

Repealed by H.C. 24/1932.

BECHUANALAND PROTECTORATE.

No. 7 of 1932.

(Promulgated 12th February, 1932.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Pensions Further
Amendment Proclamation 1932.

Whereas it is expedient further to amend the Bechuanaland Protectorate Pensions Proclamation 1924 (No. 31 of 1924) hereinafter referred to as "the said Proclamation":

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

PART I.

1. Section *eight* of the said Proclamation shall be and is hereby repealed and the following section substituted in the place thereof:—

"8. (1) The pension to be granted in respect of any office under the authority of this Proclamation shall subject to the provisions of section *twelve* be calculated at the rate of one-six hundred and sixtieth of the annual salary and emoluments of the office for each completed month of an officer's service.

Provided that in the case of an officer who failed to signify in writing to the Resident Commissioner in the manner prescribed by section *five* of Proclamation No. 11 of 1926 his desire that this Proclamation as amended by section *four* of Proclamation No. 11 of 1926 should apply to him the pension to be granted shall be calculated at the rate of one-seven hundred and twentieth, and that in the case of matrons and staff nurses the pension to be granted shall be calculated at the rate of one-six hundredth of the annual salary and emoluments of the office for each completed month of service.

(2) A pension granted to an officer under this Proclamation shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Bechuanaland Protectorate.

(3) Where the officer has been or is granted a pension or pensions in respect of other public service, he shall be granted the full pension for which he is eligible in respect of his service in the Bechuanaland Protectorate but no person may at any time draw from the funds of the Bechuanaland Protectorate 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 such person at any time in the course of his service in the Bechuanaland Protectorate or in other public service.

Provided that where such a person 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 sub-section to be four-thirds of its actual amount.

(4) In a case falling under the limitation laid down by sub-section (3) the amount of the pension to be drawn from the funds of the Bechuanaland Protectorate 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 similarly to be drawn in respect of other public service.

(5) For the purpose of the preceding sub-sections an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension, the amount of such additional pension which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from such additional pension, falls short of two-thirds of such highest emoluments."

2. (1) Section *fifteen* of the said Proclamation shall be and is hereby repealed.

(2) Sub-section (1) of section *twenty-one* of the said Proclamation shall be and is hereby repealed and the following new sub-section substituted in the place thereof:—

"21. (1) Where an officer holding a pensionable office is compelled to retire from the public service by reason of ill-health but has not completed the minimum period of ten years' service qualifying him for a pension, he shall be granted from the funds of the Bechuanaland Protectorate 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 section *eight*."

PART II.

3. Sections *sixteen*, *seventeen* and *eighteen* of the said Proclamation shall be and are hereby repealed and in place thereof the following provisions shall apply in the case of officers with other public service:—

(1) For the purpose of this section the term "Scheduled Government" means any Government included in the Schedule to this Proclamation; and the term "Service in the Group" means service under the Government of the Bechuanaland Protectorate and under a Scheduled Government or Governments.

(2) (i) Where the other public service of an officer has been wholly under one or more of the Scheduled Governments and he has held a pensionable office in the Bechuanaland Protectorate for a period of at least twelve months, and his aggregate service would have qualified him had it been wholly in the Bechuanaland Protectorate for a pension under the said Proclamation, he shall, on his ultimate 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 a pension from the Bechuanaland Protectorate of such an 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 the Bechuanaland Protectorate as the aggregate amount of his pensionable emoluments during his service in the Bechuanaland Protectorate shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable emoluments from any of

the Scheduled Governments; Provided that in determining the pension for which he would have been eligible if his service had been wholly in the Bechuanaland Protectorate--

- (a) the final pensionable emoluments taken shall be those of his last period of service in the group;
- (b) no regard shall be had to section *nine* or section *ten* of the said Proclamation;
- (c) regard shall be had to the condition that the pension may not exceed two-thirds of the final pensionable emoluments.

Provided further that any period of other public service in respect of which pension is not granted by the Scheduled Government concerned shall not be taken into account either in determining the amount of the pension for which he would have been eligible if his service had been entirely in the Bechuanaland Protectorate or in calculating the aggregate amount of his pensionable emoluments.

Provided further that where an officer entered the public service prior to the first day of January, 1930, his pension in respect of his service in the Bechuanaland Protectorate may be calculated as though any Scheduled Government under which he has served had not been included in the Schedule to this Proclamation if this should be to his advantage.

(ii) The aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn, and the total amount of the other pensionable emoluments, including any allowance authorized for an officer who is not provided with free quarters, which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service under each of the Scheduled Governments concerned.

(3) Except as provided in sub-section (5), where the other public service of an officer has not included service under any of the Scheduled Governments, and he has held a pensionable office in the Bechuanaland Protectorate for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in the Bechuanaland Protectorate for a pension under the said Proclamation, he shall, on his ultimate retirement from the public service in circumstances in which he is permitted by 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 the Bechuanaland Protectorate a pension at the rate prescribed in sub-section (1) of section *eight* of the amount of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of the Bechuanaland Protectorate for each completed month of his pensionable service in the Bechuanaland Protectorate.

Provided that in the case of a matron or staff nurse any pension granted under this sub-section in respect of service in the Bechuanaland Protectorate shall be calculated at the rate of one-six hundredth part of the amount of the pensionable emoluments at the date of her transfer or retirement.

(4) Except as provided in sub-section (5) where a part only of the public service of an officer has been under one or more of the Scheduled Governments, the provisions of sub-section (2) shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

(5) Any officer who has been transferred from a pensionable office in the public service of the Union of South Africa, or of any of the former Colonies now constituting part of the Union of South Africa, or in the public service of Southern Rhodesia to a pensionable office in the Bechuanaland Protectorate and has served not less than ten years in all in a pensionable office shall on retirement receive under the said Proclamation in

respect of the period of such other public service and of his service in a pensionable office in the Bechuanaland Protectorate such pension as would have been payable to him if the whole of such service had been in the Bechuanaland Protectorate notwithstanding that he may not have completed ten years' actual service in the Bechuanaland Protectorate; provided however that the amount of any sum payable by the Government of the Union of South Africa or the Government of Southern Rhodesia, as the case may be, towards the pension of any such officer may if such sum is not paid into Bechuanaland Protectorate funds be deducted from the pension payable to such officer out of Bechuanaland Protectorate funds.

(6) For the purpose of Part II of this Proclamation service under the British South Africa Company in the Administration of Southern Rhodesia or of Northern Rhodesia shall be deemed to have been service in the public service of Southern Rhodesia or Northern Rhodesia as the case may be.

(7) Where an officer who has been transferred from other public service is compulsorily retired from the public service in the circumstances mentioned in either sections *nine* or *ten* of the said Proclamation he may, if at the time he is in the service of the Bechuanaland Protectorate, be granted from the funds of the Bechuanaland Protectorate the additional pension allowed by that section, subject to the provisions of sub-section (5) of section *eight* of the said Proclamation as amended by this Proclamation in addition to the pension granted under sub-section (2) (3) (4) or (5) as the case may be.

(8) Where an officer who has been transferred from other public service is required to retire under the provisions of section *nine* of the said Proclamation the pension to be granted to him under that section shall be calculated as if his service had been wholly in the Bechuanaland Protectorate.

(9) Where by reason of the fact that an officer whose case falls under sub-section (7) or (8) has held a pensionable office in the Bechuanaland Protectorate for less than twelve months, he is not eligible for a pension under sub-section (2) (3) or (4) as the case may be, he may nevertheless, if at the time of his retirement he is in the service of the Bechuanaland Protectorate, be granted from the funds of the Bechuanaland Protectorate, a pension of the same amount as the additional pension allowed by sub-section (7) or (8).

(10) (i) Where an officer who has been transferred to or from the service of the Bechuanaland Protectorate from or to other public service, 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 shall be granted from the funds of the Bechuanaland Protectorate 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 sub-section (2) (3) (4) or (5) as the case may be.

(ii) Where such an officer is compulsorily retired from the public service in the circumstances mentioned in section *ten* of the said Proclamation he may, if at the time he is in the service of the Bechuanaland Protectorate be treated as if he had no other public service, but he shall not be granted, in addition, the gratuity for which he is eligible under the preceding paragraph of this sub-section.

(11) 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 twelve months' service therein, he shall not, on that account, be disqualified from receiving a pension or gratuity from the funds of the Bechuanaland Protectorate, if otherwise eligible therefor.

PART III.

4. If any officer to whom a pension has been granted under the said Proclamation is appointed to another office in the service of the Bechuanaland Protectorate and subsequently retires in circumstances in which he may be granted a pension, he shall be granted in lieu of his previous pension a pension computed as if the periods of his service had been continuous, and such pension shall be based on his pensionable emoluments on his previous or final retirement from the service of the Bechuanaland Protectorate whichever may be the greater;

Provided that if on his previous retirement he was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of the gratuity already paid.

5. The provisions of this Proclamation shall apply to all officers holding a pensionable office in the Bechuanaland Protectorate at or after the commencement of this Proclamation, and to all those who, having held such pensionable office in the Bechuanaland Protectorate have before the commencement of this Proclamation been transferred to other public service and are still in other public service at the commencement of this Proclamation.

Provided that, if any officer to whom the provisions of this Proclamation apply was prior to the commencement of this Proclamation eligible for pension or gratuity under conditions more favourable to him than those prescribed by this Proclamation the pension or gratuity of such officer shall be computed in accordance with the conditions which would have applied to him if this Proclamation had not been issued.

6. Where a person who has held a pensionable office in the Bechuanaland Protectorate is or has been transferred therefrom or from other public service to the office of Governor in other public service and retires from that office before attaining the age of fifty-five years but in circumstances which render him eligible for a pension under any Act of the Parliament of the United Kingdom providing for pensions of Governors he shall be entitled to a pension from the Bechuanaland Protectorate funds under section three of this Proclamation as if he had retired at the age of fifty-five years.

7. The Second Schedule to the said Proclamation shall be and is hereby amended as follows:—

SECOND SCHEDULE.

By the addition thereto of the following offices, namely:—

Engineers.

Dairy Experts and Inspectors.

Postmasters and Assistant Postmasters.

8. This Proclamation which may be cited as the Bechuanaland Protectorate Pensions Further Amendment Proclamation 1932 shall be read as one with the said Proclamation and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of February One thousand Nine hundred and Thirty-two.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency
the High Commissioner.

SHIRLEY EALES,
Acting Imperial Secretary.

SCHEDULE.

South African High Commission:—

Basutoland.
Swaziland.

Great Britain and Northern Ireland.
Crown Agents for the Colonies.
Colonial Audit Department (Home establishment).

Bahamas.
Barbados.
Bermuda.
British Guiana.
British Honduras.
Ceylon.
Cyprus.
Faikland Islands.
Federated Malay States.
Fiji.
Gambia.
Gibraltar.
Gold Coast.
Hong-Kong.
Jamaica.
Kenya.
Kenya Uganda Railway.

Leeward Islands:—

Dominica.
St. Kitts and Nevis. }

Malta.
Mauritius.
Nigeria.
Northern Rhodesia.
Nyasaland.
Palestine.
St. Helena.
Seychelles.
Sierra Leone.
Somaliland.
Straits Settlements.
Tanganyika Territory.
Trinidad.
Turks and Caicos Islands.
Uganda.

Western Pacific:—

Gilbert and Ellice Islands Colony.
British Solomon Islands Protectorate.
New Hebrides.
Tonga.

Windward Islands:—

Grenada.
St. Lucia.
St. Vincent.

Zanzibar.