

BASUTOLAND.

No. 13 of 1947.

(Promulgated 21st February, 1947.)

PROCLAMATION

By HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Basutoland Pensions (Consolidation)
Proclamation, 1947.

Whereas it is expedient to amend and consolidate the law relating to the granting of pensions and of superannuation and similar allowances to persons employed in the service of the Government of Basutoland.

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

1. (1) In this Proclamation and in any regulations made hereunder, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to any—

“ pensionable office ” means—

(a) in respect of service in Basutoland, an office for the time being included in the First Schedule to this Proclamation, which Schedule may be amended from time to time by the High Commissioner by Notice in the *Gazette*; but where by virtue of any such amendment any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment continues therein, the office shall, as respects that person, continue to be a pensionable office;

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

“ non-pensionable office ” means an office which is not a pensionable office;

“ pensionable emoluments ”—

(a) in respect of service in Basutoland includes salary, personal allowance and house allowance, but does not include duty allowance, entertainment allowance or any other emoluments whatever: Provided that in the case of an officer who is receiving a pensionable personal allowance at the date of his retirement, the amount of such allowance

shall be added to his salary for the purpose of assessing the value of house allowance for pension purposes.

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

“ salary ” means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office, and includes the value of rations and fuel or any allowance of a permanent character given as an equivalent of salary;

“ personal allowance ” means a special addition to salary granted personally to the holder for the time being of the office, but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

“ house allowance ” means the estimated value of free quarters as defined in regulations under this Proclamation;

“ Secretary of State ” means one of His Majesty’s Principal Secretaries of State;

“ public service ” means service in a civil capacity under the Government of Basutoland or the Government of any other part of His Majesty’s dominions, or of any British protected State, Protectorate or territory under British Mandate or of the Anglo-Egyptian Sudan, or under the High Commissioner for Transport in Kenya and Uganda, and service which is pensionable under the Teachers (Superannuation) Act, 1925, or any Act amending or replacing the same, and any such other service as the Secretary of State may determine to be “ public service ” for the purpose of any provisions of this Proclamation; and, except for the purposes of computation of pension or gratuity and of section *eight* of this Proclamation, includes service as a Governor-General, Governor or High Commissioner in any part of His Majesty’s dominions, any British protected State or Protectorate, any territory under British Mandate or the Anglo-Egyptian Sudan;

“ other public service ” means public service not under the Government of Basutoland;

“ prescribed ” means prescribed by this Proclamation or by any regulations made **thereunder**.

(2) 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 Proclamation, an office in which he has been confirmed.

2. (1) Pensions, gratuities and other allowances may be granted by the High Commissioner in accordance with the regulations contained in the Third Schedule to this Proclamation to officers who have been in the service of Basutoland. ^{Pensions regulations.}

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

The said regulations may from time to time be amended, added to, or revoked by regulations made by the High Commissioner with the sanction of the Secretary of State, and all regulations so made shall be published in the *Gazette*.

Whenever the High Commissioner 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 the purpose.

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

3. There shall be charged on and paid out of the revenues of Basutoland 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 Proclamation. ^{Pensions, etc. to be charged on revenues of Basutoland.}

4. (1) Subject to the provisions of this Proclamation or any amendment thereof and of any regulation for the time being in force, an officer who holds or who has held a pensionable office shall, upon retirement from the public service, be entitled to receive such pension, gratuity or other allowance as may be prescribed: ^{Officers entitled to pension, etc.}

Provided that where it is established to the satisfaction of the High Commissioner that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld:

Provided further that nothing in this Proclamation or in any regulation made thereunder shall effect the right of the Crown to dismiss any officer at any time and without compensation.

(2) Notwithstanding the provisions of subsection (1) any person appointed to the public service of Basutoland as a medical officer who also exercises private practice as a physician, surgeon or accoucheur shall not be deemed to be or to have been the holder of a pensionable office unless and until he has signed an undertaking in a form approved by the Resident Commissioner to regard the claims of his private practice on his time as subordinate to those of his work for the Government and to hold himself liable, without title to advance any claim for loss of private practice, to be removed for the purposes of public service from any one place or station in the Territory to any other.

Circumstances in which pension may be granted.

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

(1) (a) In the case of officers holding the offices set out in Part I of the First Schedule, on or after attaining the age of 55 years or, in special cases with the approval of the Secretary of State, 50 years;

(b) in the case of officers holding the offices set out in Part II of the First Schedule, on or after attaining the age of 60 years or, in special cases with the approval of the Secretary of State, 55 years;

(2) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;

(3) on the abolition of his office;

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

(5) on medical evidence to the satisfaction of the High Commissioner 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;

(6) in the case of removal on the ground of inefficiency as provided in this Proclamation;

(7) 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 1936, or any Act amending or replacing those Acts:

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Proclamation, 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.

6. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Proclamation, the High Commissioner may, if he considers it justifiable having regard to all the circumstances of the case, 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 (5) of the preceding section.

7. It shall be lawful for the High Commissioner to require an officer to retire from the service of Basutoland—

(1) at or after attaining the age of 55 years in the case of officers holding the offices set out in Part I of the First Schedule, and at or after attaining the age of 60 years in the case of officers holding the offices set out in Part II of the First Schedule, or

(2) in special cases, with the approval of the Secretary of State, at any time after he attains the age of 50 years in the case of officers holding the offices set out in Part I of the First Schedule and 55 years

in the case of officers holding the offices set out in Part II of the First Schedule, or
(3) in the case of hospital matrons, staff nurses and nursing sisters at or after attaining the age of 50 years, or
(4) in the case of a female officer, on marriage.

Maximum pension.

8. (1) Except in cases provided for by subsection (2) of this section, 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 Basutoland.

(2) An officer who shall have been granted a pension in respect of other public service shall not at any time draw from the funds of Basutoland 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 purpose of this sub-section to be four-thirds of its actual amount.

(3) Where the limitation prescribed by the preceding sub-section operates, the amount of the pension to be drawn from the funds of Basutoland 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 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 Proclamation, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

Liability of pensioners to be called upon to take further employment.

9. (1) Every pension granted under this Proclamation shall be subject to the condition that unless or until the officer shall have attained the age of 50 years, he may, if physically fit for service, be called upon by the Secretary of State to accept, in lieu of his pension, an office, whether in Basutoland

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 50 years.

(2) The provisions of the foregoing subsection shall not apply in any case where the High Commissioner, 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.

10. If an officer to whom a pension has been granted under this Proclamation is appointed to another office in the public service, the payment of his pension may, if the High Commissioner thinks fit, be suspended during the period of his re-employment.

Suspension
of pensions
on
re-employ-
ment.

11. A pension, gratuity or other allowance granted under this Proclamation shall not be assignable or transferable except for the purpose of satisfying—

Pensions,
etc., not to
be
assignable.

(1) a debt due to the Government, or

(2) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension, gratuity or other allowance has been granted, and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

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

Pensions,
etc., to
cease on
bank-
ruptcy.

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

(a) after retirement in circumstances in which he is eligible for pension or allowance under this Proclamation 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 Basutoland, the High Commissioner, 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 High Commissioner, 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 High Commissioner, 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, if such person is resident in Basutoland, the High Commissioner 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.

Pensions,
etc., may
cease on
conviction.

13 (1) If any person to whom a pension or other allowance has been granted under this Proclamation 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 Basutoland, the High Commissioner so directs, cease as from such date as the Secretary of State or the High Commissioner, as the case may be, determines.

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under this Proclamation but before the pension or allowance is granted, then the provisions of the last preceding sub-section 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 High Commissioner, 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 last preceding sub-section.

14. If any person to whom a pension or other allowance has been granted under this Proclamation, otherwise than under section *sixteen*, becomes either a director or employee of any company, or proprietor, partner, or employee of any firm, a large part of whose business is in any way directly concerned with Basutoland, without the prior permission of the High Commissioner in writing, such pension or allowance shall cease if the High Commissioner so directs:

Pensions, etc., may cease on accepting certain appointments.

Provided that it shall be lawful for the High Commissioner, 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 or employee of such company, or proprietor or partner or employee of any such firm, 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.

15 (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from

Gratuity where an officer dies in the service.

a pensionable office in which he has been confirmed, dies while in the service of Basutoland, it shall be lawful for the High Commissioner to grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments.

(2) For the purpose of this section, "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 (5) of section *five* of this Proclamation.

Pensions to dependants when an officer is killed on duty.

16. (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 Basutoland, it shall be lawful for the High Commissioner to grant, in addition to the grant if any, made to his legal personal representative under section *fifteen* of this Proclamation—

(i) if the deceased officer leaves a widow, a pension to her, while unmarried, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or fifteen pounds a year, whichever is the greater;

(ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of 18 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 18 years, of double the amount prescribed by the preceding paragraph;

(iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies,

a pension in respect of each child as from the date of the death of the widow, until such child attains the age of 18 years, of double the amount prescribed in paragraph (ii) of this sub-section;

(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 without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

(A) a pension shall not be payable under this sub-section at any time in respect of more than six children; and

(B) in the case of a pension granted under paragraph (v) of this sub-section, 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 Secretary of State at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State may determine;

(C) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of 18 years.

(2) In the case of an officer not holding a pensionable office, the expression "pensionable emoluments" in the preceding sub-section shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) If an officer proceeding by a route approved by the High Commissioner to or from Basutoland at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the High Commissioner is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for

the purposes of this section, to have died in the circumstances described in sub-section (1) of this section.

(4) 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 recognised by law, before the date of the injury, and dependent as aforesaid.

Application
of Procla-
mation.

17. (1) The provisions of this Proclamation shall apply—

(a) to every officer first appointed to the public service of Basutoland—

(i) after the commencement of this Proclamation; or

(ii) before the commencement of this Proclamation, to whom it was intimated in writing before appointment that he would be liable to be affected by any change in the pensions law of Basutoland; and

(b) to every other officer serving in Basutoland at the commencement of this Proclamation or transferred from Basutoland to any other public service before the date of such commencement and still in the public service on that date, unless not later than twelve months after such commencement or within such further period as the High Commissioner may in any special case allow, he gives notice in writing to the Government Secretary of his desire that the provisions of the Proclamations and regulations referred to in section *eighteen* of this Proclamation shall apply to him, in which case they shall continue to apply accordingly.

(2) If any officer who shall have given notice under paragraph (b) of the preceding sub-section is thereafter reappointed to the service of Basutoland, the provisions of this Proclamation shall apply to him in respect of his whole service:

Provided that except where such an officer shall eventually become eligible for a pension or gratuity under this Proclamation in respect

of his service both before and after his re-employment, a pension or gratuity granted to him solely in respect of service prior to such re-employment, shall not be recomputed.

18. Without prejudice to the provisions of ^{Repeal.} the preceding section, the Proclamations included in the Second Schedule to this Proclamation are hereby repealed and all regulations made thereunder are hereby revoked.

19. This Proclamation may be cited as the ^{short title} Basutoland Pensions (Consolidation) Proclama-^{and} tion, 1947, and shall have force and take ^{commence-} effect from the first day of April, 1947.

GOD SAVE THE KING.

Given under my Hand and Seal at Cape Town this Twelfth day of February, One thousand Nine hundred and Forty-seven.

E. BARING,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

FIRST SCHEDULE (PART I).

PENSIONABLE OFFICES.

BASUTOLAND.

Resident Commissioner.

Resident Commissioner.

Deputy-Resident Commissioner and Government Secretary (whether these posts are vested in one officer or held separately).

First Assistant Secretary.

Assistant Secretary.

District Administration.

District Officer.

Assistant District Officer.

Treasury.

Financial Secretary.

Accountant.

Comptroller of Stores.

Medical Department.

Director of Medical Services.

Medical Officer.

Assistant Medical Officer.

Superintendent, Leper Settlement.

Livestock and Agricultural Department.

Director of Livestock and Agricultural Services.
Principal Veterinary Officer.
Principal Agricultural Officer.
Veterinary Officer.
Agricultural Officer.
Agricultural Education Officer.
Assistant Conservator of Forests.
Agricultural and Livestock Officer and Experimentalist.
Anti-Erosion Officer.

Education Department.

Director of Education.
Senior Education Officer.
Education Officer (Male).
Education Officer (Female).
Principal, Lerotholi Technical School.

Public Works Department.

Director of Public Works.
Assistant Engineer.
Surveyor.

Police Department and Prisons Department.

Commissioner of Police and Prisons (whether these posts are vested in one officer or held separately).
Superintendent of Police.
Assistant Superintendent of Police.
Superintendent of Prisons.

Judicial Department.

Judicial Commissioner.

Master of the High Court
Registrar of the High Court

(Whether these posts are vested in one officer or held separately.)

Postal Department.

Senior Postmaster (Maseru).

High Commissioner's Office.

Administrative Secretary ...
Assistant Administrative Secretary ...
Assistant Secretary ...
Auditor ...
Assistant Auditor ...

In so far as salary and emoluments are drawn from the funds of Basutoland.

FIRST SCHEDULE (PART II).

1. African officials in the long grade who have passed the efficiency bar at £144.
2. African officials in the Special Grade.
3. African officials on scales of salary the maximum of which exceeds that of the Special Grade.

SECOND SCHEDULE.

PROCLAMATIONS REPEALED.

Number and Year.	Title.	Extent of Repeal.
16 of 1934 . . .	Basutoland Pensions Proclamation, 1934	The whole.
4 of 1936 . . .	Basutoland Pensions (Amendment) Proclamation, 1936	The whole.
19 of 1938 . . .	Basutoland Pensions (Amendment) Proclamation, 1938	The whole.
44 of 1940 . . .	Basutoland Pensions (War Service) Proclamation, 1940	The whole.
30 of 1941 . . .	Basutoland Pensions (Amendment) Proclamation, 1941	The whole.
41 of 1943 . . .	Basutoland Pensions (Amendment) Proclamation, 1943	The whole.

THIRD SCHEDULE.

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

PART I.

PRELIMINARY.

Short title. 1. These regulations may be cited as the Basutoland Pensions Regulations, 1947.

Interpretation. 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 pension, gratuity or other allowance;

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

“the Proclamation” means the Basutoland Pensions (Consolidation) Proclamation, 1947.

PART II.

OFFICERS WITHOUT OTHER PUBLIC SERVICE.

Applica-
tion of
Part II.

3. Save when the High Commissioner 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 Basutoland 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 Basutoland.

Pensions to
whom and
at what
rates to be
granted.

4. Subject to the provisions of the Proclamation and of these regulations, every officer holding a pensionable office in Basutoland, who has been in the service of Basutoland in a civil capacity for ten years or more, shall be granted on retirement in the case of officers holding offices set out in Part I of the First Schedule to the Proclamation a pension at the annual rate of one six-hundredth and in the case of officers holding offices set out in Part II of the First Schedule to the Proclamation a pension at the annual rate of one-seven hundred and twentieth of his pensionable emoluments for each complete month of his pensionable service.

Gratuities
where
length of
service does
not qualify
for pension.

5. Every officer, otherwise qualified for a pension, who has not been in the service of Basutoland 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 no qualifying period, might have been granted to him under regulation 4 of these regulations.

Marriage
gratuities.

6. Where a female officer having held a pensionable office or offices in Basutoland for not less than five years and having been confirmed in a pensionable office, retires from the service of Basutoland 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 High Commissioner 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 Basutoland or one year's pensionable emoluments, whichever shall be the less.

PART III.

TRANSFERRED OFFICERS.

7. This part of these regulations shall apply only in the case of an officer transferred to or from the service of Basutoland from or to other public service. Application of Part III.

8. In this part and Part IV of these regulations— Interpretation.

“Scheduled Government” means the Government of any territory, or any authority, mentioned in the Schedule to these regulations;

“Service in the Group” means service under the Government of Basutoland and under a Scheduled Government or Scheduled Governments.

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 Basutoland for a pension under the Proclamation, 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 pension or gratuity, be granted in respect of his service in Basutoland a pension 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 Basutoland, as the aggregate amounts of his pensionable emoluments during his service in Basutoland shall bear to the aggregate amounts of his pensionable emoluments throughout his service in the Group. Pension for services wholly within 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 Basutoland—

(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 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 purpose of this sub-paragraph;

(b) no regard shall be had to an additional pension under regulation 22 or regulation 23;

(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) 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 20 years:

Provided that—

(a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under a Scheduled Government in respect of which no pension or gratuity is granted to him;

(b) where under regulation 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 for the calculation aforesaid.

pension
where other
service not
within the
Group.

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 Basutoland, 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 Basutoland a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service in Basutoland.

(2) Where the officer is not in the service of Basutoland 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 Basutoland.

(3) 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 Basutoland, and has served not less than ten years in all in a pensionable office, shall on retirement receive in respect of the period of such other public service and of his service in a pensionable office in Basutoland such pension as would have been payable to him if the whole of such service had been in Basutoland notwithstanding that he may not have completed ten years' actual service in Basutoland:
the less.

Provided, however, that any pension, or the aggregate of any reduced pension and of any portion of the unreduced pension used for the purpose of computing a gratuity, which may be 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 shall be deducted from the unreduced pension payable to such officer; and any gratuity payable to such officer under the provisions of regulation 24 shall in no case exceed a sum equal to ten times one-fourth of the pension payable to such officer out of Basutoland funds.

(4) For the purposes of the Proclamation and of these regulations 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.

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 when other service both within and not within the Group.

Gratuities where length of service does not qualify for pension.

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 been in the public service in a civil capacity for ten years, he may be granted in respect of his service in Basutoland a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 9, 10 or 11, as the case may be.

Marriage gratuities.

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—

(1) would, if the whole of her public service had been in Basutoland, have been eligible for a gratuity under regulation 6 of these regulations, and (2) if she is at the date of her retirement in other public service, is 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 Basutoland bears to her total public service:

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

PART IV.

GENERAL.

General rules as to qualifying service and pensionable service.

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

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

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

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

(2) An officer—

(a) whose pension has been suspended under section *ten* of the Proclamation 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-organisation 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;

may, if the High Commissioner 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 Basutoland, 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.

Leave
without
salary.

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

Service
in His
Majesty's
Forces.

17. (1) Where an officer during some period of his service has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of Basutoland or of any Scheduled Government and have not been refunded, such period shall not be taken into account as pensionable service.

(2) Where an officer shall have served with His Majesty's Forces in time of war, with the approval of the High Commissioner or the Secretary of State, the following provisions shall have effect:—

(a) During the period of such service in His Majesty's Forces, including any period after the termination of the war (in this regulation referred to as "military service") he shall be deemed, for the purposes of the Proclamation and of these regulations, to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service.

(b) During any period between his leaving the public service for the purpose of serving in His Majesty's Forces and the date of his commencing military service, he shall, for the purposes of the Proclamation and of these regulations, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service; and during any period between the termination of his military service and the date of his re-entering the public service he shall, for the said purposes, be deemed to be on leave as aforesaid from the service, and to have held the substantive office in which he is re-employed:

Provided that—

(i) this sub-regulation shall not apply when either period mentioned in paragraph (b) exceeds three months, or such longer

period as the High Commissioner, with the approval of the Secretary of State, may in any special case determine; or if the officer fails, after serving with His Majesty's Forces, to re-enter the public service otherwise than in circumstances in which he would be permitted, under the law applicable to the public service in which he is last employed prior to military service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military service;

(ii) if during any period mentioned in paragraph (a), the officer shall have qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (a) shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";

(iii) if during his military service the officer shall be injured or killed, he shall not, for the purposes of section *sixteen* of the proclamation or regulation 23, be deemed to have been injured or killed in the discharge of his duty;

(iv) the provisions of this sub-regulation which require that the officer shall be deemed to have held a specified office and to have been on leave from a specified service shall not apply in respect of any period during which he shall actually have held any other substantive office and have been on leave from any public service;

(v) save where in any particular case the High Commissioner otherwise directs, this section shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.

18. (1) For the purpose of computing the amount of an officer's pension or gratuity—

(1) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;

Emoluments to be taken for computation of pensions, etc.

(2) 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;

(3) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken;

Provided that—

(a) 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; and

(b) 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 High Commissioner, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken;

(c) 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.

(2) The estimated value of free quarters in respect of service in Basutoland shall be taken as one-sixth of the salary as defined in section one of the Proclamation.

Service in
a non-
pension-
able office.

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

Provided that—

(1) Where 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, one-half of such period may, with the approval of the High Commissioner, be so taken into account.

(2) Any break in service which may be disregarded under the provisions of regulation 15 of these regulations may likewise be disregarded in determining for the pur-

poses of the preceding proviso whether one period of service immediately follows another period of service.

(3) 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 a non-pensionable office, his service in the non-pensionable office may, with the approval of the High Commissioner, be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer.

(4) 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, 22 and 23 of these regulations to be holding a pensionable office, and where that period is taken into account under the preceding proviso, to have been confirmed therein.

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 the preceding regulation) if the period of such acting service—

(1) is not taken into account as part of his pensionable service in other public service, and

(2) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same government or authority, and not otherwise.

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

(1) any period of service while the officer was under the age of twenty years, or

(2) any period of service while he was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service.

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

PART V.

SUPPLEMENTARY.

Abolition of
office and
reorgani-
sation.

22. 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 organisation of the Department to which he belongs, by which greater efficiency or economy may be effected—

(1) 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 regulation 4, 9, 10 or 11, as the case may be, as if the words "for ten years or more" were omitted from regulation 4;

(2) he may, if he retire from the service of Basutoland, 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—

(a) the addition shall not exceed ten-sixtieths; and

(b) 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 at which he may be required to retire without the approval of the Secretary of State, having received all increments for which he would have been eligible by that date.

Officers
retiring on
account of
injuries.

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

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

(b) without his own default, and

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

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

be, as if the words "for ten years or more" were omitted from the said regulation 4;

(i) he may, if so injured while in the service of Basutoland, 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 his pension increased by such allowance shall in no case exceed fifty-sixtieths of his salary and emoluments at the date of the injury:

Provided further that the amount of the additional pension may be reduced to such an extent as the High Commissioner shall think reasonable where the injury is not the cause or the sole cause of retirement.

(2) If an officer proceeding by a route approved by the High Commissioner to or from Basutoland at the commencement or termination of his service therein, or a period of leave therefrom, is permanently injured as the result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the High Commissioner is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this regulation, to have been injured in the circumstances described in paragraph (1) of this regulation.

(3) An officer so injured while in the service of Basutoland, not holding a pensionable office, or holding a pensionable office in which he has not been confirmed, may be granted on retirement a pension of the same amount as the additional pension which might be granted to him under paragraph (1) of this regulation if his office were a pensionable office and he had been confirmed therein. The provisions of regulation 24 shall not apply to a pension granted under this paragraph.

Gratuity
and
reduced
pension.

24. (1) Any officer to whom a pension is granted under the Proclamation 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 of such pension together with a gratuity equal to ten 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 sub-section (2) of section *eight* of the Proclamation operates, the words "such pension" shall mean the amount of pension which the officer might have drawn from the funds of Basutoland if he had not exercised his option under this regulation.

(2) The option referred to in paragraph (1) of this regulation shall be exercisable—

(a) in the case of an officer to whom, if retired in the circumstances described in paragraph (5) of section *five* of the Proclamation, a pension might be awarded by reason only of the taking into account, under regulation 19, of service otherwise than in a pensionable office, not later than six months from the date when he received notice of the approval of the High Commissioner for taking such service into account;

(b) in the case of an officer who is transferred to the service of Basutoland from other public service, not later than six months after the earliest date on which, if retired in the circumstances aforesaid, he might be awarded a pension under this Proclamation;

(c) in the case of any other officer, not later than one month after the earliest date on which, if retired in the circumstances aforesaid, he might be awarded a pension under the Proclamation:

Provided that—

(i) an officer who has previously had the opportunity of exercising the option but has not done so, may, if he subsequently marries and is still in the service of Basutoland or in any other public service, apply to the High Commissioner not later than *two months* after the date of his marriage for permission to exercise the option, which permission may be granted at the High Commissioner's discretion after examination of the officer

by a Government Medical Board, and upon the grant of such permission the option shall be deemed to have been exercised;

(ii) in special circumstances, if an officer has failed to exercise the option within the period specified in this regulation, the High Commissioner may, if it appears to him equitable so to do, allow such officer to exercise the option within some time to be specified;

(iii) except as provided in proviso (i) to this paragraph, the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed either to the Government Secretary in Basutoland or to the Crown Agents for the Colonies; and

(iv) where the officer was, before the date of the commencement of the Proclamation, entitled to exercise an option under the Proclamations thereby repealed, then, if the time for exercising that option was expired before that date, he shall not be entitled to exercise an option under this regulation except in accordance with the provisions of paragraph (i) or paragraph (ii) of this proviso; and if he shall, before that date, have elected under the said repealed Proclamations to receive a gratuity and reduced pension, this regulation shall apply in his case as if he had exercised his option thereunder.

(3) If an officer has exercised the option his decision shall be irrevocable.

25. Subject to the approval of the High Commissioner any person in the employment of the Basutoland Government who does not hold a pensionable office may on the termination of his employment after not less than ten years' continuous good service be granted a gratuity of half a month's salary in respect of each year of service:

Gratuities for officers who have served in non-pensionable offices.

Provided that the amount of such gratuity shall not exceed one year's salary;

Provided further that no gratuity under this regulation shall be granted to any person who is a contributor to the Provident Fund established under Proclamation No. 50 of 1946, except (in so far as he may be eligible) in respect of any period of service prior to the date upon which he commenced to contribute to that Provident Fund.

Contributions to pensions as between the High Commission Territories.

26. When a pension or gratuity is granted to any officer from the funds of the Bechuanaland Protectorate or Swaziland in respect of service remunerated by a salary or emoluments towards which contributions have been paid out of the funds of the Basutoland contributions towards the amount of such pension or gratuity may be paid from the funds of Basutoland to the funds of the Bechuanaland Protectorate or Swaziland, as the case may be, which shall bear the same proportion to such pension or gratuity as the annual contribution towards the said salary or emoluments at the date of the officer's retirement bears to the total annual amount of the officer's salary and emoluments at that date.

SCHEDULE TO PENSIONS REGULATIONS.

LIST OF SCHEDULED GOVERNMENTS AND AUTHORITIES.

Aden.	Kenya.
Bahamas.	Kenya and Uganda Railways and Harbours Administration.
Barbados.	Leeward Islands.
Bermuda.	Malayan Establishment.
British Guiana.	Malta.
British Honduras.	Mauritius.
British Solomon Islands Protectorate.	New Hebrides.
Cayman Islands.	Nigeria.
Ceylon.	Northern Rhodesia.
Colonial Audit Department (Home Establishment).	Nyasaland.
Crown Agents for the Colonies.	Palestine.
Cyprus.	St. Helena.
Dominica.	St. Lucia.
Falkland Islands.	St. Vincent.
Federated Malay States.	Seychelles.
Fiji.	Sierra Leone.
Gambia.	Somaliland.
Gibraltar.	South African High Commission Territories—
Gilbert and Ellice Islands Colony.	Bechuanaland Protectorate
Gold Coast.	Swaziland.
Grenada.	Straits Settlements.
Hong Kong.	Tanganyika Territory.
Jamaica.	Tonga.
	Trinidad and Tobago.
	Turks and Caicos Islands.
	Uganda.
	United Kingdom of Great Britain and Northern Ireland.
	Zanzibar.