

CAP. 371-Supp. 56

TANGANYIKA

PENSIONS

CHAPTER 371 OF THE LAWS

ANNUAL SUPPLEMENT, 1956

1957

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CHAPTER 371

PENSIONS

10 of 1956 **An Ordinance for regulating Pensions, Gratuities and other Allowances to be granted in respect of the service of officers in the Tanganyika Government**

Short title and commencement	1. This Ordinance may be cited as the Pensions Ordinance and shall be deemed to have come into operation on the first day of January, 1954.
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Interpretation

2.-(1) In this Ordinance unless the context otherwise requires —

"African Territories" means the Colony and Protectorate of Kenya, the Uganda Protectorate, Zanzibar, the Nyasaland Protectorate, the Somali land Protectorate, Tanganyika and Northern Rhodesia, and includes the Kenya and Uganda Railways and the East Africa High Commission;

"East Africa High Commission" includes all services, self-contained or other than self-contained, of the East Africa High Commission;

"African service" means service in a civil capacity under the administration of one or more of the African Territories;

"house allowance" means the estimated value of free quarters as defined in regulations made under this Ordinance;

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Municipalities Ordinance, a county council, local council or town council established under the Local Government Ordinance or a native authority established under the Native Authority Ordinance:

"month" means a calendar month;

14 non-pensionable office" means an office which is not a pensionable office:

11 other public service" means public service not under the Government of Tanganyika;

11 pensionable emoluments" —

(a) in respect of service in Tanganyika, includes-

(i) salary;

(ii) personal allowance;

(iii) in the case of officers who retired from the public service subsequent to the first day of January, 1946, and who did not become subject to the revised terms and conditions of service which became effective on the said first day of January, 1946, house allowance:

(iv) for the purpose of calculating the aggregate pensionable emoluments of officers retiring from public service subsequently to the first day of January, 1946, who-

- (a) have become subject to the revised terms and conditions of service which became effective as from the first day of January, 1946, and
- (b) have pensionable service under any scheduled Government

house allowance in respect of service prior to the said first day of January, 1946,

but does not include duty 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 laws or regulations in force in such service;
- (c) when used in relation to an officer not holding a pensionable office, means the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office;

"pensionable office" means-

- (a) in respect of service in Tanganyika, an office which has been declared by the Governor in Council, by an order made under section 3 or deemed to have been made under section 3 and for the time being in force, to be a pensionable office;
- (b) in respect of other public service, an office which is a pensionable office under the laws 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 includes inducement allowance, but does not include such a special addition as aforesaid if the same is granted subject to the condition that it shall not be pensionable;

"public service" means service in a civil capacity under the Government of Tanganyika or the Government of any part of Her Majesty's dominions or of any British protectorate, protected state or mandated or trust territory administered by the Government of any part of Her Majesty's dominions, or of the New Hebrides or the Anglo-Egyptian Sudan, or service which is pensionable under the Teachers' (Superannuation) Act, 1925, or any Act amending or replacing the same, or under the Colonial Superannuation Scheme, or in a Colonial University College, or pensionable employment under a local authority in the United Kingdom, or in such other service as the Secretary of State may determine to be 'public service' for the purpose of any provision of this Ordinance, and, except for the purposes of computation of pension or gratuity and of section 11 of this

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Ordinance, includes service as a Governor-General, Governor or High Commissioner in any part of Her Majesty's dominions, any British protected state or protectorate, any mandated or trust territory administered by the Government of any part of Her Majesty's dominions or, the Anglo-Egyptian Sudan;

"salary" means 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;

"Secretary of State" means one of Her Majesty's principal Secretaries of State;

"service of Tanganyika" means service in a civil capacity under the Government of Tanganyika

"Trust Territory" means a territory administered by Her Majesty's Government in the United Kingdom under a Trusteeship Agreement with the United Nations Organization;

"year" means a calendar year.

(2) Notwithstanding that Palestine ceased to be a territory under British mandate on the fifteenth day of May, 1948, any officer who held office in the service of the Government of Palestine immediately before the said fifteenth day of May, 1948, shall for the purposes of this Ordinance and of any regulations made thereunder be deemed to continue in his office until either he is appointed to the service of the Crown elsewhere or, if he is not so appointed, he retires or is removed from office.

(3) For the avoidance of doubts 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 Ordinance, an office in which he has been confirmed.

Pensionable
offices

3.-(1) The Governor in Council, with the sanction of the Secretary of State, unless the Secretary of State has notified that his sanction will not be required, may by order published in the *Gazette* declare an office to be a pensionable office.

(2) An office declared to be pensionable by order under subsection (1) of this section may in such order be declared to be pensionable with retrospective effect or during the tenure of such office by a particular person.

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(3) An office declared to be pensionable by order made under the provisions of section 2 of the European Officers' Pensions Ordinance or of section 3 of the Junior Officers' Pensions Ordinance shall be deemed to have been declared to be pensionable by order under subsection (1) of this section and every such order shall be deemed to have been made under the provisions of this section and shall continue in force until revoked under this Ordinance.

(4) The Governor in Council may, from time to time, by such order as in subsection (1) aforesaid amend, add to, or revoke any order made under the said subsection or deemed to have been made thereunder; but 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.

4--(1) Pensions, gratuities and other allowances may be granted by the Governor in Council in accordance with the provisions of this Ordinance and of the regulations contained in the Schedule to this Ordinance to officers who have been in the service of Tanganyika.

Pensions
regulations

(2) The said regulations may from time to time be amended, added to or revoked by regulations made by the Governor in Council with the sanction of the Secretary of State and all regulations so made shall be laid before the Legislative Council and shall be published in the Gazette.

(3) Whenever the Governor in Council 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 Legislative Council signified by resolution.

(4) All regulations made under this section shall have the same force and effect as if they were contained in the Schedule to this Ordinance and the expression "this Ordinance" shall, wherever it occurs in this Ordinance, be construed as including a reference to the said Schedule.

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

5. There shall be charged on and paid out of the revenues of Tanganyika all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in pursuance of this Ordinance.

Pensions,
etc- to be
charged on
revenues of
Tanganyika

6--(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 Ordinance contained affect the right of the Crown to dismiss any officer at any time without compensation.

Pensions,
etc not as of
right

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

7. No pension, gratuity or other allowance shall be granted under this Ordinance to any officer in respect of any service-

Service not
qualifying
for pension

- (a) while on probation or agreement unless, without break of service, he is confirmed in a pensionable office in Tanganyika or in an office in other public service which is at the time of confirmation pensionable under the pensions regulations applicable to such service; or
- (b) while under the age of eighteen years

Provided that in the case of any person who was appointed to an office declared to be pensionable office under the Junior Officers' Pensions Ordinance prior to the thirteenth day of October, 1954, and whose aggregate of service for the purpose of the computation of pension, gratuity or other allowance was, under the provisions of the said Ordinance, calculable from a date prior to his eighteenth birthday, such date shall be the date from which his aggregate of service is calculable for the purposes of this Ordinance.

Circum-
stance sin
which
pensions, ate.
may be
granted

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

- (a) 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 from the public service on one of the grounds mentioned *in paragraphs (a), (c), (d), (e) and M 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 Governor in Council or the Secretary of State 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;

M in the case of termination of employment in the public interest as provided in this Ordinance;

- (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 the United Kingdom or any Act amending or replacing those Acts

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Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Ordinance, who retires for the reason that she has married or is about to marry, notwithstanding

that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.

9. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service, 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 the provisions of this Ordinance, the Governor in Council may, if he thinks fit, grant such pension, gratuity or other allowance as he 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 paragraph (e) of section S.

Where
service is
terminated
in public
interest
Governor in
Council ME
grant
pension

10.-(I) It shall be lawful for the Governor in Council to require any officer not being a Judge, of Her Majesty's High Court to retire from the service of Tanganyika at any time after he attains the age of fifty years and in the case of a female officer on marriage or for any officer to elect so to retire at any time after he attains such age.

Age of
compulsory
retirement

(2) Except as in subsection (3) of this section provided, no officer may continue to serve after he attains the age of fifty-five years unless

- (a) the Governor in Council considers it to be in the public interest that such officer should so continue to serve; and
- (b) such officer consents in writing to continue to serve as aforesaid.

(3) It shall be lawful for a Judge of the High Court to continue to serve until he attains the age of sixty-two years and thereafter for a period not exceeding three years with the sanction of the Secretary of State.

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

Maximum
pension

(2) An officer who shall have been granted a pension or pensions in respect of other public service shall not at any time draw from the funds of Tanganyika 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 drawn by him at any time in the course of his public service

Provided that 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 purposes of this subsection, to be-

- (a) in cases where the laws of the territory in which such public service was performed provide for the payment of an unreduced pension, the amount of pension which would have been awarded had no gratuity been granted;
- (b) in cases where the laws of the territory in which such public service was performed do not provide for the payment of an

unreduced pension, four-thirds of the actual amount of the pension.

(3) Where the limitation prescribed by the preceding subsection operates, the amount of the pension to be drawn from the funds of Tanganyika shall be subject to the approval of the Secretary of State, 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 the preceding subsections 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 Ordinance, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments drawn at any time in the course of his public service.

(5) Notwithstanding anything to the contrary contained in this Ordinance, in the case of any officer who—

- (a) was appointed to the service of one of the African Territories in a pensionable office prior to the first day of April, 1927; and
- (b) was in the service of Tanganyika on the first day of April, 1933, without any break in service, and without having been transferred outside the African Territories, and thereafter remained in the service of Tanganyika until the first day of January, 1946; and
- (c) has become subject to the revised terms and conditions of service which became effective as from the said first day of January, 1946; and
- (d) retires from the service of Tanganyika without having been transferred therefrom to other public service subsequently to the said first day of January, 1946; and
- (e) at the date of retirement was serving in an appointment the initial salary of which was € 3,335 per annum or more, or in an appointment the fixed salary of which was € 1,335 per annum or more.

the expression "pensionable emoluments drawn" shall for the purposes of subsections (1), (2) and (4) of this section be construed as including the figure resulting from the reduction by ten per centum (subject to a maximum reduction of .€ 150 of the salary attaching to the office held by such officer on his retirement, and the addition to that reduced figure of fifteen per centum of that reduced figure.

Liability of pensioners to be called upon to take further employment

12.-(1) Every pension granted under this Ordinance shall be Subject to the condition that unless or until the officer has attained the age of fifty years, he may, if physically fit for service, be called upon by the Secretary of State or by the Governor in Council to accept an office, whether in Tanganyika or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he held at the date of his retirement.

If 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) The provisions of the foregoing subsection shall not apply in any case where the Governor, 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 or in the case of any officer retiring from the public service on or after attaining the age of forty-five years under the provisions of section 23 and to whom a pension is granted by virtue of the provisions of the said section.

13. If an officer to whom a pension has been granted under this Ordinance or under the European Officers' Pensions Ordinance or under the Asiatic Officers' Pensions Ordinance or under the Junior Officers' Pensions Ordinance is re-appointed to an office in the public service, the payment of his pension may, with his consent, if the Governor in Council thinks fit, be suspended during the period of his re-employment.

Suspension
of pensions
on- re
employment
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14--(1) Where an officer who holds a pensionable or non-pensionable office—

- (a) resigns therefrom for the purpose of joining the service of a local authority in circumstances in which he would not be eligible for a pension or gratuity after leaving such office; and
- (b) joins such service within the period of one month from the date of the termination of his appointment in the service of Tanganyika,

Resignation
of officer
from public
service to
join local
authority

and whose resignation as aforesaid was approved by the Governor as being in the public interest, he shall, on retiring from the service of the local authority in circumstances in which, had the period spent by him in the service of the authority been spent in the service of Tanganyika, he would, at the date of such retirement, have been eligible for a pension or gratuity, be eligible for a pension or gratuity, as the case may be, based on the period during which he was in the service of Tanganyika and calculated with reference to the pensionable emoluments received during such period.

(2) For the purposes of subsection (1) of this section, any officer to whom that section applies who, after joining the service of a local authority in the circumstances mentioned in paragraph (b) thereof, subsequently joins the service of any other local authority without the lapse of a period of longer than one month between the date of the termination of his service with one local authority and the date of the commencement of his service with another shall be deemed on retirement from the service of such other local authority to have retired from the service of such first-mentioned local authority.

(3) Any officer who-

- (a) held a non-pensionable office prior to the first day of January, 1949; and

(b) resigned from such office with effect from the said date for the purpose of joining the service of a municipal council on the said date; and

(c) retires from the service of such municipal council in such circumstances that had his service with the said council been in the service of Tanganyika he would have been eligible for the grant of a gratuity,

shall be deemed to have been, as on the date of such retirement, eligible for a gratuity based on the period during which he was in the service of Tanganyika and calculated with reference to the emoluments received by him from the said council at the date of his retirement.

Pensions,
etc. not to
be assignable

15.-(I) A pension, gratuity or other allowance granted under this Ordinance shall not be assignable or transferable except for the purposes of satisfying-

(a) a debt due to the Government, or

(b) an order of any competent court for the periodical payment of 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 a debt due to the Government.

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Act No. 8
of 1952

(2) For the removal of doubts it is hereby expressly provided that any income tax or surtax imposed by the East Africa Income Tax (Management) Act, 1952, or any Act amending or replacing the same, and payable thereunder shall be deemed to be a debt due to the Government.

Pensions,
etc., to
cease on
bankruptcy

16--M If any person to whom a pension or other allowance has been granted under this Ordinance is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) If any person is adjudicated. bankrupt or declared insolvent as aforesaid either-

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

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

then, in the former case, any pension or 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 allowance may be granted, but shall cease forthwith and not become payable.

(3) Where a pension or allowance ceases by reason of this section, it shall be lawful for the Secretary of State or, if the person in question is resident in any of the African Territories, the Governor,

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 Secretary of State or the Governor, as the case may be, shall think fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension or 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 any wife, child or children of his, in such proportions and manner as the Secretary of State or the Governor, as the case may be, 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 allowance has so ceased shall for the purposes of this section, be regarded as applied for his benefit.

(5) When a person whose pension or allowance has so ceased obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Secretary of State or the Governor to direct that the pension or allowance shall be restored as from the date of such discharge or any later date, and the pension or allowance shall be restored accordingly.

17.-(1) If any person to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Secretary of State or, if such person is resident in any of the African Territories the Governor, so directs, cease as from such date as the Secretary of State or the Governor, as the case may be, determines.

Pensions,
etc. may
cease on con-
viction

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for a pension or allowance under this Ordinance but before the pension or allowance is granted.. then the provisions of the foregoing subsection shall apply as respects any pension or allowance which may be granted to him

(3) Where a pension or allowance ceases by reason of this section, it shall be lawful for the Secretary of State or the Governor, as the case may be, to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance had he not been sentenced as aforesaid to be paid, or applied, in the same manner in all respects as prescribed in the Preceding section, and such moneys shall be paid or applied accordingly.

(4) If such person after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect; but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the preceding subsection.

Pensions,
etc. may
cease on
accepting
certain
appoint-
ments

18. If any person to whom a pension or other allowance has been granted under this Ordinance otherwise than under section 20 becomes either a director of any company the principal part of whose business is in any way directly concerned with Tanganyika, or an officer or servant employed in Tanganyika by any such company, without the prior permission of the Governor signified in writing, such pension or allowance shall cease if the Governor so directs

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

Gratuity
where an
officer dies
in the
service or
after retire-
ment

19.-(1) (a) 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 Tanganyika, it shall be lawful for the Governor in Council to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity if any, whichever is the greater.

(b) For the purposes of this section —

- (i) "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (e) of section 8 of this Ordinance;
- (ii) "commuted pension gratuity" means the gratuity, if any, which might have been granted to the officer under regulation 23 of the Schedule to this Ordinance if his public service had been wholly in Tanganyika and if he had retired at the date of his death in the circumstances described in paragraph (e) of section 8 of this Ordinance and had elected to receive a reduced pension at the rate of three-fourths.

(2) Where an officer who has retired from the service of Tanganyika on pension dies before he has received by way of pension or reduced pension and gratuity or other allowance under this Ordinance an amount which is equivalent to the amount which might have been granted to his legal personal representative under subsection (1) of this section had such officer died while still in the service of Tanganyika, it shall be lawful for the Governor in Council to grant to the legal personal representative of such officer a gratuity of an amount not exceeding the difference between the amount which has already been paid to such officer by way of pension or reduced pension and gratuity or other allowance under this

Ordinance and the amount which might have been granted to his legal personal representative under subsection (1) of this section had such officer died while still in the service of Tanganyika.

(3) The provisions of 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 Colonial Superannuation Scheme in respect of such death.

20.-(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 Government of Tanganyika, it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made to his legal personal representative under section 19 —

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding one-sixth of his annual pensionable emoluments at the date of the injury or twenty pounds a year, whichever is the greater;
- (11) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph 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 prescribed under the preceding 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 prescribed by the preceding paragraph;
- (v) 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 until such child attains the age of twenty-one years, of double the amount prescribed in paragraph (11) of this subsection;
- (v) if the deceased officer does not leave a widow, or if no pension is granted to his 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

Pensions to dependants when an officer dies of injuries while on duty

Provided that-

- (a) 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 Governor at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor may determine;
- (b) 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 the word "child" shall include-

- (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 dependent as aforesaid.

(3) If an officer proceeding by a route approved by the Governor to or from Tanganyika at the commencement or termination of his service therein, or of a period of leave therefrom, dies as the result of damage to the vessel, aircraft or vehicle in which he is traveling, or from any act of violence directed against such vessel, aircraft or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which Her Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section.

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(4) This section shall not apply in the case of the death of any officer selected for appointment to the service of Tanganyika on or after the first day of July, 1949, if his dependants as defined in the Workmen's Compensation Ordinance, or any Ordinance amending or replacing that Ordinance, are entitled to or have been paid compensation thereunder.

(5) The provisions of 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 Colonial Superannuation Scheme in respect of such death.

(6) For the purposes of this section, 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 in the circumstances described in subsection (1) of this section.

(7) No award shall be made under this section if the officer's death does not occur within seven years of the date of the injury.

21. Notwithstanding any provision of this Ordinance to the contrary, it is hereby declared that an officer who is compulsorily transferred from the service of Tanganyika to the service of the East Africa High Commission, shall not, by reason of such transfer, lose any privilege under this Ordinance of which he would have had the benefit had he not been so transferred.

Compulsory
transfer to
East Africa
High
Commission

22.-M The provisions of this Ordinance shall apply-

Application

- (a) to every officer in the service of Tanganyika at or after the commencement of this Ordinance; and
- (b) to every officer transferred from Tanganyika to any other public service before the date of such commencement and still in the public service on that date; and
- (c) to every officer mentioned in subsection (3) of section 14 to the extent provided for by that subsection.

(2) In the case of officers who, immediately prior to the commencement of this Ordinance, had service which was reckonable for the purposes of pension, gratuity or other allowance under the provisions of the European Officers' Pensions Ordinance, the Asiatic Officers' Pensions Ordinance, or the Junior Officers' Pensions Ordinance, such service shall be considered to be reckonable for such purposes under the provisions of this Ordinance.

23.-(I) Paragraph (a) of section 8 shall be read and construed as authorizing, during the period ending on the thirty-first day December, 1955, the grant to an officer of a pension, gratuity or other allowance as may be appropriate, on his retirement from the service of Tanganyika on or after attaining the age of forty-five years

Retirement
of Officers
of forty-five
years of age

Provided that where an officer who elected to retire on attaining the age of forty-five years has commenced his final leave within the period mentioned above this subsection shall be read and construed as authorizing the grant to such officer of a pension, gratuity or other allowance as may be appropriate notwithstanding that the actual date of his retirement, after he has been granted any leave for which he is eligible, falls after the expiration of the said period.

(2) Section 10 shall be read and construed as authorizing the Governor in Council, during the period ending on the thirty-first day of December, 1955, to require any officer, not being a Judge of Her Majesty's High Court, who has attained the age of forty-five years to retire from the service of Tanganyika and as authorizing such officer so to retire

Provided that where an officer who has attained the age of forty-five years is required by the Governor in Council to retire or has elected to retire and has commenced his final leave within the period mentioned above, this paragraph shall be read and construed as authorizing the compulsory retirement or retirement of such officer, as the case may be, notwithstanding that the actual date of his retirement after he has been granted any leave for which he is eligible falls after the expiration of the said period.

(3) Any officer who attained the age of forty-five years or more on or before the thirty-first day of December, 1955, may elect, by giving notice in writing to the Chief Secretary, which notice shall be irrevocable, within a period of three months or such longer period as the Governor may in any particular case permit from the date of the assent by the Governor to this Ordinance to retain the eligibility to retire from the service of Tanganyika at any time before he reaches the age of fifty years and section 8 shall be read and construed as authorizing the grant to an officer on such retirement of a pension, gratuity or other allowance as may be appropriate and section 10 shall be read and construed as authorizing such retirement

Provided that where an officer so elects it shall also be lawful for the Governor in Council to require such officer, not being a Judge of Her Majesty's High Court, to retire from the service of Tanganyika at any time before he attains the age of fifty years and section 8 shall be read and construed as authorizing the grant to an officer on such retirement of a pension, gratuity or other allowance as may be appropriate and section 10 shall be read and construed as authorizing such retirement.

Repeal
Cap. 47
Cap. 268

24. The European Officers' Pensions Ordinance and the Junior Officers' Pensions Ordinance are hereby repealed except in so far as either may affect officers who retired from the public service prior to the commencement of this Ordinance.

SCHEDULE

Section 4

REGULATIONS FOR THE GRANTING OF PENSIONS GRATUITIES AND OTHER ALLOWANCES TO OFFICER'S

PART I. -PRELIMINARY

Short title and
commencement

1. These Regulations may be cited as the Pensions Regulations and shall be deemed to have come into operation on the first day of January, 1954.

Inter-
pretation

2. In these Regulations, unless the context otherwise requires-
"qualifying service" means service which may be taken into account in determining whether an officer is eligible by length of service for a pension, gratuity or other allowance;
"pensionable service" means service which may be taken into account, in computing pensions, gratuities or other allowances under these Regulations;

Cap. 371

"the Ordinance" means the Pensions Ordinance.

PART II-OFFICERS WITHOUT OTHER PUBLIC SERVICE

Application
of Part II

3. Save when the Governor in Council in any special case otherwise directs, this Part of these Regulations shall not apply in the case of any officer transferred to or from the service of Tanganyika 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 in Tanganyika.

4. Subject to the provisions of the Ordinance and of these Regulations, every officer holding a pensionable office in Tanganyika who has been in the service of Tanganyika in a civil capacity for ten years or more, may on retirement be granted pension at the annual rate of one six hundredth of his pensionable emoluments for each complete month of his pensionable service.

To whom and at what rates pensions to be granted

5. Every officer, otherwise qualified for a pension, who has not been in the service of Tanganyika in a civil capacity for ten years, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been qualifying period might have been granted to him under regulation 4 of these Regulations.

Gratuity 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 Tanganyika, for not less than five years and having been confirmed in a pensionable office, retires from the service of Tanganyika for the reason that she has married or is about to marry, 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 retirement, or such longer period as the Governor 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 completed month of pensionable service in Tanganyika, or one year's pensionable emoluments, whichever shall be the less.

Gratuity on marriage of female officer

PART III.-TRANSFERRED OFFICERS

7. This Part of these Regulations shall apply only in the case of an officer transferred to or from the the service of Tanganyika from or to other public service.

Application of Part III

8. In this Part and in Parts IV and VI of these Regulations-
"Scheduled Government" means the Government of any territory, or any authority, mentioned in the Schedule to this Part of these Regulations, and includes-

Interpretation

- (a) the Office of the Crown Agents for Oversea Governments and Administrations;
- (b) the Oversea Audit Department (Home establishment);
- (c) in respect of any officer appointed to the service of that Government prior to the fourth day of February, 1948, the Government of Ceylon;
- (d) in respect of any officer appointed to the service of that Government prior to the fifteenth day of May, 1948, the Government of Palestine;

"service in the Group" means service under the Government of Tanganyika 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 Tanganyika for a pension under the Ordinance, he may, 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 a pension or gratuity, be granted in respect of his service in Tanganyika a pension of such amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in Tanganyika, as the aggregate amounts of his pensionable emoluments during his service in Tanganyika shall bear 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 in Tanganyika-

- (a) in the application of regulation 18, 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, subject to the provisions of regulation 27 of Part VI of these Regulations during the three years preceding that date, as the case may be, except that where the officer is not serving under 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 under regulation 22;
- (c) regard shall be had to the condition that the 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) Subject to the provisions of section 7 of the Ordinance, 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 his period of service in the Group subsequent to the attainment of the age of eighteen years

Provided that-

- (1) 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;

- (ii) where under regulation 19 one half only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, one half only of the officer's aggregate pensionable emoluments during that service shall be taken into account,
- (iii) where no particulars of the rates of pay of an officer in respect of a certain period of his service are available, the pay drawn by him during such period shall, for the purposes of calculating the aggregate amount of his pensionable emoluments, be deemed to be a uniform rate of two-thirds of the pay he was receiving on the earliest date from which the particulars are available.

10.-(1) Where the other public service of an officer to whom this Part of these Regulations applies has not included service under any of the Scheduled Governments, and his aggregate service would have qualified him, had it been wholly in Tanganyika, for a pension under these Regulations he may, 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 a pension or gratuity, be granted in respect of his service in Tanganyika a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service in Tanganyika.

Pension
where other
service not
within the
Group

(2) Where the officer is not in the service of Tanganyika at the time of such retirement, his pensionable emoluments for the purposes of the preceding 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 Tanganyika.

11. Where a part only of the other public service of an officer to whom this Part of these Regulations applies has been under one or more of the Scheduled Governments, the provisions of 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
without the
Group

12. Where an officer to whom this Part of these Regulations 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 completed in the aggregate the minimum period of ten years' service qualifying him for a pension, he may be granted from the funds of Tanganyika 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 regulations 9, 10 or 11 as the case may be.

Gratuity
where length
of service
does not
qualify
for pension

13. A female officer to whom this Part of these Regulations applies who retires for the reason that she has married or is about to marry, and in consequence-

Gratuity on
marriage of
female officer

- (a) would, if the whole of her public service had been in Tanganyika, have been eligible for a gratuity under regulation 6 of these Regulations, and,
- (b) if she is at the date of her 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 of these Regulations, 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 in Tanganyika bears to her total public service

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

Officer
transferred
to other
public
service and
retiring after
less than
minimum
period of
employment
in last
service

14. Where an officer who is transferred to other public service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed solely by reason of the fact that he has not completed such minimum period of service as may be necessary to entitle him to receive such pension or gratuity, he shall not, on that account, be disqualified from receiving a pension or gratuity from the funds of Tanganyika if otherwise eligible therefor.

SCHEDULE

Aden	Gold Coast
Bahamas	Great Britain
Barbados	Grenada
Basutoland	Hong Kong
Bechuanaland Protectorate	Jamaica
Bermuda	Kenya and Uganda Railways and Harbours Administration
British Guiana	Leeward Islands
British Honduras	Malayan Union
Colony and Protectorate of Kenya	Malta
Cyprus	Mauritius
Dominica	Nigeria
East Africa High Commission	Nigerian College of Arts, Science and Technology
East African Railways and Harbours Administration	North Borneo
Eastern Region of Nigeria	Northern Ireland
Employing Authorities under the Colonial Superannuation Scheme	Northern Region of Nigeria
Falkland Islands	Northern Rhodesia
Federated Malay States	Nyasaland Protectorate
Federation of Malaya	Sarawak
Federation of Nigeria	Seychelles
Federation of Rhodesia and Nyasaland	Sierra Leone
Fiji	Singapore
Gambia	Somaliland Protectorate
Gibraltar	Southern Rhodesia
	Straits Settlements

Swaziland	Union of South Africa
St. Helena	Weihaiwei
St. Lucia	West African Institute of Trypano-
St. Vincent	somiasis Research
Trinidad	Western Pacific
Turks and Caicos Islands	Western Region of Nigeria
Uganda Protectorate	Zanzibar Protectorate

PART IV.-GENERAL

15.-(1) Subject to the provisions of section 7 of the Ordinance and of these Regulations, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an officer begins to draw salary or half salary from Tanganyika funds and the date of his leaving the Tanganyika service, without deduction of any period during which he has been absent on leave.

Qualifying
service and
pensionable
service

(2) No period which is not qualifying service by virtue of the foregoing paragraph 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.

16.-M 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 13 of the Ordinance 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 re-organization 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, with a view to entering public service not being service pensionable under the said Act and has, not later than three months after leaving such first-mentioned service, received any salary in respect of employment in public service not so pensionable; or
- (d) who has resigned from the public service in order to enter the Armed Forces of the Crown during the period of a war in which Her Majesty may be engaged, and has subsequently re-entered the public service,

may, if the Governor in Council 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 Tanganyika; 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 refunded as aforesaid.

Periods to be taken into account in computation of pension or gratuity

17. For the purpose of computing the amount of an officer's pension or gratuity the following periods shall be taken into account as pensionable service -

- (a) any periods during which he has been on duty;
- (b) any period during which he received half salary from Tanganyika funds while proceeding to Tanganyika on first appointment;
- (c) any periods during which he has been absent from duty on leave with full or half salary;
- (d) any periods during which he has been absent from duty on leave without salary, granted on grounds of public policy With their approval of the Secretary of State or the Governor, and during which he has not qualified for pension or gratuity in respect of other public service,

and any periods during which he has been absent on leave, other than those specified above, shall be deducted from the officer's total service to arrive at his period of pensionable service.

Emoluments to be taken for computation of pension or gratuity

18. For the purpose of computing the amount of an officer's 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 the office then held by him 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, 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 emolument 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 annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years, those 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 increments which, in the opinion of the Governor in Council, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken;
- (iii) for the purpose of calculating pensionable emoluments under this paragraph, the officer shall be deemed to have been on duty on full pensionable emoluments throughout the said three years;
- (iv) if the total service of an officer amounts to less than three years, the average annual pensionable emoluments during the whole of such service shall, be taken;
- (v) in no circumstances shall the emoluments to be taken exceed the full annual pensionable emoluments enjoyed by the officer at the date of his retirement in respect of the office then held by him.

19.-(1) Only service in a pensionable office, not being service on terms which provided for termination by notice of one month or less, shall be taken into account as pensionable service

Provided that where a period of service on terms which provide for termination by notice of one month or less in a pensionable office or a period of 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 therein-

- (a) in the case of any officer who having served on contract with the Government of Tanganyika, and having relinquished his right to receive a gratuity under the contract is, without break in service, appointed and confirmed in a pensionable office, the whole of such period of service on contract may be so taken into account.

For the purposes of this paragraph, a contract shall mean a contract under which an officer is eligible to receive a gratuity in lieu of other superannuation benefits;

- (b) in the case of an officer to whom paragraph (a) of this proviso does not apply and who during such period of service fulfilled any of the following conditions -
 - (i) was a member of one of the branches of the Civil Service of Tanganyika set out in the First Schedule to this Part of these Regulations;

Only service
in a pension-
able office
to be taken
into account

- (ii) was a depositor in the Government Employees Provident Fund;
- (iii) was or is serving in one or other of the ranks of the Police Force set out in the Second Schedule to this Part of these Regulations, or in one or other of the ranks of the Prisons Service set out in the Third Schedule to this Part of these Regulations;
- (iv) was serving on full overseas terms, the whole of the period of such service during which any of the said conditions are so fulfilled, may, with the approval of the Governor in Council, be so taken into account;
- (c) in every other case except that of an officer who having served on contract is confirmed in a pensionable office without relinquishing his right to receive a gratuity under the contract, one half of such period of service may, with the approval of the Governor in Council, be so taken into account

Provided further that any break in service which may be disregarded under the provisions of regulation 16 of these Regulations may likewise be disregarded in determining for the purposes of the preceding proviso whether one period of service immediately follows another period of service.

(2) Where an officer has been transferred from a pensionable office in which he has been confirmed to a non-pensionable office and subsequently retires either from a pensionable office or from a non-pensionable office, his service in the non-pensionable office may, with the approval of the Governor in Council, 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 enjoyed by him immediately prior to such transfer.

(3) 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, 21 and 22 of these Regulations to be holding a pensionable office, and where that period is taken into account under sub-regulation (2) of this regulation, to have been confirmed therein.

Acting
service

20. Any period during which an officer has performed only acting service in an office may be taken into account as pensionable service (subject, if the office is a non-pensionable office, to the provisions of regulation 19 of these Regulations) if the period of such acting service-

- (a) is not taken into account as part of his 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.

FIRST SCHEDULE

Regulation
(19 1) (b)

The Senior Service
 The Junior Service
 The Intermediate Civil Service
 The Local Civil Service
 The African Civil Service
 The Subordinate Service.

SECOND SCHEDULE

Sub-Inspector
 Sergeant Major
 Station Sergeant
 Sergeant
 Corporal
 Constable
 Tracker
 Recruit
 Bugler.

THIRD SCHEDULE

Chief Warder
 Warder
 Recruit Warder
 Wardress
 Technical Instructor
 Warder Attendant
 Female Warder Attendant.

PART V.-SUPPLEMENTARY

21. 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 improvements in the organization of the Department to which he belongs, by which greater efficiency or economy may be effected-

Abolition of
office

- (a) he may, 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 of these Regulations, a pension under regulations 4, 9, 10 or 11, as the case may be, as if the words "for ten years or more" were omitted from regulation 4;
- (b) he may, if he retires from the service of Tanganyika, 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 one-sixth; 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 to hold the office held by him at the date of his retirement and retired on

reaching the age of fifty-five years having received all increments for which he would have been eligible by that date.

Officers
injured in
the discharge
of their
duties

22.-(1) This regulation shall apply to an officer who while in the service of Tanganyika is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) Where an officer to whom this regulation applies is holding a pensionable office in which he has been confirmed -

- (a) he may, if his retirement is necessitated or materially accelerated by his injury 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 of these Regulations, a pension under regulations 4, 9, 10 or 11, as the case may be, as if the words "for ten years or more" were omitted from the said regulation 4;
- (b) he may 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 Governor in Council shall think reasonable where the injury is not the cause or the sole cause of retirement.

(3) (a) Where an officer to whom this regulation applies is not holding a pensionable office, or is holding a pensionable office in which he has not been confirmed, he may be granted on retirement a pension of the same amount as the additional pension which might be granted to him under sub-regulation (2) (b) of this regulation as if his office were a pensionable office and he had been confirmed therein.

(b) The provisions of regulation 23 shall not apply to a pension granted under this sub-regulation.

(4) (a) If, for the purpose of assessing the amount of any additional pension or pension to be granted under paragraph (b) of sub-regulation (2) or under sub-regulation (3) of this regulation to any officer to whom this regulation applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, he may be granted a provisional award to have effect until such time as the degree of permanent impairment can be determined.

(b) The provisions of regulation 23 shall not apply to an award made under this sub-regulation.

(5) If an officer proceeding by a route approved by the Governor to or from Tanganyika at the commencement or termination of his service therein, or of a Period of leave therefrom is injured 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, and the Governor is satisfied that such damage or act is attributable to circumstances arising Out of any war in which Her Majesty may be engaged such Officer shall be deemed for the Purposes of this regulation to have been injured in the circumstances described in sub-regulation (1) of this regulation.

(6) An officer who is permanently injured while travelling by air In pursuance Of official instructions and whose injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed to have been injured in the circumstances described in sub-regulation (1) of this regulation.

(7) Neither paragraph (b) of sub-regulation (2) nor sub-regulation (3) of this regulation shall apply in the case of an officer selected for appointment to the service of Tanganyika on or after the first day of July, 1949, who, in consequence of his injury is entitled to compensation under the Workmen's Compensation Ordinance or any Ordinance amending or replacing that Ordinance.

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(8) Neither sub-regulation (2) nor sub-regulation (3) of this regulation shall apply in the case of an officer who in consequence of his injury is entitled under the Colonial Superannuation Scheme to benefits corresponding to the benefits granted under those sub-regulations.

(9) (a) Where the Governor is satisfied that damages have been or will be recovered by an officer in respect of an injury for which an additional pension or pension may be granted under paragraph (b) of sub-regulation (2) or under sub-regulation (3) of this regulation the Governor may take those damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly.

(b) For the Purposes of this sub-regulation an officer shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

(10) Any officer who prior to the date of coming into operation of this Ordinance received a permanent Injury in circumstances which had he retired from the service of Tanganyika prior to such date would have made him eligible for the grant of a pension under regulation 11 of the Regulations for the Granting of Pensions,

Gratuities or other Allowances to European Officers or under regulation 23 of the Regulations for the Granting of Pensions, Gratuities or other Allowances to Junior Officers shall be regarded as an officer to whom this regulation applies.

Gratuity and reduced pension

23.-(1) Any officer to whom a pension is granted under the Ordinance may, at his option exercisable as in this regulation provided, 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 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 subsection (2) of section 11 of the Ordinance operates, the words "such pension" shall mean the amount of pension which the officer might have drawn from the funds of Tanganyika if he had not exercised his option under this regulation.

(2) The option referred to in sub-regulation (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 such officer's retirement

Provided that if the officer does not exercise or having exercised does not revoke the option within the above-mentioned time limit, the Governor may, if it appears to him in all the circumstances equitable so to do, allow him to exercise or revoke the option at any time between the day immediately preceding the date of his retirement and the actual date of the award of pension under the Ordinance.

(3) Subject to the provisions of sub-regulation (2) of this regulation if an officer has exercised the option his decision shall be irrevocable so far as concerns any pension granted to him under the Ordinance.

(4) If an officer who has not exercised the option dies after he has finally retired but before a pension has been awarded under the Ordinance, it shall be lawful for the Governor in Council to grant a gratuity and a reduced pension as provided in sub-regulation (1) of this regulation, as if the officer before his death had exercised the option. The fraction of pension and the gratuity to be granted for the purposes of this regulation shall be determined by the Governor in Council.

(5) The exercise of any option or any revocation thereof made under the provisions of this regulation shall be in writing addressed to the Chief Secretary.

Gratuities for officers who have served in non-pensionable offices

24.-(I) An officer holding a non-pensionable office who is not eligible for pension (other than a pension under regulation 22) or otherwise eligible for gratuity from the funds of Tanganyika may-

(a) if he has been in the public service for not less than seven years and dies while in the service or retires in the case

mentioned in paragraph (e) of section 8 of the Ordinance or is removed from the service of Tanganyika in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the Department to which he belongs, by which economy can be effected; or

- (b) if he has been in the public service for not less than fifteen years and he retires in any of the other cases mentioned in section 8 of the Ordinance except that mentioned in paragraph (f) thereof,

be granted, or if he dies while in the service the member or members of his family wholly or mainly dependent on him may be granted, if the Governor thinks fit, a compassionate gratuity not exceeding one-twelfth of a month's pay for each completed month of his service in Tanganyika which would be pensionable service if he were eligible for pension under these Regulations

Provided that if such an officer as in this regulation aforesaid at the date of his retirement is a depositor to the Fund established under the provisions of the Provident Fund (Government Employees) Ordinance

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- (i) the period during which he was a depositor to the said Fund shall not be reckoned for the purposes of calculating the award of a gratuity under this regulation;
 - (ii) a gratuity may be awarded in respect of his service immediately preceding his becoming a depositor in the said Fund if his total service including the period during which he was a depositor in the said Fund amounts to the period prescribed in paragraph (a) or in paragraph (b), as may be appropriate, of this sub-regulation.
- (2) For the purposes of this regulation —
- (a) "pay" includes any allowance which the Governor may think fit to include;
 - (b) regulation 1-6 may be disregarded but directions may be given by the Governor, either generally or in any particular case, for disregarding periods of service prior to breaks of three years or more, to dismissal for misconduct or to voluntary resignation, or periods during which an officer has served less than a number of days prescribed in the directions, and such directions shall have effect as if they were contained in this regulation;
 - (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 shall be the greater.

PART VI. SPECIAL PROVISIONS

Rates for
computation
of pension
where
service both
before and
after 1st
January,
1946

25.-(1) Where any officer, to whom under the provisions of the European Officers' Pensions Ordinance the one-four hundred and eightieth pension rate applied, became under the said Ordinance subject to the revised terms and conditions of service, which became effective as from the first day of January, 1946, the one-six hundredth pension rate shall apply to such officer as regards the periods of such officer's service subsequent to the thirty-first day of December, 1945, and the pension of such officer in respect of service in Tanganyika shall be computed in two parts according to whether the one-four hundred and eightieth or the one-six hundredth rate of pension applies.

(2) Where any officer to whom under the provisions of the European Officers' Pensions Ordinance the one-four hundred and eightieth pension rate applied was transferred to public service outside the African Territories prior to the first day of January, 1946, the pension of such officer shall be computed in respect of his service within Tanganyika prior to the first day of January, 1946, at the rate of one-four hundred and eightieth.

(3) Where for the purposes of sub-regulation (1) of this regulation an officer's pension is computed in two parts and in each part there occurs a period of service amounting to a complete month, if the said two periods of service amount in the aggregate to not less than thirty days, one month's service shall be added to the part in which the greater period of service occurs, and where the periods of service are equal, to the part to which the one-four hundred and eightieth pension rate applies.

Officer
deemed
subject to
new terms
of service

26. An officer shall be deemed to have become subject to the revised terms and conditions of service which became effective as from the first day of January, 1954—

- (a) if, being in the service of Tanganyika at any time during the period beginning on the first day of January, 1954, and ending on the thirteenth day of October, 1954, he has notified the Accountant General on or before the thirty-first day of January, 1955, or within such further period as the Governor may direct, either generally or in any particular case, that he wishes to become subject to such revised terms and conditions of service; or
- (b) if he is appointed or re-appointed to the service of Tanganyika on or after the thirteenth day of October, 1954; or
- (c) if he is transferred from one office to another office in the service of Tanganyika on or after the thirteenth day of October, 1954; or
- (d) if, being in the service of Tanganyika immediately before the thirteenth day of October, 1954, he is subsequently transferred to the service of one of the other African Territories; or

- (e) if, being in the service of Tanganyika on the first day of January, 1954, he has died on or before the thirty-first day of January, 1955, Without notifying the Accountant-General as provided in sub-paragraph (a) of this paragraph, and if it would be to his financial advantage to be subject to such revised terms and conditions of service; or
- (f) if, being in the service of Tanganyika on the first day of January, 1954, he has died without notifying the Accountant-General as Provided in sub-paragraph (a) of this paragraph and the Chief Secretary certifies that he is satisfied he was not prior to his death apprised of his right so to notify the Accountant-General or that he died before the expiry of the period within which he was entitled so to do, and it would be to his financial advantage to be subject to such revised terms and conditions of service.

27. In the case of an officer who has become subject to the revised terms and conditions of service which became effective as from the first day of January, 1954, where for the Purposes of paragraph (c) of regulation 18 of Part IV of these Regulations emoluments for any period of service in any office in Tanganyika prior to the first day of January, 1954 is taken into consideration, the pensionable emoluments enjoyed by the officer in respect of such period of service shall be deemed to have been such as he would have enjoyed in respect of such period of service if in his tenure of any office held in such period of service during the three years immediately preceding the date of his retirement he had been subject to the revised terms and conditions of service which become effective as from the first day of January, 1954.

Rules for
computation
of pension-
able
emoluments
where
revised
terms
accepted

28. Where under the Ordinance or these Regulations an officer is entitled in respect of his service in Tanganyika prior to the first day of January, 1946, to include house allowance in his pensionable emoluments, the estimated value of his free quarters in respect of such period shall be taken as fifteen per centum of the initial salary of the officer, at appointment, or of the actual salary if such salary non-incremental;
Provided that-

House
allowance

- (i) in the case of officers holding office in the service of Tanganyika to whom the one-four hundred and eightieth Pension rate applied, the salary immediately before the Point in any scale of salary at which an efficiency bar occurred shall for this Purpose be regarded as the initial salary of the appointment in the case of any officer who had passed the efficiency bar;
- (ii) in the case of officers holding office in the service of Tanganyika to whom the one-six hundredth pension rate applied, the salary immediately after the point in any scale of salary at which an efficiency bar occurred shall for this purpose be regarded as the initial salary of the

appointment in the case of any officer who had passed the efficiency bar;

- (iii) the estimated value of free quarters shall not be reckoned as-
 - (a) less than twenty-four pounds per annum in the case of officers who held pensionable offices under the Asiatic Officers' Pensions Ordinance; or
 - (b) less than fifty pounds per annum in the case of officers who held pensionable offices under the European Officers' Pensions Ordinance; or
 - (e) more than one hundred and fifty pounds per annum in the case of officers appointed to pensionable offices on or after the first day of April, 1927;
- (iv) the restriction of the value of free quarters to one hundred and fifty pounds, as prescribed in paragraph (iii)(c) above, shall not apply in the case of an officer who-
 - (a) was holding, a pensionable office in the African service prior to the first day of April, 1927; and
 - (b) was not transferred outside the African service between the first day of April, 1927, and the first day of April, 1933; and
 - (c) has not been transferred on or after the first day of April, 1933, from the African Territory in whose service he was on that date.

Method of
calculating
pensionable
emoluments
in certain
cases

29. Notwithstanding anything to the contrary contained in regulation IS in Part IV of these Regulations, for the purpose of computing in respect of service prior to the first day of January, 1946, the amount of pension to be paid to an officer to whom the one-four hundred and eightieth pension rate applied who-

- (i) was appointed to the service of one of the African Territories in a pensionable office prior to the first day of April, 1927; and
- (ii) was in the service of Tanganyika on the first day of April, 1933, without any break in service and without having been transferred outside the African Territories and thereafter remained in the service of Tanganyika until the first day of January, 1946; and
- (iii) has become subject to the revised terms and conditions of service which became effective as from the said first day of January, 1946; and
- (IV) retires from the service of Tanganyika without having been transferred therefrom to other public service subsequently to the said first day of January, 1946; and
- (v) at the date of retirement was serving in an appointment the initial salary of which was € 1,335 per annum or more, or in an appointment the fixed salary of which was .€ 1,335 per annum or more,

the pensionable emoluments to be taken shall be that which results from the reduction by ten per centum (subject to a maximum reduction of € 150 of the amount as prescribed under the said reaulation 18 in Part IV of these Regulations and the addition to that reduced figure of fifteen per centum of that reduced figure.

Pension of
officer
formerly
pensionable
under Junior
Officers'
Pensions
Ordinance
transferred
to post
pensionable
under Euro-
peans Officers'
Pensions
Ordinance

30. Notwithstanding any other provisions contained in these Regulations, any officer who was formerly holding an office which was declared to be pensionable under the Junior Officers' Pensions Ordinance and was thereafter transferred to an office which was pensionable under the European Officers' Pensions Ordinance shall have his pension computed on the basis of the one-six hundredth pension rate in respect of the whole of his service and shall in computing such pension be entitled to include service whilst below the age of eighteen.

31. Where any officer who has become subject to the revised terms and conditions of service which became effective as from the first day of January, 1954, having exercised or having failed to exercise the option under the provisions of regulation 23 of these Regulations, has retired from the public service between the first day of January, 1954, and the date of the assent by the Governor to this Ordinance, such officer may revoke the said option and may exercise it anew or may exercise the said option, as the case may be, within six months after the said date of assent to this Ordinance, or within such period as the Governor in any particular case may allow.

Option in
certain
cases

32. Where an officer, the whole of whose service is in the Group, entered the public service prior to the first day of January, 1930, his pension in respect of his service in Tanganyika may be calculated as though any Scheduled Government under which he has served had not been included in the Schedule to Part III of these Regulations, if this should be to his advantage.

Exclusion
of Scheduled
Government
in certain
cases