



THE OFFICIAL GAZETTE
OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE No 1291

The Governor in Council has approved of the introduction of the following Bill into Legislative Council

A W PURVIS,
Clerk of the Legislative Council

**A BILL ENTITLED
AN ORDINANCE TO AMEND THE PENSIONS
(INCREASE) ORDINANCE, 1951**

ENACTED by the Governor of the Colony of Kenya,
with the advice and consent of the Legislative Council
thereof, as follows —

1 This Ordinance may be cited as the Pensions (Increase) (Amendment) Ordinance, 1955, and shall be deemed to have come into operation on the first day of January, 1954, and to have and to have had, effect accordingly

Short title and
commencement

2. There shall be substituted for section 3 of the Pensions (Increase) Ordinance, 1951 (hereinafter referred to as the principal Ordinance), the following section—

Repeal and
replacement of
section 3 of
Ordinance No 44
of 1951

10 <sup>Increases
of pensions</sup> 3 (1) Where any person became eligible before the first day of January, 1946, for the grant of a pension of a type specified in the First Schedule to this Ordinance, such pension shall be increased by seven and one-half per centum

15 Provided that the amount of any increase payable under this sub-section shall not exceed seventy-five pounds per annum

20 (2) Where any person became or becomes eligible on or after the first day of January, 1946, for the grant of a pension of a type specified in the First Schedule to this Ordinance the Governor in Council of Ministers may, if satisfied that the amount of such pension was or is determined by reference to emoluments which had not been revised in accordance with arrangements for the general revision of salaries and conditions of service coming into force in the Colony or elsewhere after the third day of September, 1939, direct that he shall be deemed to have become eligible for such pension before the first day of January, 1946, and where any such direction is given the provisions of sub-section (1) of this section shall apply accordingly

35 (3) (a) Every pension of a type specified in the First Schedule to this Ordinance shall be increased by an amount calculated in accordance with the provisions of the Second Schedule to this Ordinance

Provided that—

40 (i) the amount of any increase payable under this sub-section shall not exceed two hundred and twenty-five pounds per annum.

(ii) the Governor in Council of Ministers may by order, made with the approval to be signified by resolution of the Legislative

Council, amend the Second Schedule to this Ordinance and may in the same manner amend paragraph (i) of this proviso, and any such order may be so made as to have retrospective effect to a date specified therein

(b) In this sub-section the word "pension" means, in the case of a pension to be increased under sub-section (1) of this section, the pension as so increased

10

Repeal and replacement of Second Schedule to the principal Ordinance

3. There shall be substituted for the Second Schedule to the principal Ordinance the following Schedule—

SECOND SCHEDULE

Increase to be applied to certain pensions in accordance with sub-section (3) of section 3 of this Ordinance—

- (a) If the pension does not exceed £70 per annum the increase shall be 35 per centum of the amount of the pension
- (b) If the pension exceeds £70 per annum but does not exceed £210 per annum the increase shall be 35 per centum of the first £70 and 16 25 per centum of the remainder of the pension
- (c) If the pension exceeds £210 per annum the increase shall be 22 5 per centum of the amount of the pension

MEMORANDUM OF OBJECTS AND REASONS

As a result of the revision of salaries which followed the Ladbury Report the Financial Secretaries of the East African territories and the Finance Member of the East Africa High Commission have reviewed the whole question of pension increases, and made the following proposals—

- (a) that pensions which arose prior to 1954 (i.e. without the benefit of the Ladbury revision) should be increased to conform to the revision,
- (b) that pensions which arose prior to 1946 (i.e. without the benefit of the earlier revision) should be consolidated with the increases already applicable thereto before the increases consequent on the Ladbury revision are calculated

This Bill gives effect to the proposals outlined above, by substituting a new section for section 3 of the Pensions (Increase) Ordinance, 1951 (*clause 2*), and by substituting a new Schedule for the Second Schedule thereto (*clause 3*)

The new section 3 (*clause 2* of the Bill) also deals with a difficulty that has arisen in the case of an officer who was transferred to another territory and retired after 1st January, 1946 (the effective date of the Holmes revision) without receiving the benefit of any post-war salaries revision similar to the Holmes revision. It is considered that he should receive that benefit notwithstanding the fact that he retired after 1st January, 1946, and a new sub-section (2) is inserted by *clause 2* of the Bill to cover this and any similar case which may arise in the future. The new sub-section covers incidentally the effect of the proviso to section 3 (1) as at present enacted, and that proviso is therefore omitted in the Bill.

If the provisions of this Bill become law it is estimated that additional expenditure of between £12,500 and £15,000 per annum will be incurred, together with some additional expenditure, which cannot be estimated but which is not expected to be large, in respect of the new sub-section 3 (2) referred to in the penultimate paragraph of this memorandum.

Nairobi,
8th September, 1955

R. H. MILLS-OWENS,
Acting Attorney General