

**THE WIDOWS' AND ORPHANS' PENSIONS  
(AMENDMENT) ORDINANCE, 1963**

**No. 29 of 1963**

*Date of Assent: 22nd August, 1963*

*Date of Commencement: The whole Ordinance except  
section 4—27th August, 1963  
Section 4—1st April, 1960*

**An Ordinance to amend the Widows' and Orphans' Pensions Ordinance**

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

Short title and commencement.

1. (1) This Ordinance may be cited as the Widows' and Orphans' Pensions (Amendment) Ordinance, 1963.

(2) Section 4 of this Ordinance shall be deemed to have come into operation on the 1st April 1960.

Amendment of section 2 of Cap. 192.

2. Section 2 (1) of the Widows' and Orphans' Pensions Ordinance, hereinafter referred to as the principal Ordinance, is amended by substituting for the definition "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 which is pensionable—
  - (i) under the Oversea Superannuation Scheme;
  - (ii) under any Acts relating to the superannuation of teachers in the United Kingdom;
  - (iii) under a local authority in the United Kingdom; or
  - (iv) under the National Health Service of the United Kingdom;
- (d) service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of Her Majesty's Court

L.N. 680/  
1961. of Appeal for Eastern Africa established by the  
Eastern Africa Court of Appeal Order in Council,  
1961;

- (e) service in the service of the Interim Commissioner for the West Indies; and
- (f) any other service that the ~~Secretary of State, or the Governor after consultation with the Secretary of State,~~ has determined to be public service for the purposes of this ~~Ordinance~~.

3. Section 5 (1) of the principal <sup>Act</sup> Ordinance is amended—

Amendment of  
section 5 of  
principal  
Ordinance.

- (a) by deleting the words “persons 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 (i) thereof a new paragraph as follows—

(j) any person serving under a written agreement expressed to continue for a specified period or periods if—

(i) such person is appointed on or after a day determined by the <sup>Minister</sup> 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 contributor; or

(ii) such person 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 or to the <sup>Government</sup> Crown Agents and, unless the <sup>Minister</sup> Governor is of the opinion that in the particular circumstances of the case the notice should be accepted at a later date, received by either of them within three months of that day, not to continue to contribute, in which case that person shall cease to be a contributor (in so far as that expression means a contributor to the scheme) with effect from the first day of the month after that in which such notice is <sup>received by the</sup> received by the accounting officer or the Crown Agents.;

(c) by adding a new subsection as follows—

(5) Where an officer ceases to contribute under subsection (1) (j) (ii) of this section, sections 33 and 39 of this Ordinance shall apply to him as if he had left the East African Service on the date on which he so ceased to be a contributor.

4. Section 9 of the principal Ordinance is amended by substituting for the words “inducement pay”, which appear therein, the words “overseas addition or personal inducement allowance”.

Amendment of  
section 9 of  
principal  
Ordinance Act