

THE PENSIONS (AMENDMENT) ACT 1968

No. 49 of 1968

Date of Assent: 8th October 1968

Date of Commencement: 11th October 1968

An Act of Parliament to amend the Pensions Act

ENACTED by the Parliament of Kenya, as follows:—

1. This Act may be cited as the Pensions (Amendment) Act 1968. Short title.

2. Section 9 of the Pensions Act, hereinafter referred to as the principal Act, is amended by substituting for the proviso to subsection (2) thereof the following proviso— Amendment of section 9 of Cap. 189.

Provided that—

(i) where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of such pension shall be deemed for the purpose of this subsection to be the amount which he would have received if he had not received a gratuity;

(ii) in the application of the limitation prescribed under this subsection no regard shall be had to any pension granted in respect of other public service attributable to service which has not been taken into account in determining the amount of the pension payable to an officer under this Act.

3. Section 22 (2) of the principal Act is amended— Amendment of section 22 of principal Act.

(a) by inserting immediately after the definition of "approved service" the following definition—

"Commission" means the Teachers Service Commission established by the Teachers Service Commission Act 1966;

(b) in the definition of "teacher", by inserting immediately after paragraph (d) thereof, the following new paragraphs—

(e) any citizen of Kenya who, having been registered as a teacher by the Commission, is employed as

a teacher by the Commission on or after the 23rd January 1967;

- (f) any citizen of Kenya who, having been registered as a teacher by the Commission, is employed as a teacher by any employer, other than the Commission, on or after the 23rd January 1967.

Amendment of
First Schedule
to principal Act.

4. The First Schedule to the principal Act is amended—

(a) by deleting regulations 18 and 19 thereof;

(b) by inserting at the end of regulation 20 (2) thereof the following proviso—

Provided that if he has been transferred from an office which has been abolished and for this reason the pensionable emoluments of that office have not been considered in a general revision of pensionable emoluments, then, for the purposes of this regulation, the pensionable emoluments attached to the abolished office shall be equated with those of such office or offices as are certified by the President in his discretion as having enjoyed the same pensionable emoluments as the abolished office at the time of the said revision;

(c) in the Schedule thereto—

(i) by inserting therein, in their proper alphabetical positions, the following items—

Guyana;

Kingdom of Lesotho;

Mid-West Nigeria;

Republic of Botswana;

United Republic of Tanzania;

(ii) by deleting therefrom the following item—

Union of South Africa.

Amendment of
Fifth Schedule
to principal Act.

5. The proviso to regulation 21 set out in paragraph 3 (c) of the Fifth Schedule to the principal Act is amended—

- (a) in paragraph (v) thereof, by deleting the word “and” which appears at the end thereof;

(b) by adding at the end thereof two new paragraphs as follows—

(vii) where a teacher is registered and employed by the Commission on or after the 23rd January 1967, his approved service in Kenya in a pensionable office shall count as pensionable service and his other approved service in Kenya, if any, shall count only as to one-half of such service or such greater proportion or the whole thereof as the President may determine; and

(viii) where a teacher, having been registered as a teacher by the Commission, is employed as a teacher by any employer, other than the Commission, on or after the 23rd January 1967, his approved service in Kenya on or after the 23rd January 1967 with any such employer shall not count as pensionable service unless his employer pays in full to the Government a sum representing twenty-five per cent of the pensionable emoluments enjoyed by the teacher during the entire period of his service with such employer, and any sum so paid shall not be refundable in any circumstances.