

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) ORDINANCE, 1963

No. 28 of 1963

Date of Assent: 22nd August, 1963

Date of Commencement: The whole Ordinance except sections 2 (b) and 5—27th August, 1963
Section 2 (b)—1st April, 1960
Section 5—12th April, 1960

An Ordinance to amend the Asian Officers' Family Pensions Ordinance

ENACTED by the Central Legislature of Kenya, as follows:—

1. (1) This Ordinance may be cited as the Asian Officers' Family Pensions (Amendment) Ordinance, 1963.

Short title and commencement

(2) Section 2 (b) of this Ordinance shall be deemed to have come into operation on the 1st April 1960.

(3) Section 5 of this Ordinance shall be deemed to have come into operation on the 12th April 1960.

2. Section 2 (1) of the Asian Officers' Family Pensions Ordinance, hereinafter referred to as the principal Ordinance, is amended—

Amendment of section 2 of Cap. 194.

(a) by substituting for the definition of "public service", which appears therein, a new definition as follows—
"public service" means—

(a) service in a civil capacity under the Government or under the government of any other country or territory in the Commonwealth;

(b) service under the East Africa High Commission, the East African Common Services Organization, the East African Railways and Harbours Administration or the East African Posts and Telecommunications Administration;

(c) service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of Her Majesty's Court of Appeal for Eastern Africa established by the Eastern Africa Court of Appeal Order in Council, 1961; and

(d) any other service that the Governor determines to be public service for the purposes of this Ordinance;

- (b) by substituting for the words "inducement pay", which appear in the definition of "salary" therein, the words "overseas addition or personal inducement allowance".

Amendment of
section 13
of principal
Ordinance.

3. Section 13 (1) of the principal ^{Am}Ordinance is amended—

- (a) by deleting the words "whose engagement is for a specified period which is less than twenty months or", which appear in paragraph (f) thereof;

- (b) by inserting next after paragraph (g) thereof a new paragraph as follows—

(h) any Asian officer serving under a written agreement expressed to continue for a specified period or periods, if—

(i) such officer is appointed on or after a day determined by the Governor, by notice in the Gazette, for the purposes of this paragraph, unless the terms of his appointment provide that he shall be eligible to be a member; or

(ii) such officer was appointed before the day determined under subparagraph (i) of this paragraph, and elects, by written notice addressed to the accounting officer of his Ministry or Department and, unless the ^{Min. Secy.}Governor is of the opinion that in the particular circumstances of the case the notice should be accepted at a later date, received by the accounting officer within three months of the day so determined, not to continue to contribute, in which case that officer shall cease to be a member (in so far as that expression means an officer who is contributing to the Fund) with effect from the first day of the month after that in which such notice is received by the accounting officer.

Amendment of
section 16
of principal
Ordinance.

4. Section 16 of the principal ^{Am}Ordinance is amended—

- (a) by inserting at the end of paragraph (d) thereof the word "or";

(b) by adding immediately after paragraph (d) thereof a new paragraph as follows—

(e) if, in the circumstances specified in subparagraph (ii) of section 13 (1) (h) of this ^{Act} Ordinance, he elects, in accordance with that subparagraph, not to continue to contribute.

5. Section 31 of the principal ^{Act} Ordinance is amended by adding at the end thereof two new subsections as follows—

Amendment of
section 31
of principal
Ordinance.

(3) A widow whose pension has on her remarriage lapsed or become payable to the children of her marriage with the member who are living and of pensionable age—

(a) may, if her husband dies in her lifetime, be paid the pension which was payable to her before her remarriage—

(i) as from the date of the death of her husband;
or

(ii) as from the date when such children cease to be of pensionable age;
whichever is the later; and

(b) may, if she becomes entitled on the death of her husband, being a member, to be paid a pension, be paid such pension till such children cease to be of pensionable age; and may then, ^{Act} without prejudice to any rights under this Ordinance of the children of her marriage with her husband, be paid in lieu the pension which was payable to her before her remarriage, if that would be to her advantage.

(4) In subsection (3) of this section, references to the husband of a widow are references to her husband by any remarriage.