

No. 775.

Hong Kong.

Regulations made by the Governor in Council with the sanction of the Secretary of State, under section 3 of the Pensions Ordinance, 1932, Ordinance No. 21 of 1932, on the 9th day of December, 1932.

Pension Regulations B.

1. These Regulations, which may be cited as Pension Regulations B, shall be subject in all respects to the provisions of the Pensions Ordinance, 1932, and shall apply to all officers to whom such provisions apply who entered the service of this Colony after the commencement of the said Ordinance or who being in the service at such commencement had not been confirmed to the permanent establishment of the Colony. They shall also apply to those who being in the service, or in other public service after transfer from the service of this Colony, at such commencement shall have elected, by written notification addressed to and received by either the Colonial Secretary in the Colony or the Crown Agents for the Colonies on or before the thirtieth day of June, 1933, to be bound by these Regulations instead of by Pension Regulations A. Any such election shall be irrevocable.

Application of Pension Regulations B.

Part I.

GENERAL REGULATIONS.

2. Subject to these regulations, service qualifying for pension, gratuity or other allowance, as the case may be, shall be the inclusive period between the date from which, in respect of any office, an officer commences to draw salary or half salary from the funds of this Colony and the date of his leaving the service of the Colony, without deduction of any period during which he has been absent on leave.

Period of service qualifying for pension, etc.

3. Every officer, other than a judge, holding a pensionable office in this Colony, who has been in the service of this Colony for not less than ten years, may on his retirement be granted a pension at the rate of one six-hundredth (1/600th) of his pensionable emoluments in respect of each complete month of his pensionable service, subject to the limit prescribed in section 11 of the Ordinance.

Pensions to whom and at what rates to be granted.

Provided that any such officer, other than a judge, who has not completed ten years' pensionable service but who is permitted to retire on the ground of infirmity of mind or body, may nevertheless be granted a pension at the said rate, if—

(a) at the time of his retirement ten calendar years have elapsed from the date on which he first commenced to draw salary from the funds of this Colony, and

(b) he has been continuously in the public service in this Colony throughout such period of ten years.

Pensionable
service

4. For the purpose of computing the amount of a pension or gratuity to be granted to an officer the following periods, subject to any deduction to be made under regulation 5 or 8, shall be taken into account as pensionable service—

(a) the periods during which he has been on duty;

(b) any period during which he was proceeding to this Colony on first appointment and in respect of which he was paid half salary from the funds of this Colony;

(c) any period during which he has been absent from duty on leave with full or half salary;

(d) any period during which he has been absent from duty on leave without salary, granted on grounds of public policy with the approval of the Secretary of State, and during which he has not qualified for pension, gratuity or other allowance in respect of other public service;

(e) any period during which an officer shall have been seconded for service under a public body with the approval of the Governor in Council.

Deduction
from service
on failure
to pass
examination.

5. If an officer fails to pass such examinations as on his first appointment to the service of this Colony are prescribed for him, within the time prescribed, the period between the prescribed date for passing such examinations and the actual date of passing may, if the Governor so directs, be deducted from the officer's term of service for the purpose of computing any pension, gratuity or other allowance to be granted to him.

Service to be
unbroken.

6. (1) Service in respect of which pensions, gratuities, or other allowances may be granted must be unbroken, except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation.

Service
prior
to break
when taken
into account.

(2) Service prior to break of service shall be taken into account for pension, gratuity, or other allowance together with service subsequent to such break, if the whole of the intervening period has with the previous sanction of the Secretary of State or of the Governor in Council been spent in other public service.

Acting
service.

7. Where an officer has performed acting service in a pensionable office in this Colony, the period of such service may be taken into account as pensionable service:

Provided that—

(a) the period of such acting service has not been taken into account as part of the officer's own pensionable service in other public service;

(b) this period of service is immediately followed by service in a pensionable office in this Colony.

Non-pension-
able service
when to
count.

8. Where immediately preceding service in a pensionable office there has been an unbroken period of service in a non-pensionable office or of service paid for out of an open vote, or both, the whole of such period or periods may be taken into account for the purposes of these regulations:

Provided that of any period of service paid for out of an open vote only two-thirds shall be taken into account.

9. Any period during which an officer, absent on leave from this Colony, has, with the consent of the Secretary of State or of the Governor, served with His Britannic Majesty's armed forces during the Great War, or in any other capacity connected with the state of war, may be reckoned as service on full pay for the purposes of these regulations.

War service
how
reckoned.

10. Where an officer has been seconded from a pensionable office to temporary employment on the Harbour, Railway Construction or other similar works under Government control or to a non-pensionable office, the period of such temporary employment shall be reckoned for the purpose of pension, gratuity or other allowance, provided that—

Officers
seconded
for harbour
works, etc.

(a) the officer retires in circumstances in which he would otherwise be eligible for a pension, and

(b) for the purposes of these regulations he shall be deemed to have held during the period of such seconded service an office to which are attached pensionable emoluments equal to those which including normal increments he would have drawn in the office from which he has been seconded.

11. Pensions and gratuities shall be computed—

(a) where an officer has held one office, the pensionable emoluments of which are not based on a scale of increments, for a period of not less than three years immediately preceding the date of his retirement, on the pensionable emoluments payable to him at that date in respect of that office;

Emoluments
on which
pensions to
be computed.

(b) where an officer has at any time during such period of three years been transferred from one such office to another, but his pensionable emoluments have not been changed by reason of such transfer or transfers, on the pensionable emoluments payable to him at the date of his retirement in respect of the office then held by him;

(c) where an officer has held an office or has served as an officer of a class, the pensionable emoluments of which are based on a scale of increments, for a period of not less than three years immediately preceding the date of his retirement, on the pensionable emoluments payable to him at that date in respect of that office, or as an officer of that class:

Provided that where two or more classes are subject to one time scale, they shall be treated for this purpose as one class:

(d) in all other cases, on the average amount of the pensionable emoluments payable to the Officer during a period of three years immediately preceding the date of his retirement:

Provided that in the case of an officer who has received promotion within three years of the date of his retirement any service in an office or class in which such officer served for a period of not less than three years shall, for the purpose

of computation under this regulation, be deemed to be service on the highest pensionable emoluments paid to such officer in that office or class; and provided further that when an officer has received promotion within three years of the date of his retirement his pension may be calculated as if he had not been so promoted if this should be to his advantage.

Pension of certain judges.

12.—(1) A judge who prior to his appointment as judge held no office in the service of this Colony and who has held the office of judge for a continuous period of not less than seven years may on his retirement be granted a pension at the rate of one hundred and eighty seven-hundred-and-twentieths ($180/720$ ths) of his pensionable emoluments with an addition of two seven-hundred-and-twentieths ($2/720$ ths) in respect of each complete month of pensionable service in excess of seven years until three hundred and forty-eight seven-hundred-and-twentieths ($348/720$ ths) is reached and with the further addition of one seven-hundred-and-twentieth ($1/720$ th) in respect of each complete month of such service in excess of fourteen years, subject to the limit prescribed in section 11 of the Ordinance

(2) A judge who immediately prior to his appointment as judge held an office in the service of this Colony other than that of judge and has been in the service of this Colony for a continuous period of not less than ten years (including his service as a judge) may on his retirement be granted at his option—

either a pension at the rate of two seven-hundred-and-twentieths ($2/720$ ths) of his pensionable emoluments in respect of each complete month of pensionable service as judge together with one seven-hundred-and-twentieth ($1/720$ th) of the pensionable emoluments payable to him immediately prior to his appointment as judge in respect of each complete month of pensionable service prior to such appointment with an addition to such last-mentioned service of a period which shall bear the same proportion to five years as the period of his service prior to such appointment bears to his total service in the Colony;

or a pension computed at the rate prescribed in regulation 3;

subject in either case to the limit prescribed in section 11 of the Ordinance.

Officers enjoying private practice.

13. Except in cases where a claim to pension has been acknowledged or sanctioned by the Secretary of State or by the Governor in Council, no pension shall be granted under these regulations to any officer whose whole time is not given to the public service or to any professional officer who is allowed the private practice of his profession, but if any such officer is removed from the service of this Colony in consequence of the abolition of his office, there may be granted to him a pension at such reduced rate as the Secretary of State may sanction.

Gratuity and reduced pension.

14.—(1) An officer to whom a pension is granted under the Ordinance shall, if he has exercised his option as hereinafter provided, but not otherwise, 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 annual reduction so made in the pension.

(2) The option referred to in paragraph (1) shall be exercisable by an officer at any time on or before the date or day applicable to his case as herein mentioned, but not thereafter unless on special grounds the Governor in Council allows an extension of time, that is to say,—

(a) In the case of an officer who has attained pensionable status—the thirtieth day of June, 1933;

(b) In the case of any other officer—the thirtieth day after he first attains pensionable status, or the thirtieth day of June, 1933, whichever shall be the longer period.

Provided that an officer who has previously had the opportunity of exercising the option but has not done so and who is still in the service of this Colony, or in any other service which the Secretary of State may determine to be public service, may apply within one month (or within such extended period as the Governor in Council may allow) of his subsequent marriage for permission to exercise the option, which permission may be granted at the discretion of the Governor after examination of the officer by three Government medical officers, or if the officer marries while on leave of absence after examination by any medical practitioner authorised by the Secretary of State to make the examination.

(3) The date of the exercise of the option by an officer shall be deemed to be the date of the receipt of his written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies; or, in any case falling under the proviso in paragraph (2) of this regulation, the date on which the Governor grants permission to exercise the option.

(4) If an officer has exercised the option, his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under these regulations, except where such officer is retiring, before reaching the age at which he could ordinarily be permitted to retire, upon abolition of office or in accordance with the provisions of a scheme for accelerated retirement.

(5) An officer shall be deemed to attain pensionable status at the time when he might, if permitted to retire on the ground of infirmity of mind or body, be granted a pension.

(6) A re-employed officer or pensioner shall be deemed to have exercised, or not to have exercised, in respect of his service subsequent to re-employment, the said option, according as he exercised, or did not exercise, such option in respect of his previous service, even if, in respect of such previous service, the option was not available to him.

15. If any officer to whom a pension has been granted is appointed to another office in the service of this Colony and subsequently retires in circumstances in which he may be granted a pension, he may be granted, in lieu of his previous pension, a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of this Colony, whichever are 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.

Case of
pensioner
re-employed.

Abolition
of office.

16.—(1) If an officer holding a pensionable office and having not less than ten years pensionable service is retired from the service in consequence of the abolition of his office, or for the purpose of retrenchment or of facilitating improvement in the organisation of the department to which he belongs by which greater efficiency or economy can be effected, he may be granted a temporary pension on condition that he shall be liable to be recalled to service in this Colony: Such pension shall be at the rate of the number of six-hundredths (600ths) of the officer's pensionable emoluments exceeding the number of completed months of his pensionable service by the numbers following, that is to say, where his service—

- (a) is not less than twenty years 100
- (b) is less than twenty years but is not less than fifteen years 70
- (c) is less than fifteen years but is not less than ten years 50

Provided that if such officer is not qualified for other employment in the service of this Colony, or if there is not reason in the opinion of the Governor to expect that he can be shortly re-employed, a pension as aforesaid may be granted to him free from the said condition.

(2) If an officer holding a pensionable office and having less than ten years pensionable service is retired as mentioned in paragraph (1) of this regulation he may be granted a gratuity of one-twelfth of a month's pensionable emoluments for each month of the officer's pensionable service, with a fifty per cent. addition thereto.

(3) No pension shall be granted under this regulation exceeding in amount the pension for which the officer would have been eligible if he had continued to hold his office and if upon an incremental scale had continued to draw normal increments until he reached the age at which he might be required to retire, or in any case exceeding the limit prescribed in section 11 of the Ordinance.

Allowance
for injured
officers.

17.—(1) Where a person employed in the public service of this Colony has been permanently injured—

- (a) in the actual discharge of his duty; and
- (b) without his own fault; and
- (c) by some injury specifically attributable to the nature of his duty;

and his retirement is thereby necessitated or materially accelerated, he may be granted in respect of such injury, in addition to any pension or allowance granted under these regulations, an annual allowance at the 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:

Where his capacity to contribute to his support is—	
slightly impaired.....	fifty six-hundredths (50/600ths),
impaired.....	one hundred six-hundredths (100/600ths),

materially impaired.....one hundred and fifty six-hundredths (150/600ths),
 totally destroyed.....two hundred six-hundredths (200/600ths).

Provided that no such allowance, together with any pension granted under these regulations, shall exceed the limit prescribed in section 11 of the Ordinance.

(2) The amount of the annual allowance shall be reduced to such an extent as the Governor in Council shall think reasonable in the following cases—

(a) where the injured man has continued to serve for not less than one year after the injury in respect of which he retires;

(b) where the injured man is not less than fifty years of age at the date of the injury; or

(c) Where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to the injury.

(3) Where the officer so injured holds a pensionable office and his length of service is not such as to qualify him for a pension, but he is qualified for a gratuity under regulation 20, he may be granted in lieu of such gratuity an annual allowance of one six-hundredth (1/600th) of his pensionable emoluments for each complete month of pensionable service in addition to the allowance which may be awarded to him under this regulation.

(4) Any officer so injured, but not qualified for either a pension or a gratuity, may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified.

18.—(1) An officer holding a non-pensionable office who retires in circumstances in which he might have been granted a pension had he held a pensionable office, may, if he has continuously served in this Colony for not less than fifteen years, be granted an annual allowance not exceeding three quarters of the pension which he might have been granted had he been employed in a pensionable office.

Allowances,
 etc., for
 service in
 non-pension-
 able office.

(2) In lieu of the grant of such annual allowance under paragraph (1) of this regulation there may be granted to such officer, with the approval of the Governor, a capital sum equal to the amount of five of such annual payments, but no such capital sum shall ordinarily be paid in any case of retirement on the ground of ill-health. Provided that any such officer whose salary scale has a minimum of less than \$420 per annum may in lieu of such allowance be granted, if he so desires, an annual allowance at the rate of three-fourths of such allowance together with a gratuity equal to ten times the amount of the annual reduction so made in the allowance.

Commuta-
 tion.

(3) A gratuity at the rate of one month's emoluments in respect of each complete period of three years' service may be granted to the widow of any officer who has continuously

held a non-pensionable office in the public service in this Colony for not less than three years and who, at the date of his death, was in receipt of a salary as defined in the Widows' and Orphans' Pension Ordinance, 1908, of less than \$480 per annum.

Transfer from pensionable to non-pensionable office.

19. Where an officer has been transferred from a pensionable office to a non-pensionable office then at the option of such officer :

(a) his service in the non-pensionable office may be reckoned as though it were service in a pensionable office at the pensionable emoluments payable to him immediately prior to such transfer; or

(b) his service in the pensionable office may be reckoned as though it were service in a non-pensionable office.

Gratuity where service insufficient for pension.

20. Every officer, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which might have been granted if there had been no qualifying period.

Gratuity when nothing else is provided.

21. A gratuity or annual allowance may on his retirement be granted to any officer holding a non-pensionable office to whom the provisions of regulation 18 do not apply or to any person paid out of an open vote who has completed ten years faithful service. The amount of any gratuity or annual allowance granted under this regulation shall be determined by the Governor in Council.

Commutation.

22. In lieu of the grant of a pension there may, with the approval of the Governor, be granted to an officer of the lower grades of the Government Service if he intends to reside in India or in China, a capital sum equal to the amount of five annual payments, but no such capital sum shall ordinarily be paid in any case of retirement on the ground of ill-health: Provided that for the purposes of this regulation such annual payments shall be the remaining portions after deduction of the annual contribution, if any, due in respect of widows and orphans pension.

Conditions of pension.

23. It shall be a condition of the grant of every pension or other allowance that the Governor in Council may cancel or reduce it if it be shown to have been obtained by the wilful suppression of material facts or to have been granted in ignorance of facts which, had they been known before the retirement of the officer, would have justified his dismissal or a reduction of his salary.

Part II.

SPECIAL REGULATIONS FOR OFFICERS WITH OTHER PUBLIC SERVICE.

Interpretation.

24. In this Part—

“Scheduled Government” means any Government or service included in the Schedule to these regulations and

“Service in the group” means public service under the Government of this Colony and under a scheduled Government or Governments.

25. Subject to the succeeding regulations, the provisions of regulations 8, 14, 15 and 18 shall apply to the case of an officer who has been transferred to or from the service of this Colony from or to other public service, and the provisions of regulations 2, 4, 6, 7, 9, 10 and 11 shall apply to the case of an officer so transferred as if his whole service had been in this Colony.

Application
of Regula-
tions in
Part I.

Provided that in the application of regulation 14 to the cases falling under the limitation of section 11 (2) of the Ordinance the words “such pension” in that regulation shall be taken to mean the amount of pension which he might have drawn from the funds of this Colony if he had not elected for a gratuity and reduced pension.

26.—(1) 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 this Colony for a period of at least twelve consecutive months, and his aggregate service would have rendered him eligible, had it been wholly in this Colony, for a pension under the Ordinance, he may, 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 funds of this Colony 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 this Colony, as the aggregate amount of his pensionable emoluments during his service in this Colony 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:

Pension for
service
wholly
within the
group.

Provided that in determining the pension for which he would have been eligible if his service had been wholly in this Colony—

- (a) the final pensionable emoluments shall be taken to be those of his last period of service in the group;
- (b) no regard shall be had to regulations 16 and 17;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the highest pensionable emoluments;

Provided further that any period of other public service under any scheduled Government by which no gratuity or pension is granted to an officer shall not be taken into account either in determining the amount of pension for which he would have been eligible if his service had been entirely in the Colony, or in calculating the aggregate amount of his pensionable emoluments.

Provided further that where an officer entered the public service prior to the 1st day of January, 1930, his pension in respect of his service in this Colony may be calculated as

though any scheduled Government under which he has served had not been included in the Schedule to these regulations, if this should be to his advantage.

(2) 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 which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout the period of his service in the Colony or under any scheduled Government by which gratuity or pension is granted to him.

Pension where other service not within the group.

27. 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 this Colony for a period of at least twelve consecutive months, and his aggregate service would have rendered him eligible, had it been wholly in this Colony, for a pension under these regulations, he may, 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 funds of this Colony at the rate of one six-hundredth (1/600th) of the amount of his pensionable emoluments at the date of his transfer or retirement from the service of this Colony for each month of his pensionable service in this Colony.

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

28. Where a part only of the other public service of an officer has been under one or more of the scheduled Governments, the provisions of regulation 26 shall apply; but in calculating the amount of pension regard shall be had only to service in the group.

Pension where other service under certain Governments.

29. Where the other public service of an officer has not been wholly under one or more of the scheduled Governments but has been in whole or in part under one or more of the following Governments, namely,

Bahamas.	St. Helena.
Barbados.	Seychelles.
Bermuda.	Southern Rhodesia.
British Guiana.	Turks and Caicos Islands.
British Honduras.	Grenada.
Falkland Islands.	St. Lucia.
Leeward Islands.	St. Vincent.
Malta.	

and the officer has held a pensionable office in this Colony for a period of at least twelve consecutive months, and his aggregate service would have rendered him eligible, had it been wholly in this Colony, for a pension under these regulations, he may, 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, in lieu of the pension which might be granted under regulation 27 or 28 as the case may be, a pension from the funds of this Colony of an amount equal to the arithmetic mean between the pension which he could have been granted from the funds of this Colony if his service had been wholly under one or

more of the scheduled Governments and the pension which he would receive from the funds of this Colony in the absence of this regulation :

Provided that the pension which may be granted under this regulation shall not exceed the pension which the officer would receive from the funds of this Colony in the absence of this regulation by more than one-third of the latter.

30. Where a judge of this Colony has had other public service as judge, all or part of which has not been under any of the scheduled Governments, and has held a pensionable office in this Colony for a period of at least twelve consecutive months, and he is not eligible for a pension under regulation 12 or 26 but his aggregate service in this Colony and in other public service would have rendered him eligible for a pension under regulation 12, had it been wholly in this Colony, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the law and regulations of the service in which he is last employed to retire on pension or gratuity, be granted—

Pension of Judge with service not within the group.

either—a pension at the rate of two seven-hundred-and-twentieths ($\frac{2}{720}$ ths) of the pensionable emoluments payable to him at the date of his retirement (if he ultimately retires as a judge in this Colony) or at the date of his transfer from the service of this Colony to other public service, for each month of pensionable service as judge in this Colony together with a pension for his service in this Colony in any office other than that of judge calculated under regulation 3 or 26.

or a pension calculated under regulation 27, 28 or 29.

31. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible, had it been wholly in this Colony, for a pension under these regulations, is compulsorily retired from the public service in circumstances mentioned in regulation 16, he may, if at the time he is in the service of this Colony, be granted from the funds of this Colony in addition to the pension granted to him under regulation 26, 27, 28, 29 or 30, as the case may be, an additional pension equal to the additional pension which might have been granted to him if his total pensionable service had been in this Colony.

Additional pension in respect of abolition of office.

32. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible, had it been wholly in this Colony, for a pension under these regulations, is compulsorily retired from the public service in circumstances mentioned in regulation 17 he may, if at the time he is in the service of this Colony, be granted from the funds of this Colony the allowance allowed by that regulation, as well as the pension granted under regulation 26, 27, 28, 29 or 30, as the case may be.

Additional pensions to officers retiring on account of injury.

33. Where, by reason of the fact that an officer whose case falls under regulation 31 or 32 has held a pensionable office in this Colony for less than twelve consecutive months, he is not eligible for a pension under regulation 26, 27, 28, 29 or 30, as the case may be, he may, nevertheless, if at the time of his retirement he is in the service of this Colony, be granted from the funds of this Colony a pension of the same amount as the additional pension or allowance allowed by regulation 31 or 32 as the case may be.

Pension in respect of abolition of office or injury after less than twelve months' service in Hong Kong.

Gratuities where length of service does not qualify for pension.

34.—(1) Where an officer who has been transferred to or from the service of this Colony 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 service qualifying him for a pension, he may be granted from the funds of this Colony 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 if his case had fallen under regulation 26, 27, 28, 29 or 30, as the case may be.

Abolition of office.

(2) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation 16, he may, if at the time he is in the service of this Colony, be granted a special gratuity equal to one-half of the gratuity which might have been granted to him if his total pensionable service had been in this Colony, together with the gratuity, if any, which may be granted to him under paragraph (1) of this regulation.

Injury.

(3) Where such an officer is compulsorily retired from the public service in circumstances mentioned in regulation 17, he may, if at the time he is in the service of this Colony, 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 paragraph (1) of this regulation.

Officers transferred to other public service and retiring after less than twelve months' employment in last service.

35. 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 this Colony, if otherwise eligible therefor.

Allowance in certain cases to hospital matrons and nursing-sisters, with other service.

36. Where a European matron or a European nursing-sister has been employed in other public service as a qualified nursing-sister or matron, which employment was obtained by or through the Overseas Nursing Association, and has held a pensionable office in this Colony on or at any time after the 1st day of January, 1926, as a matron or nursing-sister in a Government hospital for a period, which need not be continuous, of not less than three years, and she is not eligible for pension, gratuity or other retiring allowance under the regulations contained in Part I, but her aggregate service in this Colony and in other public service as aforesaid make up a period, which need not be continuous, of not less than fifteen years, or ten years if she is compelled by reason of ill-health, not caused by her own misconduct, to relinquish her overseas nursing career, she may, subject as hereinafter provided, on her ultimate retirement from the public service be granted an allowance calculated at the rate of eight shillings and four pence (8s. 4d.) per annum for each complete month of her pensionable service in this Colony.

Provided that, except in the case of retirement, which in the opinion of the Governor in Council is ultimate retirement on account of infirmity of mind or body, or which is from a Colony in which the age of voluntary retirement is less than fifty years, no such allowance shall be payable

until the matron or nursing-sister attains the age of fifty years; and provided further that the grant of every allowance under this regulation shall be dependent on the production to the satisfaction of the Secretary of State of certificates of satisfactory service in respect of each term of service making up the minimum period of fifteen years or ten years, as the case may be, and that the total allowance drawn by a matron or nursing-sister from all sources in respect of her nursing career shall not exceed two thirds of the highest pensionable emoluments drawn by her at any time in the course of her service in this Colony or in other public service.

37. The provisions of regulations 24-34, inclusive, shall apply to all pensionable officers in the service of this Colony on or at any time after the 1st day of April, 1927, and to all those who, having served in this Colony, have before such date been transferred to other public service and were still in other public service at the said date. Provided that if the Governor in Council is satisfied that any officer to whom the said provisions apply by virtue of this regulation, has received an undertaking that he will be regarded as eligible for pension, gratuity or other allowance under conditions more favourable to him than those under the said provisions, the Governor in Council may direct that his pension, gratuity or other allowance shall be computed with due regard to such undertaking.

Application
of regula-
tions in
Part II to
certain
officers

D. W. TRATMAN,
Clerk of Councils.

COUNCIL CHAMBER,
9th December, 1932.

SCHEDULE.

[Reg. 24.]

The Governments of:—

- Great Britain and Northern Ireland.
- Basutoland.
- Bechuanaland Protectorate.
- British Solomon Islands Protectorate.
- Ceylon.
- Cyprus.
- Federated Malay States.
- Fiji.
- Gambia.
- Gibraltar.

Gilbert and Ellice Islands Colony.
Gold Coast.
Jamaica.
Kenya.
Mauritius.
Nigeria.
Northern Rhodesia.
Nyasaland.
Palestine.
Sierra Leone.
Somaliland.
Straits Settlements.
Swaziland.
Tanganyika Territory.
Trinidad.
Uganda.
Zanzibar.

The Board of Education for England and Wales.

The Crown Agents for the Colonies.

The Colonial Audit Department (Home Establishment).

The Kenya and Uganda Railways and Harbour Administration.