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FIRST SCHEDULE.*

Rules for the granting of pensions, Gratuities and other allowances to Officers.

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* The First Schedule is printed in the volume containing the subsidiary legislation of this Chapter.

CHAPTER 173.

PENSIONS.

An Ordinance to Prescribe the Pensions, Gratuities and Allowances payable to Officers in the Service of the Government of Sierra Leone.

2 of 1950.
27 of 1954.
27 of 1956.
3 of 1958.
15 of 1959.

[1ST JANUARY, 1946.]

1. This Ordinance may be cited as the Pensions Ordinance, and it shall apply to the Colony and Protectorate, and shall be deemed to have come into operation on the 1st day of January, 1946, which date is hereinafter in this Ordinance referred to as the commencement of this Ordinance.

Short title
and com-
mencement

2. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

Interpreta-
tion.

“expatriate officer” means an officer who draws expatriation pay.

“expatriation pay” means such additions as may from time to time be attached to the salary of an office where the holder of such office for the time being has been declared by the Government of Sierra Leone to be an “expatriate officer”.

“new conditions of service” means the terms of service which took effect in West Africa from the 1st January, 1946, as from time to time amended.

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

“other public service” means public service not under the Government of Sierra Leone.

“pensionable emoluments”—

(a) in respect of public service in Sierra Leone includes (except in so far as may be otherwise provided by rules under this Ordinance):—

- (i) Salary,
- (ii) Expatriation pay, and
- (iii) Personal allowance; but does not include entertainment allowance or any other emoluments whatever;

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

“pensionable office” means—

27 of 1954.

(a) in respect of public service in Sierra Leone, an office which, by virtue of provision for the time being in force in an Order made by the Governor in Council and published in the *Gazette*, is declared to be a pensionable office, and any such Order may from time to time be amended, added to, or revoked by an Order so made and published; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office; any such Order made and published as aforesaid, other than an Order which has the effect of causing an office to cease to be a pensionable office, may be given retrospective effect, and the Pensions (Declaration of Pensionable Offices) Order in Council, shall be deemed to be such an Order made and published under this section with effect from the commencement of this Ordinance;

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(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 public service.

“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.

“public service” means service in a civil capacity under the Government of Sierra Leone or the Government of any part of Her Majesty’s Dominions or of any British Protectorate, Protected State or Mandated or Trust Territory administered by the Government of any part of Her Majesty’s Dominions or of the New Hebrides or the Anglo-Egyptian Sudan, or service which is pensionable under the Teachers’ Superannuation Act, 1925, or any Act amending or replacing the same, or under the Colonial Superannuation Scheme, or under the Freetown Municipality Officers Superannuation Ordinance or in a Colonial University College or pensionable employment under a Local Authority in the United Kingdom, or of such other service as the Secretary of State may determine to be “public service” for the purpose of any provision of this

15 and 16
Geo. 5 c. 59.

Cap. 71.

* This Order in Council, which was published in P.N. 116 of 1955, is printed in the Volume containing the subsidiary legislation of this Chapter.

Ordinance, and, except for the purposes of computation of pension and gratuity and of section 10 of this Ordinance, includes service as a Governor-General, Governor or High Commissioner in any part of Her Majesty's Dominions, any British Protected State or Protectorate, any Mandated or Trust Territory administered by the Government of any part of Her Majesty's Dominions or the Anglo-Egyptian Sudan.

"salary" means the salary attached to a pensionable office or, where provision is made for taking public service in a non-pensionable office into account as pensionable service, the salary attached to that office.

"Senior Civil Service" means the division or branch of the Civil Service of any West African Government which is so designated by such Government.

"West Africa" includes the territories administered respectively by the Governments of Ghana, Nigeria, Sierra Leone and Gambia, and any adjacent territories administered by any such Governments.

"West African Government" means a British West African Government.

3. (1) Pensions, gratuities and other allowances may be granted by the Governor in Council in accordance with the rules contained in Schedule I to officers who have been in the public service of Sierra Leone. Pension Rules.

The said rules may from time to time be amended, added to, or revoked by rules made by the Governor in Council with the sanction of the Secretary of State, and all rules so made shall be laid before the House of Representatives and published in the *Gazette*.

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

(3) Whenever the Governor in Council is satisfied that it is equitable that any rule under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that rule may be given retrospective effect for that purpose:

Provided that no such rule shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

Law applicable to grant of pension or gratuity.

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

Pensions, etc., to be charged on revenues of Sierra Leone.

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

Pensions, etc., not of right.

6. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Ordinance affect the right of the Crown to dismiss any officer at any time and without compensation.

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

Circumstances in which pension may be granted.

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

(1) on or after attaining the age of forty-five years, subject, unless the officer has attained the age of fifty, to six months notice in writing of his desire to retire having been given by the officer to the Governor, unless he sees fit to waive this condition;

(2) on compulsory retirement under the provisions of section 9;

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

Provided that if he retires from such other public service under the Federated Superannuation System for Universities or a similar insurance scheme before attaining the age of forty-five years, he does so on one of the grounds mentioned in paragraphs (4), (5), (6) and (7) of this section;

(4) on the abolition of his office;

(5) on compulsory retirement 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;