

LEGAL NOTICE No. 554

THE PENSIONS ORDINANCE, 1950

(No. 31 of 1950)

IN EXERCISE of the powers conferred by section 3 of the Pensions Ordinance, 1950, the Governor in Council of Ministers, with the sanction of the Secretary of State hereby makes the following Regulations:—

THE PENSIONS (AMENDMENT) REGULATIONS, 1958

1. These Regulations may be cited as the Pensions (Amendment) Regulations, 1958, and shall, with the exception of regulation 6, be deemed to have come into operation on 1st January, 1954.

2. There shall be substituted for regulation 19 of the Pensions Regulations, 1950 (hereinafter called the principal Regulations) a new regulation as follows—

First Schedule
to Ordinance
No. 31 of 1950.

Emoluments to be taken for computing pension or gratuity.

19. (1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years' pensionable service before his retirement—

- (a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increment, the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:
Provided that—
- (i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years those annual pensionable emoluments shall be taken; and
- (ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement,

if he had continued to hold any office from which he has been transferred at any time during such period of three years and had received all scale increments which, in the opinion of the Governor in Council of Ministers, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) of this regulation the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed—

(a) to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his retirement; and

(b) to have enjoyed to benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period of three years.

(3) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than three years' pensionable service before his retirement—

(a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;

(b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period; and

(c) he shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period.

3. Regulation 22 of the principal Regulations is amended in paragraph (a) thereof by substituting for the words "eighteen years; or", the words "eighteen years or, where it would be to his advantage, twenty years; or".

4. The principal Regulations are amended by inserting therein, immediately after regulation 24, a new regulation as follows—

24A. (1) An officer who is—

(a) a police officer below the rank of Assistant Inspector;

Retirement
of certain
other
officers.

(b) a prison officer below the rank of Chief Warder, Chief Warder Artisan or Chief Warder Clerk;

(c) a tribal police officer of or below the rank of Senior Sergeant, or

(d) a Forest Guard Grade I, II or III.

who retires on the completion of twelve sixteen or twenty years' public service as such an officer may be granted at his option—

(i) if he retires voluntarily, either a gratuity at the rate of one month's pay for each completed year of service or, if he is a depositor under the Provident Fund Ordinance, 1951, the moneys to which he is entitled thereunder on retirement;

No. 12
of 1951.

(ii) if he retires compulsorily, either of the benefits referred to in sub-paragraph (i) of this paragraph or a pension calculated in accordance with these Regulations.

(2) Where the officer is a depositor under the Provident Fund Ordinance, 1951, the amount of any gratuity and the capital value of any pension granted to him under the provisions of paragraph (1) of this regulation shall be deemed to be a sum due to the Government for the purposes of section 18 of the said Ordinance.

(3) For the purposes of this regulation, "pay" includes the value of free quarters and any allowance which the Governor may think fit to include.

5. Regulation 26 of the principal Regulations is amended—

(a) in sub-section (1) thereof by substituting for the words "of an amount not exceeding half a month's pay for each complete year, or half-year *pro rata*", the words "at the rate of one-twelfth of a month's pay for each complete month";

(b) in paragraph (a), (b) and (c) of sub-section (2) thereof by substituting for the words "each complete year of service" the words "his service", and for the words "each complete year of the" the words "the total".

6. The Schedule to the principal Regulations is amended—

(a) by inserting in its alphabetical place the name "Ghana";

(b) by substituting for the name "Montserrat" the name "Montserrat".

Made this 17th day of December, 1958.

By Command of the Governor in Council of Ministers.

E. W. M. MAGOR,
Secretary to the Council
of Ministers.