26 of the Pensions Regulations and any pension or gratuity paid or payable in respect of his service under any scheduled Government (as defined in regulation 8 of the Pensions Regulations), but excluding any additional pension awarded in accordance with regulation 25 of the Pensions Regulations, are less in total than the amount of his annual pensionable emoluments or of his commuted pension gratuity, whichever is the greater, it shall be lawful for the Authority to grant a gratuity equal to the deficiency to his legal personal representative.

(3) A gratuity granted under subsection (1) or subsection (2) of this section to the legal personal representative shall form part of the estate of the officer for the purposes of distribution, but no estate duty shall be payable in respect thereof and its addition to the principal value of the estate shall not be taken into consideration for the purpose of increasing the rate at which estate duty on the remainder of the estate may be payable and no fees or charges shall be payable to the Public Trustee or Administrator General in respect thereof.

(4) This section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Oversea Superannuation Scheme in respect of such death.

(5) For the purposes of this section—

“annual pensionable emoluments” means—

(i) the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer under this Act if he had retired from the public service in the circumstances described in section 6 (e);

(ii) in the case of an officer not holding a pensionable office, the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office;

“commuted pension gratuity” means the maximum gratuity, if any, which might have been granted to the officer under regulation 26 of the Pensions Regulations if his pensionable service had been wholly under the Community or the Corporation, as the case may be, and if, in the case of such officer as is described in subsection (1), at the date of his death he had retired from the public service in the circumstances described in section 6 (e) and had elected to receive a gratuity and reduced pension or, in the case of such officer as is described in subsection (2), he had before the date of his retirement elected to receive a gratuity and reduced pension;

“legal personal representative” includes, in any case where a gratuity does not exceed £500, such person as the Authority may determine.

(6) For the purposes of this section an officer who has not been confirmed in his office and who dies in the circumstances mentioned in section 17 (1) shall be deemed to have been confirmed in his office.

17. (1) Where an officer dies as a result of injuries received—

(a) in the actual discharge of his duty; and

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Community or the Corporation, it shall be lawful for the Authority to grant, in addition to the grant, if any, made to his legal personal representative under section 16—

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or fifteen pounds a year, whichever is the greater;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (i) of this subsection and a child or children, a pension in respect of each child, until such child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension specified in such paragraph;
- (iii) if the deceased officer leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of twenty-one years, of double the amount specified in paragraph (ii) of this subsection;
- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until such child attains the age of twenty-one years, of double the amount specified in paragraph (ii) of this subsection;
- (v) if the deceased officer does not leave a widow, or if no pension is granted to the widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

- (a) a pension shall not be payable under this subsection at any time in respect of more than six children; and where there are more than six children in respect of whom, but for this proviso, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age;

- (b) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries, such pension shall cease as from the date of remarriage; and if it appears to the Authority at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Authority may determine;
- (c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of twenty-one years.
- (2) For the purposes of this section—
- (i) an officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died as the result of injuries received—
- (a) in the actual discharge of his duty; and
- (b) on account of circumstances specifically attributable to the nature of his duty;
- (ii) an officer proceeding by a route approved by the Secretary General or the Director-General of the Corporation, as the case may be, to or from the Partner States at the commencement or termination of his service therein, or of a period of secondment, duty, or leave therefrom, who dies as the result of damage to the vessel, aircraft, or vehicle, in which he is travelling, or of any act of violence directed against such vessel, aircraft, or vehicle, shall, if the Authority is satisfied that such damage or act is attributable to circumstances arising out of any war in which any of the Partner States may be engaged, be deemed to have died as the result of injuries received—
- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty.
- (3) In the case of an officer not holding a pensionable office, the expression “pensionable emoluments” in this section means the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(4) For the purposes of this section the expression "child" includes—

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
- (c) an adopted child, adopted in a manner recognized by law before the date of the injury and wholly or mainly dependent upon the deceased officer for support.

(5) In the case of the death of an officer whose dependants are entitled to compensation under any law relating to workmen's compensation, the Authority may take such compensation into account to such extent as it thinks fit in fixing the amount of pension to be paid under this section.

(6) This section shall not apply in the case of the death of any officer where benefits corresponding to the benefits granted by this section are payable under the Colonial Superannuation Scheme in respect of such death.

18. (1) Subject to subsection (2) and the Second and Third Schedules, the provisions of this Act shall apply to every officer appointed to the service of the High Commission on or after the 1st January 1948, or to the service of the Organization, the Community or the Corporation.

Application
of Act.
L.N. 1/1967.

(2) Save as is otherwise specifically provided, nothing in this Act shall apply to any officer in respect of service under the High Commission or the Organization in the East African Railways and Harbours Administration or in the East African Railways Corporation or in the East African Harbours Corporation:

Provided that such service shall be deemed to be other public service for the purposes of this Act.

19. (1) If any difficulty arises in bringing into operation any of the provisions of the Second Schedule or the Third Schedule or in giving effect to the purposes thereof, the Authority may by order amend, add to, or revoke, any of the provisions of the Second Schedule, the Third Schedule, or the Fourth Schedule, for the purpose of removing the difficulty, or of conferring a benefit upon, or removing a disability attached to, any officer or class of officer.

Power to amend
Second, Third
and Fourth
Schedules.
8 of 1954.

(2) Any order made under this section may be given retrospective effect to a day not earlier than the date of the commencement of this Act:

Provided that no such order shall have retrospective effect unless it has received the prior approval of the Assembly signified by resolution.

(3) All orders made under this section shall be laid before the Assembly.

Questions under Act to be determined by Authority. 16 of 1964. Repeal.

20. Where any question exists in relation to any matter arising under this Act such questions may be determined by the Authority.

21. Save as is provided in the Second and Third Schedules, the enactments specified in the Fourth Schedule shall cease to apply to officers in the service of the Community or the Corporation in respect of such service.

FIRST SCHEDULE

(s. 3)

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES, AND OTHER ALLOWANCES, TO OFFICERS

Part I—Preliminary

L.N. 38/1952,
L.N. 49/1955,
L.N. 63/1957,
L.N. 40/1961,
L.N. 53, 62 and
89 of 1962,
L.N. 69 and 91
of 1965,
L.N. 89/1961,
L.N. 1/1967,
(E.A.C.),
L.N. 16/1968,
L.N. 46/1969.
L.N. 66/1970.
Short title.

Interpretation.

1. These Regulations may be cited as the Pensions Regulations.

2. In these Regulations, except where the context otherwise requires—

“pensionable service” means service which may be taken into account in computing pension under these Regulations;

“qualifying service” means service which may be taken into account in determining whether an officer is eligible by length of service for pension or gratuity.

Part II—Officers without other public service

Application of Part II.

3. Save when the Authority in any special case otherwise directs, this Part shall not apply in the case of any officer transferred to or from the service of the Community or the Corporation from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity for which the officer would have been eligible, if the service of the officer had been wholly under the Community or the Corporation.

Pensions; to whom and at what rates to be granted.

4. (1) Subject to the Act and these Regulations, every officer holding a pensionable office in the service of the Community or the Corporation, who has been in such service, including prior continuous service in the High Commission or the Organization, or both, in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service.

(2) Notwithstanding paragraph (1), is shall be lawful to grant to any officer who retires in accordance with the terms of an approved special retirement scheme such addition to the annual rate provided for in that paragraph as may be authorized by such scheme.

5. Every officer, otherwise qualified for a pension, whose service in a civil capacity in the High Commission, in the Organization, or in the Community or the Corporation (as the case may be), or consecutively in more than one of them, does not amount to ten years, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period might have been granted to him under regulation 4 of these Regulations.

Gratuities where length of service does not qualify for pension.

6. Where a female officer having held a pensionable office or offices in the service of the High Commission, or the Organization, or of the Community or the Corporation (as the case may be), or consecutively of more than one of them, for not less than five years and having been confirmed in a pensionable office resigns from the service of the Community or the Corporation, as the case may be, on or with a view to marriage, or is required to retire from such service on account of her marriage, and is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part of these Regulations, she may be granted, on production within six months after her resignation or retirement, or such longer period as the Authority may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-twelfth of a month's pensionable emoluments for each complete month of pensionable service in the service of the High Commission, of the Organization, of the Community or the Corporation (as the case may be) or consecutively of more than one of them, or one year's pensionable emoluments whichever is the less.

Marriage gratuities.

Part III—Transferred Officers

7. This Part shall apply only in the case of an officer transferred to or from the service of the High Commission, the Organization, the Community or the Corporation from or to other public service.

Application of Part III.

8. In this Part and in Part IV—

Interpretation.

“scheduled Government” means the Government of any territory, or any authority, mentioned in the Schedule to these Regulations, the Government of Ceylon in respect of any officer appointed to the service of that Government prior to the 4th February 1948, the Government of Palestine in respect of any officer appointed to the service of that Government prior to the 15th May 1948, the High Commissioner for Transport in Kenya and Uganda in respect of any officer appointed to the service of that authority prior to 1st May 1948, and the Interim Commissioner for the West Indies in respect of any person deemed to have been appointed or appointed to service as Judge, Registrar, Officer or servant of the British Caribbean Court of Appeal by or under the British Caribbean Court of Appeal Order in Council, 1962;

"service in the group" means service under the High Commission, the Organization, the Community or the Corporation and under a scheduled Government or scheduled Governments.

Pension for service wholly within the group.

9. (1) Where the other public service of an officer to whom this Part of these Regulations applies has been wholly under one or more scheduled Governments and his aggregate service would have qualified him had it been wholly in the service of the Community or the Corporation for a pension under the Act, he may, subject as mentioned in the proviso to section 6 (b) of the Act, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service under the Community or the Corporation, including prior continuous service under the High Commission or the Organization, or both, a pension of such an amount as bears the same proportion to the amount of pension for which he would have been eligible had his service been wholly under the High Commission, the Organization, the Community or the Corporation, as the aggregate amounts of his pensionable emoluments during his service under the Community or the Corporation, including prior continuous service under the High Commission or the Organization or both, bears to the aggregate amounts of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this Regulation the pension for which an officer would have been eligible if his service had been wholly under the High Commission, the Organization, the Community or the Corporation—

- (a) in the application of regulation 19, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of retirement from the public service or during the three years or lesser period preceding that date, as the case may be, except that where the officer is not serving in a scheduled Government at that date, the date upon which he was last transferred from the service of a scheduled Government shall be deemed to be the date of his retirement for the purposes of this subparagraph;
- (b) no regard shall be had to an additional pension granted under regulation 24 or regulation 25;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of his highest pensionable emoluments;
- (d) no period of other public service under a scheduled Government in respect of which no pension or gratuity is granted to him shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of an officer's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay in his substantive office or offices throughout that period of service in the group which is taken into account as pensionable service under these Regulations:

Provided that—

- (a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under a scheduled Government in respect of which no pension or gratuity is granted to him;
- (b) where under regulation 20 part only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, a proportionate part only of the officer's aggregate pensionable emoluments during that service shall be taken into account for such calculation.

10. (1) Subject to paragraph (3), where the other public service of an officer to whom this Part applies has not included service under any of the scheduled Governments, and his aggregate service would have qualified him, had it been wholly in the service of the High Commission, the Organization, the Community, or the Corporation, or more than one of them, for a pension under these Regulations, he may, subject as mentioned in the proviso to section 6 (b) of the Act, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is at last employed to retire on a pension or gratuity, be granted in respect of his service under the High Commission, the Organization, the Community or the Corporation a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service in the High Commission, the Organization, the Community or the Corporation.

Pension where other service not within the group.

(2) Where the officer is not in the service of the Community or the Corporation at the time of his retirement in the circumstances referred to in paragraph (1), his pensionable emoluments for the purposes of such paragraph shall be those which would have been taken for the purpose of computing his pension if he had retired from the public service and been granted a pension at the date of his last transfer from the service of the Community or the Corporation.

(3) Notwithstanding the provisions of this regulation, it shall be lawful to grant to any officer who retires in accordance with the terms of an approved special retirement scheme such addition to the annual rate provided for in this regulation as may be authorized by such scheme.

11. Where a part only of the other public service of an officer to whom this Part applies has been under one or more of the scheduled Governments, regulation 9 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

Pension where other service both within and not within the group.

12. Where an officer to whom this Part applies retires from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, but has not been in the public service in a civil capacity for ten years, he may, subject as mentioned in the proviso to section (6) (b) of the Act, be granted in respect of his service under the High Commission, the Organization, the Community or the Corporation, or more than one of them a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 9, 10, or 11, as the case may be:

Gratuities where length of service does not qualify for pension.

Provided that where such an officer retires from the service of the Government of Tanganyika, Kenya, Uganda or Zanzibar under the provisions of any law which permit him to receive a pension therefrom, notwithstanding that his total pensionable service is less than 10 years, he may be granted, in respect of his service under the High Commission, the Organization, the Community or the Corporation, or more than one of them, a pension calculated in accordance with regulation 9 and in any such case no gratuity under the provisions of this regulation shall be payable.

Marriage
gratuities.

13. A female officer to whom this Part applies who resigns from public service on or with a view to marriage, or is required to retire from public service on account of her marriage, and in consequence—

(a) would, if the whole of her public service had been under the Community or the Corporation, have been eligible for a gratuity under regulation 6; and

(b) if she is, at the date of her resignation or retirement in other public service, eligible for a gratuity under provisions corresponding to that regulation in the law or regulations of the public service in which she is last employed,

may, if she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, be granted a gratuity which bears to the gratuity for which she would be eligible if the whole of her public service had been in the service in which she is last employed the proportion which her service under the High Commission, the Organization, the Community or the Corporation, or more than one of them, bears to her total pensionable service:

Provided that, for the purpose of computing such an officer's total pensionable service under this paragraph, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her resignation or retirement.

Part IV—General

General rules
as to qualifying
service and
pensionable
service.

14. (1) Subject to these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of public service and the date of his leaving the public service, without deduction of any period during which he has been absent on leave.

(2) No period which is not qualifying service by virtue of paragraph (1) shall be taken into account as pensionable service.

(3) No period during which the officer was not in public service shall be taken into account as qualifying service or as pensionable service:

Provided that notwithstanding that Palestine ceased to be a territory under British mandate on the 15th May 1948, any officer who held office in the service of the Government of Palestine immediately prior to that date shall for the purposes of these Regulations be deemed to continue in public service until either he is appointed to public service elsewhere, or if he is not so appointed, he retires or is removed from office.

15. (1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service:

Continuity of service.

Provided that any break in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purposes of this paragraph.

(2) An officer—

- (a) whose pension has been suspended under section 11 of the Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or
- (b) who has retired from the public service without pension on account of ill-health, abolition of office, or reorganization designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service; or
- (c) who has left pensionable service under the Teachers' (Superannuation) Act, 1925, of Parliament, or any Act of Parliament amending or replacing that Act, or under the Colonial Superannuation Scheme, or under any enactment approved by the Authority for the purpose of this regulation, with a view to entering public service not being service pensionable under such Act, Scheme, or enactment, and has, not later than three months, or such extended period as the Authority may in any particular case approve, after leaving such first-mentioned service, received any salary in respect of employment in public service not so pensionable,

15 and 16 Geo.
5 c. 59.

may, if the Authority thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment, or employment, had not occurred, such pension to be in lieu of—

- (i) any pension previously granted to him from the funds of the High Commission, the Organization, the Community or the Corporation; and
- (ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation,

but additional to any gratuity so granted which is not required to be so refunded.

16. No period during which an officer has been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave has been granted on grounds of public policy.

Leave without salary.

17. Where an officer during some period of his service has been on the active list of any of the armed forces of the United Kingdom, and pension contributions have been paid in respect of that period from the funds of the High Commission or of any scheduled Government and have not been refunded, such period shall not be taken into account as pensionable service.

Service in armed forces of U.K.

War service.

18. (1) Where an officer who held a pensionable office serves in the armed forces of the United Kingdom in time of war (in this regulation referred to as "military service"), or in any civilian employment connected with the prosecution of the war (in this regulation referred to as "civilian service"), and before so serving had been employed in the public service, then the following provisions shall have effect—

(a) during the period of such military or civilian service including in the case of—

(i) military service, any period of service with such armed forces after the termination of the war (which period shall be included in the expression "military service");

(ii) civilian service, any period of civilian employment which may be approved by the Authority, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war connected with the prosecution thereof (which period shall be included in the expression "civilian service"),

such officer shall be deemed to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service;

(b) during any period between his leaving the public service for the purpose of serving in such armed forces or in any such civilian employment and the date of his commencing such military or civilian service, he shall be deemed to be on leave without salary, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service prior to such military or civilian service; and during any period between the termination of his military or civilian service and the date of his re-entering the public service he shall, for such purposes, be deemed to be on leave as aforesaid from the public service, and to have held the substantive office, in which he is re-employed:

Provided that—

(A) this regulation shall not apply—

(i) when either period mentioned in subparagraph (b) of this paragraph exceeds three months, or such longer period as the Authority may in any special case determine; or

(ii) if the officer fails after such military or civilian service to re-enter the public service otherwise than in circumstances in which he would be permitted, under the law or regulations applicable to the public service in which he is last employed prior to such military or civilian service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military or civilian service;

- (B) if during any period mentioned in subparagraph (a) of this paragraph the officer has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, subparagraph (a) of this paragraph shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";
- (C) if during his military or civilian service the officer is injured or killed he shall not be deemed to have been injured or killed in the actual discharge of his duty;
- (D) the provisions of this paragraph which require that the officer shall be deemed to have held a specified office and to have been on leave from the public service shall not apply in respect of any period during which he has actually held any other substantive office and has been on leave from any public service;
- (E) the Authority may in any case direct that the provisions of this regulation shall apply where the office in the public service last held by the officer prior to such military or civilian service was not a pensionable office.
- (2) In this regulation the expression "the termination of the war" means such date as the Authority may declare to be the date on which the war terminated for the purposes of this regulation.

19. (1) Subject to paragraph (4), for the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years' pensionable service before his retirement—

Emoluments to be taken for computation of pension or gratuity.

- (a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increment, the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that—

- (i) if such one-third is less than the highest pensionable emoluments enjoyed by him at the date of any transfer within such period of three years, those annual pensionable emoluments shall be taken;
- (ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years and had received

all scale increments which, in the opinion of the Authority, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken;

(iii) if such one-third is more than the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him, those pensionable emoluments shall be taken.

(2) For the purpose of determining under paragraph (1) the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed—

(a) to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his retirement;

(b) to have enjoyed the benefit of any increase due to a general revision of salaries in the pensionable emoluments of any office in the service of the High Commission, the Organization, the Community or the Corporation or of Kenya, Tanganyika, Uganda or Zanzibar held by him as if such increase had been payable throughout such period of three years;

(c) not to have been transferred from one office to another merely because he is promoted from one segment to another of the same scale and thereby suffers a change of nomenclature.

(3) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than three years' pensionable service before his retirement—

(a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;

(b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period;

(c) he shall be deemed to have enjoyed the benefit of any increase due to a general revision of salaries in the pensionable emoluments of any office in the service of the High Commission, the Organization, the Community or the Corporation or of Kenya, Tanganyika, Uganda or Zanzibar, held by him as if such increase had been payable throughout such period;

(d) he shall be deemed not to have been transferred from one office to another merely because he is promoted from one segment to another of the same scale and thereby suffers a change of nomenclature.

(4) For the purpose of computing the amount of the pension or gratuity of an officer who retires in accordance with an approved special retirement scheme, the pensionable emoluments provided for in that scheme for the computation of such pension or gratuity shall be taken.

20. Only service in a pensionable office shall be taken into account as pensionable service:

Provided that—

(a) where a period of continuous service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the officer is confirmed

Service otherwise than in a pensionable office.

therein, one-half of that period, or such greater portion or the whole thereof as the Authority may determine, may be taken into account;

- (b) any break in service which may be disregarded under regulation 15 may likewise be disregarded in determining for the purposes of the preceding proviso whether one period of service immediately follows another period of service;
- (c) where an officer has been transferred from a pensionable office in which he has been confirmed to an office other than a pensionable office and subsequently retires either from a pensionable office or from such other office, his service in such other office may, with the approval of the Authority, be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer;
- (d) where a period of service in a non-pensionable office is taken into account under this regulation, the officer shall, during that period, be deemed for the purposes of regulations 6, 24 and 25 to be holding a pensionable office, and where that period is taken into account under proviso (c) of this regulation, to have been confirmed therein.

21. Any period during which an officer has performed only acting service in a pensionable office may be taken into account as pensionable service if the period of such acting service—

Acting service.

- (a) is not taken into account as part of the officer's own pensionable service in other public service; and
- (b) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same government or authority,

and not otherwise.

22. Save as otherwise provided in these Regulations, there shall not be taken into account as pensionable service—

Service under age of twenty or on probation or agreement.

- (a) any period of service while the officer was under the age of eighteen years or, where it would be to his advantage, twenty years; or
- (b) any period of service while he was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service:

Provided that any break of service which may be disregarded under regulation 15 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

23. Where a pension, gratuity or other allowance is granted in respect of the service of an officer in more than one of the employments set out in the first column hereunder, the amount of such pension, gratuity or other allowance shall be charged on and paid out of the funds set out opposite to such employment in the second column hereunder in the proportions which his aggregate pensionable emoluments in any of them bears to the aggregate pensionable emoluments of his total service under this regulation.

Payment of pension, etc., in respect of service in more than one employment.

*First Column**Second Column*

The High Commission, the Organization, or the Community (other than in the East African Railways and Harbours and the East African Posts and Telecommunications Administrations)

The General Fund of the Community

The East African Railways and Harbours Administration

During the existence of the Administration, the Railways and Harbours Fund and thereafter, the funds of the East African Railways Corporation and the East African Harbours Corporation

The East African Posts and Telecommunications Administration

During the existence of the Administration, the Posts and Telecommunications Fund and thereafter, the funds of the East African Posts and Telecommunications Corporation

The East African Railways Corporation

The funds of that Corporation

The East African Harbours Corporation

The funds of that Corporation

The East African Posts and Telecommunications Corporation

The funds of that Corporation

Part V—Supplementary

Abolition of office and reorganization.

24. If an officer holding a pensionable office retires from the public service in consequence of the abolition of his office or for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected, he may—

- (a) if he has been in the public service for less than ten years, be granted, in lieu of any gratuity under regulation 5 or regulation 12, a pension under regulation 4, 9, 10, or 11, as the case may be, as if the words "for ten years or more" were omitted from such regulation 4;
- (b) if he retires from the service of the Community or the Corporation, be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of three years' pensionable service:

Provided that—

- (i) the addition shall not exceed ten-sixtieths; and
- (ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if he had continued until the age of

55 years to hold the office held by him at the date of his retirement having received all increments for which he would have been eligible by that date.

25. (1) If an officer holding a pensionable office in which he has been confirmed is permanently injured—

Officers retiring
on account of
injuries.

(a) in the actual discharge of his duty; and

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty,

he may—

(i) if his retirement is thereby necessitated or materially accelerated and he has been in the public service for less than ten years, be granted, in lieu of any gratuity under regulation 5 or regulation 12, a pension under regulation 4, 9, 10, or 11, as the case may be, as if the words "for ten years or more" were omitted from regulation 4;

(ii) if so injured while in the service of the High Commission, the Organization, the Community or the Corporation, be granted on retirement an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:—

When his capacity to contribute to his own support is—

slightly impaired, five-sixtieths;
impaired, ten-sixtieths;
materially impaired, fifteen-sixtieths;
totally destroyed, twenty-sixtieths:

Provided that the amount of the additional pension may be reduced to such an extent as the Authority thinks reasonable where the injury is not the cause or the sole cause of retirement.

(2) An officer holding a pensionable office in which he has not been confirmed or a non-pensionable office and so injured while in the service of the High Commission, the Organization, the Community or the Corporation may be granted on retirement a pension of the same amount as the additional pension which might be granted to him under paragraph (1) of this regulation if his office were a pensionable office and he had been confirmed therein; and regulation 26 shall not apply to a pension granted under this paragraph.

(3) For the purposes of this regulation—

(i) an officer who is permanently injured as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have been permanently injured—

(a) in the actual discharge of his duty; and

(b) on account of circumstances specifically attributable to the nature of his duty;

(ii) an officer proceeding by a route approved by the Secretary General or the Director-General of the Corporation, as the case may be, to or from the Partner States at the commencement or termination of his service therein, or of a period of secondment, duty, or leave, therefrom, who is permanently injured as a result of damage to the vessel, aircraft, or vehicle, in which he is travelling, or of any act of violence directed against such vessel, aircraft, or vehicle, shall, if the Authority is satisfied that such damage or act is attributable to circumstances arising out of any war in which any Partner State may be engaged, be deemed to have been permanently injured—

(a) in the actual discharge of his duty; and

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty.

(4) In the case of an officer not holding a pensionable office, the expression "pensionable emoluments" in this regulation means the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(5) (a) In the case of the death of an officer whose dependants are entitled to compensation under any law relating to workmen's compensation, the Authority may take such compensation into account to such extent as it thinks fit in fixing the amount of pension to be paid under this regulation and may withhold or reduce the pension accordingly;

(b) paragraph 1 (ii) and paragraph (2) of this regulation shall not apply in the case of the death of any officer where benefits corresponding to the benefits granted under the said paragraphs are payable under the Colonial Superannuation Scheme.

Gratuity and
reduced pension.

26. (1) Subject to paragraph (3), any officer to whom a pension is granted under the Act may, at his option, be paid in lieu of such pension a pension at the rate of three-fourths or any greater fraction of such pension together with a gratuity equal to twelve and a half times the amount of the reduction so made in the pension:

Provided that in the application of this regulation to cases where the limitation prescribed by section 9 (2) of the Act operates, the words "such pension" shall mean the amount of pension which the officer would have drawn from the funds of the Community or the Corporation, as the case may be, if he had not exercised his option under this regulation.

(2) The option referred to in paragraph (1) of this regulation shall be exercisable, and if it has already been exercised may be revoked, not later than the day immediately preceding the date of his retirement from the public service, or at such later date as the Authority may in any special case approve.

(3) In respect of any officer who retires in accordance with the provisions of an approved special retirement scheme, the pension and gratuity provided for in that section shall be subject to such modification as is provided for in such scheme.

27. (1) An officer holding a pensionable office in which he has not been confirmed or a non-pensionable office who is not eligible for any pension, gratuity, or allowance from the funds of the Community or the Corporation, other than a pension under regulation 25 (2) of these Regulations or such a gratuity as is referred to in proviso (iii) to this paragraph, may, if he has been in the public service—

Compassionate gratuity for non-pensionable officers.

(a) for not less than seven years and—

(i) retires from such service in the circumstances described in section 6 (e) of the Act; or

(ii) is removed from such service in either of the circumstances described in paragraphs (c) or (d) of section 6 of the Act; or

(b) for not less than ten years and retires from such service in any of the circumstances described in paragraphs (a) or (b) of section 6 of the Act,

be granted a compassionate gratuity of an amount not exceeding one-twelfth of a month's pay at the date of his retirement for each complete month of his service under the High Commission, the Organization, the Community or the Corporation, or two or more of them continuously which would be pensionable service if he were eligible for a pension under these Regulations:

Provided that—

- (i) an officer whose other public service has been or has included East African service (that is to say, service in a civil capacity under one or more of the East African Dependencies as defined in Part I of the Second Schedule to the Act) shall be granted a compassionate gratuity which shall be calculated on his pay at the date of his retirement from the service of the Community or the Corporation or from such East African service, as the case may be, and which shall bear to the compassionate gratuity for which he would be eligible if the whole of his public service had been service under the High Commission, the Organization, the Community or the Corporation, or two or more of them continuously the proportion which his service under the High Commission, the Organization, the Community or the Corporation, or two or more of them continuously bears to his total public service under the High Commission, the Organization, the Community or the Corporation, or two or more of them continuously and in such East African service;
- (ii) for the purpose of computing such total public service, no regard shall be had to any service under a government or authority which does not grant a gratuity on an officer's retirement from the public service under provisions substantially corresponding to those contained in this paragraph;
- (iii) where an officer who is serving on temporary terms of service has been paid or is eligible for a gratuity of 10 per cent of his salary from the funds of the Community or the Corporation under the terms of his agreement of service, then there shall be deducted from the compassionate gratuity for which he is eligible under this paragraph the amount of the gratuity which has been paid or which is payable to the officer under the terms of his agreement of service;

(iv) notwithstanding that an officer may be eligible for a benefit under the Provident Fund Act he may upon his retirement or removal from office in accordance with this paragraph, be granted a compassionate gratuity under the paragraph if his service, including service as a depositor under the said Provident Fund Act so enables, but in calculating any such compassionate gratuity, except as hereinbefore provided, service as a depositor under the said Provident Fund Act shall not be taken into account.

(2) An officer who has been granted a gratuity under paragraph (1), who has been in the public service for not less than twenty years and whose salary on retirement is not more than Sh. 350 per month, or such other figure as the Authority may declare for the purposes of this paragraph, may, in addition to such gratuity, be granted an annual allowance at the following rates—

(a) where the officer has been in the public service for thirty years or more, an annual allowance of Sh. 360 or, if he has other public service, an annual allowance as bears the same proportion to an annual allowance of Sh. 480 as his service under the High Commission, the Organization, the Community or the Corporation, or two or more of them continuously, which would be pensionable if the officer were pensionable bears to his total public service;

(b) where the officer has been in the public service for twenty-five years or more but less than thirty years, an annual allowance of Sh. 400 or, if he has other public service, an annual allowance as bears the same proportion to an annual allowance of Sh. 400 as his service under the High Commission, the Organization, the Community or the Corporation, or two or more of them continuously, which would be pensionable if the officer were pensionable bears to his total public service;

(c) where the officer has been in the public service for twenty years or more but less than twenty-five years, an annual allowance of Sh. 320 or, if he has other public service, an annual allowance as bears the same proportion to an annual allowance of Sh. 320 as his service under the High Commission, the Organization, the Community or the Corporation, or two or more of them continuously, which would be pensionable if the officer were pensionable bears to his total public service:

Provided that, in the case of an officer who receives a compassionate gratuity under paragraph (1) by virtue of proviso (iv) thereof, for the purposes of this paragraph service as a depositor under the Provident Fund Act shall not be taken into account.

(3) Where an officer holding a non-pensionable office and having not less than seven years public service dies while in the service of the Community or the Corporation and his dependants are not otherwise eligible for any gratuity under the Act or these Regulations, it shall be lawful for the Authority to grant to the dependants of such officer a gratuity of an amount not exceeding the amount which might have been granted to the officer under paragraph (1) (a) (i) of this regulation had he retired in the circumstances set out therein at the date of his death.

- (4) For the purposes of this regulation—
- (a) "pay" includes the value of free quarters and any allowance which the Authority may think fit to include;
- (b) notwithstanding regulation 15, directions may be given by the Authority, either generally or in any particular case, for disregarding breaks in service from whatever cause and for determining the minimum number of days work in any year which shall count as a complete year of service; and such directions shall have effect as if they were contained in these Regulations;
- (c) an officer who, having held a non-pensionable office, is serving on probation in a pensionable office shall be deemed to hold a non-pensionable office and his pay shall be deemed to be the pensionable emoluments of the pensionable office or the pay last received by him in respect of his service in a non-pensionable office, whichever is the greater.

SCHEDULE

(r. 8)

Aden.
 Antigua.
 Bahamas.
 Barbados.
 Basutoland
 Bechuanaland Protectorate.
 Bermuda.
 British Guiana.
 British Honduras.
 British Solomon Islands Protectorate.
 Cayman Islands.
 Crown Agents for the Colonies.
 Cyprus.
 Dominica.
 East African Harbours Corporation.
 East African Railways Corporation.
 Eastern Region of Nigeria.
 Employing authorities under the Colonial Superannuation Scheme.
 Falkland Islands.
 Federated Malay States.
 Federation of Malaya.
 Federation of Nigeria.
 Federation of Rhodesia and Nyasaland.
 Fiji.
 Gambia.
 Ghana.
 Gibraltar.
 Gilbert and Ellice Islands Colony.
 Gold Coast.
 Grenada.
 High Commission in respect of an officer in the service of the
 East African Railways and Harbours Administration who is
 not the holder of a pensionable office under the Act.
 Hong Kong.
 Jamaica.
 Interim Commissioner for the West Indies

SCHEDULE—(Contd.)

Kenya.
Kingdom of Lesotho.
Kumasi College of Technology.
Leeward Islands (before 1st July 1956).
Malawi.
Malayan Establishment.
Malayan Union.
Malta.
Mauritius.
Montserrat.
New Hebrides.
Nigeria.
North Borneo.
Northern Region of Nigeria.
Northern Rhodesia.
Nyasaland.
Organization in respect of an officer in the service of the East African Railways and Harbours Administration who is not the holder of a pensionable office under the Act.
Overseas Audit Department (Home Establishment).
Post Office, United Kingdom of Great Britain and Northern Ireland.
Republic of Botswana.
Republic of Southern Yemen.
St. Christopher, Nevis and Anguilla.
St. Helena.
St. Lucia.
St. Vincent.
Sarawak.
Service under the Overseas Service Act 1948 of the United Kingdom.
Seychelles.
Sierra Leone.
Singapore.
Somaliland.
Southern Rhodesia.
Straits Settlements
Swaziland.
Tanganyika.
Tonga.
Trinidad and Tobago.
Turks and Caicos Islands.
Uganda.
Union of South Africa.
United Kingdom of Great Britain and Northern Ireland.
Virgin Islands.
Western Region of Nigeria.
West Indies (Federation).
Zambia.
Zanzibar.

SECOND SCHEDULE

(s. 18)

APPLICATION OF THE ACT AND REGULATIONS TO CERTAIN OFFICERS
OF THE HIGH COMMISSION8 of 1954,
L.N. 50/1955.*Part I—Preliminary*

1. The provisions of this Schedule shall apply to officers in the service of the High Commission, other than officers in the East African Office in London.

Application of
Schedule.

2. In this Schedule and in the application of the Act and of the Regulations to any officer to whom the provisions of this Schedule apply—

Interpretation.

“East African Dependencies” means Kenya, Tanganyika, Uganda, the Zanzibar Protectorate, the Nyasaland Protectorate, the Somaliland Protectorate, Northern Rhodesia, the High Commission in respect of service in the East African Railways and Harbours Administration, and the High Commissioner for Transport in Kenya and Uganda in respect of service prior to 1st May 1948;

“East African service” means service in a civil capacity under one or more of the East African Dependencies;

“elected” includes cases where an officer under the provisions of High Commission Circular No. 14 of 15th November 1948, is deemed to have elected;

“new terms of service” means the new terms of service contained in High Commission Circular No. 14 of 15th November 1948, and any amendments or additions thereto;

“Regulations” means the Pensions Regulations contained in the First Schedule.

*Part II—Officers other than those Transferred from
East African Service*

3. The provisions of this Part shall apply only in the case of officers other than those transferred from East African service directly to the service of the High Commission.

Application of
Part II of
Schedule.

4. An officer to whom this Part applies who is first appointed to the service of the High Commission on or after the 3rd September 1948, or who was appointed to that service prior to that date and who has elected for the new terms of service, or was not eligible to elect for such terms, shall be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

Officers first
appointed on
or after 3rd
September 1948,
or who are
appointed prior
to that date
and elect
for new terms.

- (1) who was appointed to public service prior to the 1st January 1930, and whose public service has been wholly under one or more of the scheduled Governments and who immediately prior to his appointment to the service of the High Commission was eligible to have his pension calculated in accordance with a provision corresponding to that set out in this subparagraph, regulation 9 of the Regulations shall have effect as if a third proviso were added at the end of paragraph (3) as follows:—

SECOND SCHEDULE—(Contd.)

(c) where it would be to the advantage of the officer, his pension in respect of his service under the High Commission may be calculated as if any scheduled Government in which he has served were not a scheduled Government;

- (2) if the officer retires prior to the 1st January 1949, and for the purpose of computing his pension his case falls within regulation 19 (c) of the Regulations, then regulation 9 of the Regulations shall have effect as if there were added to paragraph (2) (a) the following proviso:—

Provided that where his pensionable emoluments are determined by reference to the pensionable emoluments enjoyed by him during the three years preceding the date of retirement from public service, then, for the purpose of such determination, the pensionable emoluments enjoyed by him in his former office shall be deemed to have been the pensionable emoluments of that office which he would have enjoyed had his service in such office been after 1st January 1946.

5. Subject to paragraph 6 of this Part, an officer to whom this Part applies who was appointed to the service of the High Commission prior to the 3rd September 1948, and who has elected not to be subject to the new terms of service shall be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

- (1) for paragraph (a) of the definition of "pensionable emoluments" in section 2 (1) of the Act there shall be substituted the following:—
- (a) in respect of service under the High Commission, includes salary, personal allowance, and house allowance, but does not include duty allowance, entertainment allowance, or any other emoluments whatever;
- (2) there shall be inserted in section 2 (1) of the Act the following definition:—
- "house allowance" means the estimated value of free quarters, which shall be deemed to be fifteen per centum—
- (a) of the salary of the officer if such salary is non-incremental; or
- (b) of the initial salary of the officer if such salary is incremental; and the point in a salary scale immediately after any efficiency bar or promotion bar shall be deemed to be the initial salary of the officer in relation to any officer who has passed that efficiency bar or promotion bar:

Provided that the estimated value of free quarters shall—

- (a) in respect of an officer to whom any of the enactments specified in paragraphs 1 to 8 of the Fourth Schedule applies, in no case be less than fifty pounds per annum nor more than one hundred and fifty pounds per annum;

Officers appointed prior to 3rd September 1948, who elect old terms.

SECOND SCHEDULE—(Contd.)

- (b) in respect of an officer to whom any of the enactments specified in paragraphs 9 to 12 of the Fourth Schedule applies, in no case be less than twenty-four pounds per annum nor more than seventy-two pounds per annum;
- (3) the proviso to section 6, section 16 (2), and section 21 of the Act, regulation 6, regulation 13, and regulation 24 (b) of the Regulations shall not have effect;
- (4) for the words "the amount which he would have received if he had not received a gratuity" in the proviso to section 9 (2) of the Act there shall be substituted the words "four-thirds of the actual amount";
- (5) who was appointed to public service prior to the 1st January 1930, and whose public service has been wholly under one or more of the scheduled Governments, and who immediately prior to his appointment to the service of the High Commission was eligible to have his pension calculated in accordance with a provision corresponding to that set out in this subparagraph, regulation 9 of the Regulations shall have effect as if a third proviso were added at the end of paragraph (3) as follows:—
- (c) where it would be to the advantage of the officer, his pension in respect of his service under the High Commission may be calculated as if any scheduled Government in which he has served were not a scheduled Government.;
- (6) there shall be deleted from regulation 26 of the Regulations the words "or any greater fraction";
- (7) for the words "one-twelfth of a month's pay at the date of his retirement for each complete month" in regulation 27 (1) of the Regulations there shall be substituted the words "one pound or one week's pay, whichever is the greater, for each complete year".

6. An officer to whom the provisions of paragraph 5 of this Part of this Schedule apply who is on or after the 3rd September 1948, transferred to any other office, whether in the service of the High Commission or in other public service, shall cease to be subject to such provisions and shall thereupon in respect of the whole of his service under the High Commission be deemed to be an officer to whom the provisions of paragraph 4 of this Part apply.

Officers to whom paragraph 5 applies and who are subsequently transferred to another office.

Part III—Officers Transferred from East African Service

7. The provisions of this Part shall apply only in the case of officers transferred from East African service directly to the service of the High Commission.

Application of Part III of Schedule.

8. An officer to whom this Part of this Schedule applies who is transferred to the service of the High Commission on or after the 3rd September 1948, and who immediately prior to such transfer was

Officers transferred on or after 3rd September 1948.

SECOND SCHEDULE—(Contd.)

eligible in respect of his service in the East African Dependency from which he was so transferred to have his pension, gratuity, or other allowance, calculated in accordance with—

- (1) any provisions corresponding with the provisions set out in paragraphs 9 to 13 of this Schedule, shall be deemed for the purposes of this Part of this Schedule—
 - (a) in the case of an officer who is transferred to the service of the High Commission solely by reason of any Proclamation or Order made under the provisions of section 9 or section 45 (as the case may be) of the Order in Council, to be an officer who was transferred to the service of the High Commission prior to the 3rd September 1948, and who elected for the new terms of service;
 - (b) in any other case, to be an officer who was transferred to the service of the High Commission prior to the 3rd September 1948, and who elected for the new terms of service:

Provided that the provisions of paragraph 9 (2) and paragraph 10 (3) (c) of this Schedule shall not in any case apply to such officer;

- (2) any provisions corresponding with the provisions set out in paragraph 14 of this Schedule, shall be deemed for the purposes of this Part of this Schedule—
 - (a) in the case of an officer who is transferred to the service of the High Commission solely by reason of any Proclamation or Order made under the provisions of section 9 or section 45 (as the case may be) of the Order in Council, to be an officer who was transferred to the service of the High Commission prior to the 3rd September 1948, and who elected not to be subject to the new terms of service;
 - (b) in any other case, to be an officer who was transferred to the service of the High Commission prior to the 3rd September 1948, and who elected for the new terms of service:

Provided that the provisions of paragraph 9 (2) and paragraph 10 (3) (c) of this Schedule shall not in any case apply to such officer;

- (3) any other provisions, shall be subject to the provisions of the Act and of the Regulations.

9. An officer to whom this Part of this Schedule applies who was transferred to the service of the High Commission prior to the 3rd September 1948, who elected for the new terms of service and who immediately prior to his transfer to the service of the High Commission held a pensionable office under any of the enactments specified in paragraphs 1 to 8 of the Fourth Schedule shall be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

- (1) if the officer under the provisions of any such enactment was eligible on retirement in circumstances in which he might be granted a pension or gratuity to have such pension or gratuity

Officers transferred prior to 3rd September 1948, who elect new terms and were eligible for a free pension on European terms.

SECOND SCHEDULE—(Contd.)

calculated in respect of his public service immediately prior to the 1st January 1946, at the annual rate of one four-hundred-and-eightieth of his pensionable emoluments for each complete month of pensionable service, then regulation 9 of the Regulations shall have effect as if there were inserted at the end of paragraph (2) thereof the following subparagraph:—

(e) in the application of regulation 4 of these Regulations—

- (i) his pension shall be calculated separately in respect of pensionable service prior to the 1st January 1946, and in respect of pensionable service on or after that date; and where as a result of such separate calculation he would otherwise suffer a loss of one month's pensionable service, then one month's pensionable service shall be added to the period with the greatest number of residual days or, if such residual days are equal, to the period prior to the 1st January 1946; and
 - (ii) in respect of the period prior to the 1st January 1946, his pension shall be calculated at the annual rate of one four-hundred-and-eightieth of his pensionable emoluments for each complete month of pensionable service and in respect of the period on or after the 1st January 1946, his pension shall be calculated in accordance with the provisions of regulation 4 of these Regulations; and
 - (iii) the sum arrived at by adding together the amounts of such separate calculations shall be the pension for which he would have been so eligible;
- (2) if under the provisions of any such enactment the pensionable emoluments of the officer included house allowance calculated at fifteen per centum of his salary without any maximum and the officer, not having been transferred from the service of the East African Dependency in which he was serving on the 1st April 1933, until his appointment to the service of the High Commission and thereafter not having been transferred from such last-mentioned service, retires from an office the initial or fixed salary of which is £1,335 per annum or more, then, for the purpose of ascertaining his pensionable emoluments for any calculation made under subparagraph (e) (ii) of regulation 9 (2) (as inserted by subparagraph (1) of this paragraph) in respect of the period prior to the 1st January 1946, his salary during any period in which he was serving in such office shall be deemed to be the amount resulting from the reduction by ten per centum, subject to a maximum reduction of £150, of his actual salary and the addition to that reduced figure of fifteen per centum of that reduced figure;
- (3) if the officer retires prior to the 1st January 1949, and for the purpose of computing his pension his case falls within regulation 19 (c) of the Regulations, then regulation 9 of the

SECOND SCHEDULE—(Contd.)

Regulations shall have effect as if there were added to paragraph (2) (a) the following proviso:—

Provided that where his pensionable emoluments are determined by reference to the pensionable emoluments enjoyed by him during the three years preceding the date of retirement from public service, then, for the purpose of such determination, the pensionable emoluments enjoyed by him in any former office shall be deemed to have been the pensionable emoluments of that office which he would have enjoyed had his service in such office been after the 1st January 1964;

- (4) if the officer under the provisions of any such enactment was entitled to retire after completing twenty years' East African pensionable service then—
- (a) section 6 (a) of the Act shall have effect as if there were added at the end thereof the words "or on or after the completion of twenty years' East African pensionable service";
- (b) section 8 (a) of the Act shall have effect as if there were added at the end thereof the words "or after the completion of twenty years' East African pensionable service";
- (5) if the officer was appointed to public service prior to the 1st January 1930, and his public service has been wholly under one or more of the scheduled Governments and immediately prior to his appointment to the service of the High Commission he was eligible to have his pension calculated in accordance with a provision corresponding to that set out in this subparagraph, regulation 9 of the Regulations shall have effect as if a third proviso were added to the end of paragraph (3) as follows:—
- (c) where it would be to the advantage of the officer, his pension in respect of his service under the High Commission may be calculated as if any scheduled Government in which he has served were not a scheduled Government;
- (6) if the officer under the provisions of any such enactment was entitled to elect, and does elect, to have his pension computed in accordance with the provisions of the enactments specified in paragraph 21 of the Fourth Schedule, then—
- (a) regulation 22 (a) of the Regulations and regulation 26 of the Regulations and subparagraph (6) of this paragraph shall not have effect;
- (b) subparagraph (1) of this paragraph and regulation 9 (2) (e) of the Regulations (as inserted by such subparagraph (1)) shall have effect as if for the words "one four-hundred-and-eightieth of his pensionable emoluments for each complete month" there were substituted the words "one-fortieth of his pensionable emoluments for each complete year" and as if the words "and where as a result of such separate calculation he would otherwise suffer

SECOND SCHEDULE—(Contd.)

a loss of one month's pensionable service, then one month's pensionable service shall be added to the period with the greatest number of residual days or, if such residual days are equal, to the period prior to the 1st January 1946" were deleted therefrom;

- (c) regulation 9 (3) of the Regulations shall have effect as if the words "subsequent to the attainment of the age of twenty years" were deleted therefrom.

10. An officer to whom this Part applies, who was transferred to the service of the High Commission prior to the 3rd September 1948, who elected for the new terms of service, and who immediately prior to his transfer to the service of the High Commission held a pensionable office under any of the enactments specified in paragraphs 9 to 12 of the Fourth Schedule, shall be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

Officers transferred prior to 3rd September 1948, who elect new terms and were eligible for free pension on non-European terms.

- (1) if the officer under the provisions of any such enactment was entitled to retire after completing thirty years' East African pensionable service then—

(a) section 6 (a) of the Act shall have effect as if there were added at the end thereof the words "or on or after the completion of thirty years' East African pensionable service";

(b) section 8 (a) of the Act shall have effect as if there were added at the end thereof the words "or after the completion of thirty years' East African pensionable service";

- (2) if the officer retires prior to the 1st January 1949, and for the purposes of computing his pension his case falls within regulation 19 (c) of the Regulations, then regulation 9 of the Regulations shall have effect as if there were added to paragraph (2) (a) the following proviso:—

"Provided that where his pensionable emoluments are determined by reference to the pensionable emoluments enjoyed by him during the three years preceding the date of retirement from public service, then, for the purpose of such determination, the pensionable emoluments enjoyed by him in his former office shall be deemed to have been the emoluments of that office which he would have enjoyed had his service in such office been after the 1st January 1946;";

- (3) if the officer under the provisions of any such enactment was entitled to elect, and does elect, to have his pension computed in accordance with the provisions of the enactments specified in paragraph 21 of the Fourth Schedule, then—

(a) regulation 22 (a) of the Regulations and regulation 26 of the Regulations shall not have effect;

SECOND SCHEDULE—(Contd.)

- (b) regulation 9 of the Regulations shall have effect as if there were inserted at the end of paragraph (2) thereof the following subparagraph:—
- (e) in the application of regulation 4 of these Regulations—
- (i) his pension shall be calculated separately in respect of pensionable service prior to 1st January 1946, and in respect of pensionable service on or after that date;
 - (ii) in respect of the period prior to the 1st January 1946, his pension shall be calculated at the annual rate of one-fiftieth of his pensionable emoluments for each complete year of pensionable service and in respect of the period on or after the 1st January 1946, his pension shall be calculated in accordance with the provisions of regulation 4 of these Regulations; and
 - (iii) the sum arrived at by adding together the amounts of such separate calculations shall be the pension for which he would have been so eligible.;
- (c) if the pensionable emoluments of the officer included house allowance calculated at fifteen per centum of his salary without any maximum and the officer, not having been transferred from the service of the East African Dependency in which he was serving on the 1st April 1933, until his appointment to the service of the High Commission and thereafter not having been transferred from such last mentioned service, retires from an office the initial or fixed salary of which is £801 per annum or more, then, for the purpose of ascertaining his pensionable emoluments for any calculation made under subparagraph (e) (ii) of regulation 9 (2) (as inserted by this subparagraph) in respect of the period prior to the 1st January 1946, his salary during any period in which he was serving in such office shall be deemed to be the amount resulting from the reduction by ten per centum, subject to a maximum reduction of £50, of his actual salary and the addition to that reduced figure of fifteen per centum of that reduced figure;
- (d) paragraph (3) of regulation 9 of the Regulations shall have effect as if the words "subsequent to the attainment of the age of twenty years" were deleted therefrom;
- (4) if the officer is transferred to the service of the High Commission solely by reason of any Proclamation or Order made under the provisions of section 9 or section 45 (as the case may be) of the Order in Council and under the provisions of any of the enactments specified in paragraphs 9 to 12 of the Fourth Schedule he would have been eligible, had he continued in the service from which he was so transferred for the requisite period, to receive a pension in respect of

SECOND SCHEDULE—(Contd.)

such service without regard being had to any provisions corresponding to the provisions of regulation 22 (a) of the Regulations, then regulation 22 (a) shall not have effect.

11. An officer to whom this Part applies who was transferred prior to the 3rd September 1948, to an office in the service of the High Commission, which office is in the opinion of the High Commission—

(a) pensionable solely in consequence of the new terms of service; or

(b) pensionable irrespective of the new terms of service, and who elected for the new terms of service and who immediately prior to his transfer to the service of the High Commission was a contributor under either of the enactments specified in paragraphs 13 and 14 of the Fourth Schedule shall, in the first case, on surrendering all claim to any refund of contributions made in respect of any period between his attaining the age of twenty years and the 1st January 1946, and in the second case, on being refunded his contributions, together with interest thereon, in accordance with the provisions of the appropriate enactment, and in either case, on surrendering all claim to any benefits under such enactment, be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

(1) if the officer retires prior to the 1st January 1949, and for the purpose of computing his pension his case falls within regulation 19 (c) of the Regulations, then regulation 9 of the Regulations shall have effect as if there were added to subparagraph (a) of paragraph (2) the following proviso:—

Provided that where his pensionable emoluments are determined by reference to the pensionable emoluments enjoyed by him during the three years preceding the date of retirement from public service, then, for the purpose of such determination, the pensionable emoluments enjoyed by him in his former office shall be deemed to have been the pensionable emoluments of that office which he would have enjoyed had his service in such office been after the 1st January 1946;

(2) regulation 20 of the Regulations shall have effect as if a further proviso were added at the end thereof as follows—

(e) any period of continuous service during which the officer was contributing under the Kenya European Civil Service Contributory Pensions Ordinance or the East African Railways and Harbours Superannuation Fund Regulations shall be deemed to be service in a pensionable office for the purposes of the Act.

12. An officer to whom this Part applies who was transferred to the service of the High Commission prior to the 3rd September 1948, who elected for the new terms of service and who immediately prior to his transfer to the service of the High Commission held an office in respect of which he made contributions under any of the enactments specified—

(a) in paragraphs 15, 16, 17, or 20, of the Fourth Schedule shall, if the office in the service of the High Commission to which

Officers transferred prior to 3rd September 1948, who elect new terms of service and who were eligible for a contributory pension.

Officers transferred prior to 3rd September 1948, who elect new terms and who were eligible for provident fund benefits.

SECOND SCHEDULE—(Contd.)

he is transferred is, in the opinion of the High Commission—

- (i) an office pensionable solely in consequence of the new terms of service, on surrendering all claim to any refund of contributions made in respect of any period between his attaining the age of twenty years and the 1st January 1946, and to any benefits under such enactment; or
 - (ii) an office pensionable irrespective of the new terms of service, on being refunded his contributions, together with interest thereon, in accordance with the provisions of the appropriate enactment and on surrendering all claim to any benefits under any such enactment;
- (b) in paragraphs 18 or 19 of the Fourth Schedule shall, on being refunded his contributions, together with interest thereon, in accordance with the provisions of the appropriate enactment and on surrendering all claim to any benefits under any such enactment,

be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

- (1) if the officer retires prior to the 1st January 1949, and for the purpose of computing his pension his case falls within regulation 19 (c) of the Regulations, then regulation 9 of the Regulations shall have effect as if there were added to paragraph (2) (a) the following proviso:—

Provided that where his pensionable emoluments are determined by reference to the pensionable emoluments enjoyed by him during the three years preceding the date of retirement from public service, then, for the purpose of such determination, the pensionable emoluments enjoyed by him in his former office shall be deemed to have been the pensionable emoluments of that office which he would have enjoyed had his service in such office been after the 1st January 1946;

- (2) regulation 20 of the Regulations shall have effect as if a further proviso were added at the end thereof as follows—
 - (e) any period of continuous service during which the officer was contributing to a provident fund established under any enactment specified in the Fourth Schedule to the Act shall be deemed to be service in a pensionable office for the purposes of the Act.

13. An officer to whom this Part applies who was transferred to the service of the High Commission prior to the 3rd September 1948, who elected for the new terms of service or was not eligible to elect for such terms and who immediately prior to his transfer to the service of the High Commission did not hold a pensionable office nor an office in respect of which he contributed to a contributory pension fund or a provident fund under the provisions of any of the enactments specified in the Fourth Schedule, shall be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

- (i) if the officer retires prior to the 1st January 1949, and for the purpose of computing his pension his case falls within

Officers transferred prior to 3rd September 1948, who elect new terms and who were not eligible for pension or provident fund benefits.

SECOND SCHEDULE—(Contd.)

regulation 19 (c) of the Regulations, then regulation 9 of the Regulations shall have effect as if there were added to paragraph (2) (a) the following proviso:—

Provided that where his pensionable emoluments are determined by reference to the pensionable emoluments enjoyed by him during the three years preceding the date of retirement from public service, then, for the purpose of such determination, the pensionable emoluments enjoyed by him in his former office shall be deemed to have been the pensionable emoluments of that office which he would have enjoyed had his service in such office been after the 1st January 1946;

- (ii) if the officer is transferred to the service of the High Commission solely by reason of any Proclamation or Order made under the provisions of section 9 or section 45 (as the case may be) of the Order in Council and under the provisions of any of the enactments specified in the Fourth Schedule he would have been eligible, had he continued in the service from which he was so transferred for the requisite period, to receive a gratuity in respect of such service without regard being had to any provisions corresponding to the provisions of paragraph (a) of regulation 22 of the Regulations, then paragraph (a) of such regulation 22 shall not have effect.

14. Subject to paragraph 15 of this Part, an officer to whom this Part applies who was transferred to the service of the High Commission prior to the 3rd September 1948, and who has elected not to be subject to the new terms of service, shall continue to be eligible to receive benefits on retirement and to make contributions, if any, in accordance with the provisions of the enactments specified in the Fourth Schedule which applied to him immediately prior to his transfer to the service of the High Commission, save that in the application of those provisions to any such officer—

Officers transferred prior to 3rd September 1948, who elect old terms.

- (1) references to the Governor, the Governor in Council, or the Government, shall be construed as references to the High Commission;
- (2) references to service in the Territory in which any such enactment applied shall be construed as references to service under the High Commission;
- (3) the Territory in which any such enactment applied shall be deemed to be a scheduled Government for the purposes of that enactment;
- (4) references to a board or any similar body shall be deemed to be references to the Finance Member or to any other person approved for this purpose by the High Commission;
- (5) references to the Gazette of a Territory shall be deemed to be references to the High Commission Gazette;
- (6) references to any fund shall be deemed to be references to such fund, if any, as may be approved by the High Commission for the payment in of any contributions and the payment out of any benefits; and the funds of the High Commission shall, in accordance with the provisions of

SECOND SCHEDULE—(Contd.)

section 4 of the Act and regulation 23 of the Regulations, be charged with the payment of any benefits payable in accordance with the provisions of this paragraph;

- (7) all such other adaptations and modifications shall be deemed to have been made as may be necessary to enable such enactments to be applied to officers in the service of the High Commission in accordance with the provisions of this paragraph

Officers to whom paragraph 14 applies and who are subsequently transferred to another office.

15. An officer to whom the provisions of paragraph 14 of this Part of this Schedule applies who is on or after the 3rd September 1948, transferred to any other office, whether in the service of the High Commission or in the other public service, shall cease to be subject to such provisions, and shall thereupon in respect of the whole of his service under the High Commission be deemed to be an officer who was transferred to the service of the High Commission prior to the 3rd September 1948, and who elected for the new terms of service.

PART IV—EFFECT OF REVISED TERMS OF SERVICE

Interpretation and application of Part IV.

16. (1) In this Part of this Schedule—

“revised terms of service” means the revised terms of service contained in High Commission Circular No. 69 of the 20th December 1954;

“elected”, with its grammatical variations and cognate expressions, includes cases where an officer under the terms of High Commission Circular No. 69 of the 20th December 1954, is assumed to have elected for the revised terms of service.

(2) The provisions of this Part shall apply to officers to whom the provisions of Parts II and III of this Schedule apply.

Officers to whom paragraph 4 applied.

17. An officer to whom immediately prior to his election the provisions of paragraph 4 of Part II of this Schedule applied shall, whether or not he has elected for the revised terms of service, remain subject to such provisions.

Officers to whom paragraph 5 applied.

18. An officer to whom immediately prior to his election the provisions of paragraph 5 of Part II of this Schedule applied shall—

- (1) if he has elected for the revised terms of service, cease to be subject to the provisions of such paragraph 5 and shall thereupon, in respect of the whole of his service under the High Commission, be deemed to be an officer to whom the provisions of paragraph 4 of such Part apply;
- (2) if he has elected not to be subject to the revised terms of service, remain subject to the provisions of such paragraph 5.

Officers coming under paragraph 18 (2) who are subsequently transferred to another office.

19. An officer to whom the provisions of paragraph 18 (2) of this Part of this Schedule apply and who is, on or after the 16th December 1954, transferred to any other office, whether in the service of the High Commission or in other public service, shall cease to be subject to such provisions and shall thereupon, in respect of the whole of his service under the High Commission, be deemed to be an officer to whom the provisions of paragraph 4 of Part II of this Schedule apply.

SECOND SCHEDULE—(Contd.)

20. An officer to whom immediately prior to his election the provisions of paragraph 8 of Part III of this Schedule applied shall—

- (1) if he has elected for the revised terms of service, remain subject to the provisions of such paragraph 8, save that subparagraph (2) shall cease to apply to any such officer and thereupon, in respect of the whole of his service under the High Commission, an officer to whom the provisions of such subparagraph applied prior to such election shall be deemed to be an officer to whom the provisions of subparagraph (1) or (3), as the case may be, apply;
- (2) if he has elected not to be subject to the revised terms of service, remain subject to the provisions of such paragraph 8.

Officers to whom paragraph 8 applied.

21. An officer to whom immediately prior to this election the provisions of paragraph 9, 10, 11, 12 or 13 of Part III of this Schedule applied shall, whether or not he has elected for the revised terms of service, remain subject to the provisions of such paragraph 9, 10, 11, 12 or 13, as the case may be.

Officers to whom paragraphs 9 to 13 applied.

22. An officer to whom immediately prior to his election the provisions of paragraph 14 of Part III of this Schedule applied shall—

- (1) if he has elected for the revised terms of service, cease to be subject to the provisions of such paragraph 14 and shall thereupon, in respect of the whole of his service under the High Commission, be deemed to be an officer to whom the provisions of paragraph 8, 9, 10, 11, 12 or 13, as the case may be, apply;
- (2) if he has elected not to be subject to the revised terms of service, remain subject to the provisions of such paragraph 14.

Officers to whom paragraph 14 applied.

23. An officer to whom the provisions of paragraph 20 (2) or 22 (2) of this Part of this Schedule apply and who, is, on or after the 16th December 1954, transferred to any other office, whether in the service of the High Commission or in other public service, shall cease to be subject to such provisions and shall thereupon, in respect of the whole of his service under the High Commission, be deemed to be an officer to whom the provisions of paragraph 20 (1) or 22 (1), as the case may be, apply.

Officers coming under paragraph 20 (2) or 22 (2) who are subsequently transferred to another office.

THIRD SCHEDULE

(s. 18)

APPLICATION OF THE ACT AND REGULATIONS TO OFFICERS
SERVING IN THE EAST AFRICAN OFFICE IN LONDON

21 of 1961,
L.N. 50/1955.

1. The provisions of this Schedule shall apply only to officers in the service of the High Commission and the Organization and serving in the East African Office in London.

Application of Schedule.

2. An officer to whom this Schedule applies shall be subject to the provisions of the Act and of the Regulations, save that in the application of those provisions to any such officer—

Application of the Act and regulations.

- (1) for paragraph (a) of section 6 of the Act, there shall be substituted the following:—

(a) on or after attaining, in the case of a male officer, the age of sixty years, or in the case of a female officer, the age of fifty-five years;

THIRD SCHEDULE--(Contd.)

- (2) for paragraph (a) of section 8, there shall be substituted the following:—
- (a) at any time after attaining, in the case of a male officer, the age of sixty years, or in the case of a female officer, the age of fifty-five years;;
- (3) where a gratuity is granted to an officer in addition to a pension, then, for the purpose of calculating whether the pension drawn by the officer exceeds two-thirds of his highest pensionable emoluments as specified in section 9, the annual pensionable value of such gratuity shall be deemed to be one-eighth thereof and shall, for such purpose, be added to the pension received by the officer;
- (4) subsection (1) of section 10 shall have effect as if for the words "the age of fifty years" there were substituted the words "in the case of a male officer, the age of sixty years, or in the case of a female officer, the age of fifty-five years";
- (5) subsection (1) of section 16 shall have effect as if there were inserted therein after the word "confirmed" the words "and having not less than five years' service under the High Commission or the Organization";
- (6) section 21 of the Act shall not have effect;
- (7) regulation 4 and regulation 10 of the Regulations shall have effect as if there were substituted for the words "one-six-hundredth of his pensionable emoluments for each complete month of his pensionable service" the words "one-eightieth of his pensionable emoluments for each complete year of his pensionable service, together with a gratuity of three-eighths of his pensionable emoluments for each complete year of his pensionable service:
- Provided that such gratuity shall not exceed one-and-a-half times his annual pensionable emoluments.";
- (8) for regulation 5 there shall be substituted the following regulation:—
5. Every officer otherwise qualified for a pension who has not been in the service of the High Commission or the Organization in a civil capacity for ten years may be granted on retirement in the circumstances described in section 6 (e) of the Act, or on removal in any of the circumstances described in paragraph (c) or (d) of section 6 of the Act, a gratuity not exceeding one-twelfth of a year's pensionable emoluments for each complete year of pensionable service, together with, in any case where the service of the officer is not less than two years, an additional gratuity of three-eighths of his pensionable emoluments for each complete year of service;
- (9) regulation 6 shall have effect as if there were substituted—
- (a) for the words "five years" the words "six years";
- (b) for the words "one-twelfth of a month's pensionable emoluments for each complete month" the words "one-twelfth of a year's pensionable emoluments for each complete year";

THIRD SCHEDULE—(Contd.)

(10) for regulation 19 there shall be substituted the following:—

19. For the purpose of computing the amount of an officer's pension or gratuity, one-third of the aggregate pensionable emoluments enjoyed by him in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that, for the purpose of calculating such pensionable emoluments, the officer shall be deemed to have been on duty on full pensionable emoluments throughout such period of three years.;

(11) regulation 26 shall not have effect;

(12) for the words "one-twelfth of a month's pay at the date of his retirement for each complete month of his service under the High Commission or the Organization which would be pensionable service if he were eligible for a pension under these Regulations" in regulation 27 (1) of the Regulations, there shall be substituted the words "one week's pay for each complete year of service under the High Commission or the Organization which would be pensionable service if he were eligible for a pension under these Regulations up to five years of such service, and two weeks' pay for each complete year of such service in excess of five years and up to ten years, and four weeks' pay for each complete year of such service in excess of ten years, subject to a maximum of one year's pay";

(13) in the case of an officer who, immediately before he ceases to be employed in public service which is pensionable under the Act, was employed in non-participating employment within the meaning of section 7 (2) of the National Insurance Act, 1959, of the United Kingdom (hereinafter referred to as the National Insurance Act) there shall be excluded from the operation of any provision of the Act for the assignment, commutation, reduction, suspension, termination or withdrawal of a pension so much of the pension payable to such officer as is equal to the amount of his notional graduated retirement benefit, except for termination or suspension for causes as may be prescribed by regulations made under paragraph (c) of subsection (1) of section 8 of the National Insurance Act.

For the purposes of this paragraph—

(i) "notional graduated retirement benefit" means the amount, expressed as a yearly rate, of the graduated retirement benefit which would be payable under the National Insurance Act to an officer in return for an amount of graduated contributions equal to one such contribution paid in respect of a weekly payment of remuneration of fifteen pounds in each week of the period of his pensionable service under the High Commission after 2nd April 1961, to the extent only that the service is service in a non-participating employment within the meaning of section 7 (2) of that Act;

THIRD SCHEDULE—(Contd.)

- (ii) "graduated contributions" means graduated contributions under the National Insurance Act;
- (iii) references to the provisions of the National Insurance Act are references to those provisions as amended or re-enacted by any subsequent enactment.

Officers with service in the London office and other High Commission service.

3. Where an officer to whom this Schedule applies is transferred to or from other service under the High Commission or the Organization then, for the purpose of computing any pension, gratuity, or other allowance, for which he may be eligible in respect of his entire period of service under the High Commission or the Organization, such pension, gratuity, or other allowance, shall be computed separately—

(a) in respect of his service in the East African Office in London; and

(b) in respect of his other service under the High Commission or the Organization,

and in either computation the other period of service shall be treated for the purposes of Part III of the Regulations as though it had been service under a scheduled Government.

FOURTH SCHEDULE

(s. 21)

ENACTMENTS RELATING TO RETIRING BENEFITS OF OFFICERS
TRANSFERRED FROM EAST AFRICAN SERVICE

- Cap. 66 (1948). 1. The European Officers' Pensions Ordinance of Kenya, and all amendments thereto and all regulations made thereunder.
- Cap. 47 (1947). 2. The European Officers' Pensions Ordinance of Tanganyika, and all amendments thereto and all regulations made thereunder.
- Cap. 66 (1965). 3. The European Officers' Pensions Ordinance of Uganda, and all amendments thereto and all regulations made thereunder.
- Cap. 59. 4. The European Officers' Pensions Ordinance of Northern Rhodesia, and all amendments thereto and all regulations made thereunder.
- 5. The European Officers' Pensions Ordinance, 1945, of the Nyasaland Protectorate, and all amendments thereto and all regulations made thereunder.
- Cap. 54. 6. The European Officers' Pensions Decree of the Zanzibar Protectorate, and all amendments thereto and all regulations made thereunder.
- Cap. 18. 7. The European Officers' Pensions Ordinance of the Somaliland Protectorate, and all amendments thereto and all regulations made thereunder.
- 8. The Kenya and Uganda Railways and Harbours European Officers' Pensions Regulations, 1932, and all amendments thereto.
- Cap. 67 (1948). 9. The Non-European Officers' Pensions Ordinance of Kenya, and all amendments thereto and all regulations made thereunder.
- Cap. 268 (1959). 10. The Junior Officers' Pensions Ordinance of Tanganyika, and all amendments thereto and all regulations made thereunder.

FOURTH SCHEDULE—(Contd.)

11. The Asiatic Officers' Pensions Ordinance of Uganda, and all amendments thereto and all regulations made thereunder. Cap. 8 (1935).
12. The Non-European Officers' Pensions Decree, 1945, of the Zanzibar Protectorate, and all amendments thereto and all regulations made thereunder.
13. The Kenya European Civil Service Contributory Pensions Ordinance of Kenya, and all amendments thereto and all regulations made thereunder. Cap. 69 (1948).
14. The East African Railways and Harbours Superannuation Fund Regulations, and all amendments thereto.
15. The European Civil Service Provident Fund Ordinance of Kenya, and all amendments thereto and all regulations made thereunder. Cap. 70 (1948).
16. The Asian Civil Service Provident Fund Ordinance of Kenya, and all amendments thereto and all regulations made thereunder. Cap. 72 (1948).
17. The Government Staff Provident Fund Ordinance of Kenya, and all amendments thereto and all regulations made thereunder. Cap. 71 (1948).
18. The Provident Fund (Government Employees) Ordinance of Tanganyika, and all amendments thereto and all regulations made thereunder. Cap. 51.
19. The Government Employees Provident Fund Ordinance, 1941, of Uganda, and all amendments thereto and all regulations made thereunder. 1 of 1941.
20. The East African Railways and Harbours Provident Fund Regulations, and all amendments thereto.
21. The Superannuation Acts of Parliament.

SUBSIDIARY LEGISLATION

Services determined by the Authority to be public service for the purposes of the Act under section 2 (1) of the Act (definition of "public service")—

1. Pensionable service under the pensions law of the Gold Coast with the West African Examinations Council and the West African Cocoa Research Institute. L.N. 23/1954.
2. Pensionable service under the pensions law of Nigeria with the West African Institute for Oil Palm Research, the West African Institute for Trypanosomiasis Research and the West African Council for Medical Research. L.N. 30/1954.
3. Pensionable service under the Superannuation Scheme for Teachers (Scotland) 1926. L.N. 63/1954.
4. Pensionable service under a railway pensions scheme, as defined in the British Transport Commission (Amendment of Pension Schemes) Regulations, 1954. L.N. 3/1955.
5. (a) pensionable service with the Nigerian Ports Authority; L.N. 36/1957.
(b) pensionable service with the Electricity Corporation of Nigeria;
(c) pensionable service with the Nigerian Railways Corporation;
(d) pensionable service with the Nigerian Coal Corporation.
6. Service which is pensionable under the United Kingdom Atomic Energy Authority. L.N. 37/1957.
7. Pensionable service with the Tanganyika Broadcasting Corporation. L.N. 61/1958.
8. Pensionable service with the Research Council of Rhodesia and Nyasaland. L.N. 39/1961.
9. The following offices in the East African Common Services Organization with effect from the dates shown in relation thereto:— L.N. 7/1964.

Office of the Secretary General

Africanization Officer	..	..	..	1st July 1963
Assistant Africanization Officer	..	..	..	1st July 1963
Secretary	..	..	..	1st July 1962
Secretary (Administration)	..	..	..	1st July 1963
Under Secretary	..	..	..	1st July 1962
Principal Assistant Secretary	..	..	..	1st July 1963
Information Officer	..	..	..	1st July 1963
Assistant Information Officer	..	..	..	1st July 1963
Information Assistant	..	..	..	1st July 1963
Dark Room Assistant	..	..	..	1st July 1963
Telephone Supervisor	..	..	..	1st July 1963
Draughtsman	..	..	..	1st July 1963
Caretaker	..	..	..	1st July 1963

The Treasury

Under Secretary	..	..	..	1st July 1962
Principal Assistant Secretary	..	..	..	1st July 1963
Assistant Stores and Purchasing Officer	..	..	..	1st July 1963
Assistant Organization and Methods Officer	..	..	..	1st July 1963

[Subsidiary]*E.A. Directorate of Civil Aviation*

Telecommunications Officer Cadet ..	1st July 1963
Air Traffic Control Officer Cadet	1st July 1963
Air Traffic Control Instructor	1st July 1963
Telecommunications Instructor	1st July 1963
Chief Licensing and Administrative Officer	1st July 1962
Aviation Administrative Officer	1st July 1962
Senior Aviation Officer	1st July 1962

E.A. Meteorological Department

Executive Secretary	1st July 1963
Senior Sectional Engineer	1st July 1962
Sectional Engineer	1st July 1962

E.A. Customs and Excise Department

Chief Accountant	1st July 1963
Statistics Officer	1st July 1963

E.A. Freshwater Fisheries Research Organization

Experimental Fisheries Officer	1st July 1961
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Tropical Pesticides Research Institute

Research Officer	1st July 1962
Executive Officer	1st July 1962
Laboratory Technician	1st July 1962
Senior Field Officer	1st July 1962
Field Officer	1st July 1962
Assistant Field Officer	1st July 1962
Personal Secretary	1st July 1962
Assistant Storekeeper	1st July 1962
Clerk	1st July 1962
Laboratory Assistant	1st July 1962
Works Foreman	1st July 1962

L.N. 87/1964. 10. Public Service with the Agricultural Research Council of Central Africa.

L.N. 88/1964. 11. The following offices in the East African Common Services Organization with effect from 1st July 1964:—

OFFICE OF THE AUDITOR-GENERAL

Auditor-General.
 Director of Audit.
 Assistant Director of Audit.
 Principal Auditor.
 Auditor.
 Senior Examiner of Accounts.
 Examiner of Accounts.
 Audit Assistant.

L.N. 55/1965. 12. Service in Kenya under any local authority established under section 224 of the Kenya Independence Order in Council, 1963.

[Subsidiary]
L.N. 56/1965.

13. The following offices in the East African Posts and Telecommunications Administration, with effect from the dates shown in relation thereto—

<i>Name of Office</i>	<i>Effective Date</i>
Deputy Chief Accountant	8th October 1964
Senior Administrative (Trainee)	1st December 1963
Principal Personnel Officer	1st April 1964
Controller Stamp Bureau	1st January 1965
Territorial Engineer	1st January 1965
School Executive Officer	15th June 1964
Senior Personnel Officer	1st April 1964
Personnel Officer	1st April 1964
Assistant Personnel Officer	1st April 1964
Assistant Establishment Officer (Trainee)	1st July 1963
Assistant Personnel Officer (Trainee)	1st April 1964
Assistant Investigations Officer	1st January 1964
Assistant Investigations Officer (Trainee)	1st July 1963
Assistant Postal Controller Grade I	1st April 1964
Assistant Postal Controller Grade II	1st April 1964
Assistant Postal Controller (Trainee)	1st July 1963
Assistant Telecommunications Controller Grade I	1st April 1964
Assistant Telecommunications Controller Grade II	1st April 1964
Assistant Telecommunications Controller (Trainee)	1st April 1963
Assistant Accountant (Trainee)	1st September 1961
Senior Supplies Officer	1st April 1964
Stock Verifier (Trainee)	1st July 1963
Supplies Officer	1st April 1964
Assistant Supplies Officer	1st April 1964
Pupil Architect	1st April 1964
Drawing Office Assistant	1st April 1964
Assistant Engineer Grade II (Trainee)	1st January 1963
Senior Technician	1st April 1964
Technical Officer	1st April 1964
Technician	1st April 1964
Architectural Draughtsman (Trainee)	20th April 1964
Trainee Assistant Draughtsman	1st April 1964
Foreman Works (Trainee)	1st April 1964
Chief Telegraph Supervisor	1st April 1964
Senior Postal Superintendent	1st April 1964
Senior Telecommunications Superintendent	1st April 1964
Supervising Postal Officer	1st April 1964
Supervising Telecommunications Officer	1st April 1964
Senior Telephone Supervisor	1st April 1964

[Subsidiary]

<i>Name of Office</i>	<i>Effective Date</i>
Senior Telegraph Supervisor	1st April 1964
Telephone Supervisor	1st April 1964
Telegraph Supervisor	1st April 1964
Supervising Telephonist	1st April 1964
Supervising Telegraphist	1st April 1964
Senior Warden	1st April 1964
Warden	1st April 1964
Janitor	1st April 1964
Assistant Janitor	1st April 1964
Supervising Typist	1st April 1964
Shorthand Typist Grade I	1st April 1964
Shorthand Typist Grade II	1st April 1964
Stenographer (Trainee)	7th January 1964
Typist Grade I	1st April 1964
Typist Grade II	1st April 1964
Typist Grade III	1st April 1964
Punch Operator Grade I	1st April 1964
Punch Operator Grade II	1st April 1964
Clerical Officer	1st April 1964
Postal Officer	1st April 1964
Telephonist	1st April 1964
Telegraphist	1st April 1964
Telecommunications Officer	1st April 1964
Programmer Grade I	1st April 1964
Programmer Grade II	1st April 1964
Programmer Grade III	1st April 1964

L.N. 45/1967. 14. Service in Uganda under any local authority with an approved pension scheme for the purposes of section 2 of the Uganda Pensions Act.

L.N. 51/1970. 15. Public service with the Republic of Southern Yemen and public service with the Post Office, United Kingdom of Great Britain and Northern Ireland.

Services determined by the Authority as not being public service for the purposes of the Act under section 2 (1) of the Act

L.N. 8/1964. The following offices in the East African Common Services Organization with effect from the date shown in relation thereto:—

Office of the Secretary General

Localization Officer	1st July 1963
Assistant Localization Officer	1st July 1963
Chief Establishment Officer	1st July 1963
Agricultural Research Secretary	1st July 1963

The Treasury

Senior Commercial Officer	1st July 1963
Organization and Methods Officer	1st July 1962

East African Customs and Excise Department

Chief Accountant and Statistical Officer	1st July 1963
Senior Accountant	1st July 1963

N.B.—The Approved Special Retirement Scheme (No. 2) published as Legal Notice 8 of 1967 (E.A.C.) is omitted.