STATUTORY INSTRUMENTS

1971 No. 870

PACIFIC ISLANDS

The British Solomon Islands Protectorate (Entitled Officers) Order 1971

Made - - - -	*25th May* 1971
Laid before Parliament	*1st June* 1971
Coming into Operation	*2nd June* 1971

At the Court at Buckingham Palace, the 25th day of May 1971

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of all the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Commencement

1.—(1) This Order may be cited as the British Solomon Islands Protectorate (Entitled Officers) Order 1971.

(2) This Order shall come into operation on 2nd June 1971.

Interpretation

2.—(1) In this Order "the scheme" means the scheme providing for pecuniary benefits for members of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary that was published by the Government of the British Solomon Islands Protectorate on 20th March 1969.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Application of Schedule

3. The provisions contained in the Schedule to this Order shall have effect within the British Solomon Islands Protectorate.

High Commissioner need not consult Governing Council

4. The High Commissioner may exercise the powers conferred on him by the Schedule to this Order without consulting the Governing Council of the British Solomon Islands Protectorate.

Transitional provisions

5. Where the High Commissioner, any officer or authority has before the commencement of this Order in pursuance of any provision of the

(a) 1890 c. 37. (b) 1889 c. 63.

scheme, made any application, given any notice, permission, consent or undertaking or granted any benefit or made any payment or done any other thing, as the case may be, for the purposes of that scheme, that application, notice, permission, consent, undertaking, benefit, payment or other thing shall be deemed to have been made, given, granted or done, as the case may be, under the corresponding provision of the Schedule to this Order, and the provisions of that Schedule shall have effect accordingly.

N. E. Leigh.

SCHEDULE

Pecuniary Benefits for Certain Officers in the Public Service of the British Solomon Islands Protectorate

Interpretation

1.—(1) In this Schedule, unless the context otherwise requires—

"appropriate law" in relation to an officer in the public service means the law in force in the Protectorate that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the public service;

"dollar" means the dollar which under the Currency Ordinance of the Protectorate(a) is legal tender in the Protectorate;

"entitled officer" means an officer in the public service who on the operative date has not attained the age of fifty-five years and who—

(*a*) was immediately before the operative date the substantive holder of an office that was at that date a pensionable office for the purposes of the appropriate law; and

(*b*) is a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary and a designated officer for the purposes of the Overseas Service (British Solomon Islands Protectorate) Agreement 1961; and

(*c*) has, under paragraph 2 of this Schedule, been given permission by the High Commissioner to become a participant in the scheme; and

(*d*) has since the operative date been the substantive holder of an office service in which may during his tenure thereof be taken into account in computing his pension under the appropriate law; and

(*e*) has been confirmed in his appointment, where his appointment is subject to confirmation;

"General Orders" means the General Orders of the Government;

"Government" means the Government of the Protectorate;

"operative date" means 1st April 1969;

"pecuniary benefit" means the amount to which an officer is entitled under paragraph 4 of this Schedule;

"pensionable emoluments" means emoluments that may be taken into account in computing the pension of an officer under the appropriate law;

"pensionable service" means the aggregate amount of service that may be taken into account for the purpose of computing the pension of an officer under the appropriate law;

"Protectorate" means the British Solomon Islands Protectorate;

"public service" means the public service of the Protectorate;

"substantive holder" in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract;

(a) Cap. 79 of the Revised Laws of the British Solomon Islands Protectorate 1963 and Ordinance No. 15/65.

"vacation leave" has the meaning assigned to it by the General Orders in force on the operative date.

(2) For the purposes of this Schedule—

(*a*) a person shall not be regarded as holding any office on the operative date if on that date he was on leave of absence pending his retirement otherwise than under this Schedule;

(*b*) a person whose office has been abolished and who retires in consequence of the abolition of his office shall be deemed to be the substantive holder of that office during the period between the date on which the office was abolished and the date of expiration of any leave of absence granted to him pending his retirement;

(*c*) when an officer on probation is required to retire—

(i) under paragraph 6 of this Schedule;

(ii) in consequence of injury or ill-health;

(iii) in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of that part of the public service to which he belongs by which greater economy or efficiency may be effected; or

(iv) on the grounds of age in accordance with the provisions of the appropriate law,

he shall be deemed to have been confirmed in his appointment immediately before the operative date;

(*d*) subject to the provisions of head (*a*) of this sub-paragraph, an officer who satisfies the conditions specified in heads (*a*), (*b*), (*c*) and (*e*) of the definition of "entitled officer" in sub-paragraph (1) of this paragraph, and who has, before the date of the commencement of this Order retired or died, shall be deemed to have become entitled to a pecuniary benefit under paragraph 4 of this Schedule and the provisions of this Schedule shall have effect in relation to such officer as if he were an entitled officer immediately before such retirement or death.

(3) For the purpose of calculating the pecuniary benefit to which an officer is entitled under this Schedule, where the officer is seconded to the service of another government or authority on the date in relation to which the assessment is made he shall be deemed to have such annual pensionable emoluments on that date as he would have had on that date if he had not been so seconded but had continued until that date to hold the office in the public service that he was holding immediately before his secondment and had been granted all increments and other increases of salary for which he would thus have been eligible.

(4) Where an entitled officer transfers to the public service of the Gilbert and Ellice Islands or to the British Service of the New Hebrides the provisions set out in paragraph 1 of the First Annex to this Schedule shall apply to that officer; and where a person who is an entitled officer under the Gilbert and Ellice Islands (Entitled Officers) Order 1971 or the New Hebrides (British Service) (Entitled Officers) Order 1971(a), transfers to the public service, the provision set out in paragraph 2 of the First Annex to this Schedule shall apply to that officer.

(5) The provisions of this Schedule shall, in relation to an entitled officer who is a judge of the High Court of the Western Pacific have effect as if—

(*a*) references to the age of fifty-five years were references to the age of sixty-two years;

(*b*) references to Table I of the Second Annex to this Schedule were references to Table II of that Annex.

(6) In this Schedule references to the Pensions Ordinance or Pension Rules or to any Part, section or Rule thereof, shall, unless it is otherwise stated, include references to any Ordinance, Rules, Part, section or Rule amending or replacing the same.

(a) S.I. 1971/871 (1971 II, p.2562).

Permission to join the scheme

2.—(1) Subject to the provision of sub-paragraph (2) of this paragraph, if an officer who satisfies the conditions specified in heads (*a*), (*b*), (*d*) and (*e*) of the definition of "entitled officer" in paragraph 1(1) of this Schedule, applies to the High Commissioner within a period of three months of the operative date for permission to become a participant in the scheme, the High Commissioner shall give that officer such permission:

Provided that the High Commissioner may in respect of a particular officer extend the period during which application for permission may be made.

(2) The High Commissioner shall not grant such permission—

(*a*) if the officer has not undertaken, in the form prescribed by the High Commissioner, that he will, to such extent as may be required, continue to serve in an office in the public service (service in which may during his tenure thereof be taken into account in computing his pension under the appropriate law) until—

(i) in the case of an officer who on the operative date has not attained the age of fifty years, 1st April 1979 or in the case of an officer who attains that age on a date between 1st April 1972 and 1st April 1979, that date, and

(ii) in the case of an officer who on or before the operative date has attained that age, 1st April 1972 or the date on which he attains the age of fifty-five years, whichever is the earlier;

(*b*) if disciplinary proceedings are being taken or are about to be taken against the officer which might lead to his dismissal.

(3) Where disciplinary proceedings are being taken or are about to be taken against such an officer then if those proceedings are not taken or do not lead to his dismissal, the High Commissioner shall, if such officer has given the undertaking referred to in paragraph (*a*) of sub-paragraph (2) of this paragraph, give such officer permission to become a participant in the scheme.

Penalty for breach of undertaking

3.—(1) This paragraph shall not apply to an entitled officer to whom paragraph 9 or paragraph 10 of this Schedule applies.

(2) If an entitled officer to whom this paragraph applies ceases to serve in accordance with the undertaking given by him for the purposes of paragraph 2 of this Schedule, otherwise than with the consent of the High Commissioner or by reason of his death or his retirement in circumstances described in paragraph 11(1) of this Schedule, he shall cease to be an entitled officer and shall not be entitled as from the date on which he ceases to serve to any benefit or pension under this Schedule or the appropriate law.

Entitlement to pecuniary benefit

4.—(1) Subject to the provisions of this Schedule, every entitled officer shall be entitled to a pecuniary benefit which shall be assessed in accordance with the provisions of this paragraph and at each assessment shall be calculated by multiplying the amount of the full annual pensionable emoluments enjoyed by him on the date in relation to which the assessment is made by the appropriate factor and the resulting amount or twenty-one thousand, four hundred and thirty dollars, whichever is the less, shall be the amount to which he is entitled.

(2) The pecuniary benefit of each entitled officer under this paragraph shall, if it has not already been provisionally assessed, be provisionally assessed as soon as is reasonably practicable after the commencement of this Order and for that purpose the date in relation to which the assessment is to be made shall be the operative date.

(3) The pecuniary benefit of each entitled officer under this paragraph shall be provisionally re-assessed upon each anniversary of the operative date and shall be finally assessed upon the expiration of the period for which he has undertaken in pursuance of paragraph 2 of this Schedule to continue to serve

or upon his retirement under this Schedule or death whichever is the earlier; and for the purposes of this sub-paragraph the date in relation to which the assessment is to be made shall be such date (not being earlier than the operative date or later than the date upon which his pecuniary benefit is provisionally re-assessed or finally assessed, as the case may be) as is most advantageous in relation to the officer.

(4) When the pecuniary benefit of any entitled officer is provisionally assessed or re-assessed or is finally assessed, he (or, in the case of an officer who has died, his personal representatives) shall thereupon be given a statement showing the amount of the pecuniary benefit to which, in accordance with that provisional assessment or re-assessment or final assessment, he is entitled.

(5) In this paragraph " the appropriate factor " in relation to an officer means the factor obtained from Table I of the Second Annex to this Schedule that is appropriate to the age and pensionable service of that officer on the date in relation to which the assessment is to be made in completed years and months or, if it is more favourable to the officer, reckoned in completed years without regard to parts of a year.

Payment of pecuniary benefits

5.—(1) When the pecuniary benefit of an entitled officer has been provisionally assessed a first payment shall be made to that officer on 1st April 1970, or, in the case of an officer who retires under paragraph 6 or paragraph 7 of this Schedule, on the date on which his leave pending retirement expires, whichever is the earlier, which shall be an amount equal to the amount of the pecuniary benefit as so assessed or if that amount exceeds two thousand, one hundred and forty-three dollars then one-sixth of the amount of the pecuniary benefit or two thousand, one hundred and forty-three dollars, whichever is the greater.

(2) Subject to the provisions of paragraph 13 of this Schedule, a further payment shall be made to every entitled officer upon each anniversary of the date of the first payment which—

(*a*) in the case of a payment upon the first, second, third or fourth anniversary, shall be an amount equal to the appropriate fraction of the balance of the pecuniary benefit then outstanding; and

(*b*) in the case of a payment made upon the fifth or any later anniversary shall be an amount equal to the balance of the pecuniary benefit then outstanding:

Provided that—

(i) where the balance of the pecuniary benefit outstanding upon the first, second, third or fourth anniversary exceeds one thousand and seventy-one dollars, an amount equal to the appropriate fraction of the balance or eight hundred and fifty-seven dollars, whichever is the greater, shall be paid;

(ii) where the balance so outstanding is less than one thousand and seventy-one dollars an amount equal to that balance shall be paid.

(3) In this section " the appropriate fraction "—

(*a*) in relation to an assessment made upon the first anniversary, means one-fifth;

(*b*) in relation to an assessment made upon the second anniversary, means one quarter;

(*c*) in relation to an assessment made upon the third anniversary, means one third; and

(*d*) in relation to an assessment made upon the fourth anniversary, means one half.

Compulsory retirement

6.—(1) The High Commissioner may by notice require an entitled officer to retire from the public service and such officer shall retire from the public service on the expiration of the leave of absence for which he is eligible.

(2) The period of the notice to be given under sub-paragraph (1) of this paragraph shall be such as the High Commissioner considers appropriate in any particular case:

Provided that where notice is to be given to an officer who is not on vacation leave having completed a tour of residential service—

(*a*) the period of the notice shall not be less than a period of six months residential service or such shorter period as the High Commissioner may, with the consent of the officer, determine; and

(*b*) if the notice is to be given to the officer within three months of the commencement of his tour of residential service, the period of the notice shall commence to run on the day following the completion of the first three months of such tour.

Voluntary retirement

7.—(1) Where an entitled officer who is on vacation leave having completed a tour of residential service desires to retire, he may, whether or not he has fulfilled the undertaking he gave for the purposes of paragraph 2 of this Schedule, give notice to the High Commissioner of his desire to retire and, if the High Commissioner gives his consent to his retirement, that officer shall retire from the public service on the expiration of the vacation leave for which he is eligible:

Provided that the High Commissioner may make his consent to the officer's retirement conditional on the officer returning to the Protectorate after the expiration of his vacation leave for a period of six months residential service, in which event the officer shall retire from the public service on the expiration of the vacation leave for which he may be eligible on completing that period of six months residential service.

(2) In any other case, an officer desiring to retire shall give six months notice to the High Commissioner of his desire to retire and shall retire from the public service on the expiration of any vacation leave for which he may be eligible on the expiration of such notice:

Provided that—

(*a*) in the case of an officer who has not fulfilled the undertaking he gave for the purposes of paragraph 2 of this Schedule, he may not retire without the consent of the High Commissioner;

(*b*) the officer may give such shorter period of notice as the High Commissioner may, with the agreement of the officer, determine;

(*c*) if within six months from the date on which the officer has given notice, he will have completed a tour of thirty-six months residential service or if the officer has, before the date on which he gave notice, been given leave to proceed on vacation leave within the period of notice, then the period of the notice shall terminate on the date on which the officer will have completed thirty-six months residential service or the date on which he is to proceed on vacation leave, as the case may be;

(*d*) if the officer gives notice to retire within three months of the commencement of his tour of residential service, the period of notice shall commence to run on the day following the completion of the first three months of such tour.

(3) An entitled officer, who has given notice to retire under this paragraph may, with the consent of the High Commissioner, withdraw the notice.

Special gratuity on the death of certain officers

8.—(1) Where an entitled officer dies while in the public service and it is lawful under the provisions of the appropriate law for a gratuity to be granted to his personal representatives, there shall be granted to his personal representatives either that gratuity or a gratuity equal to the maximum gratuity that could have been granted to that officer under the provisions of paragraph 11 of this Schedule

if he had retired under this Schedule at the date of his death, whichever is the greater:

Provided that, in the case of an officer to whom Part III of the Pension Rules of the Protectorate applied, in respect of that proportion of the pension for which he would have been eligible, if he had retired under this Schedule at the date of his death and which is attributable to his pensionable service otherwise than in a public service in the Western Pacific, the provisions of paragraph 11(2)(*b*) of this Schedule shall apply but the permitted fraction referred to in that paragraph shall not be less than three-quarters.

(2) For the purposes of the proviso to sub-paragraph (1) of this paragraph the proportion of a pension which is attributable to the pensionable service of an officer otherwise than in a public service in the Western Pacific shall be that proportion of the pension for which the officer would have been eligible if his pensionable service had been wholly in a public service in the Western Pacific as the aggregate amount of his pensionable emoluments during his pensionable service otherwise than in a public service in the Western Pacific bears to the aggregate amount of his pensionable emoluments throughout his pensionable service.

(3) The High Commissioner may direct that, instead of being paid to the personal representatives, any gratuity payable under this paragraph shall be paid to one of the dependants of the deceased or two or more of those dependants in such proportions as the High Commissioner may think fit.

(4) In this paragraph, " in a public service in the Western Pacific " means in the public service of the British Solomon Islands Protectorate or in the public service of the Gilbert and Ellice Islands or in the British Service of the New Hebrides.

Officers re-appointed to United Kingdom service

9.—(1) This paragraph applies to an entitled officer who has retired under this Schedule and—

(*a*) who was transferred to the public service from pensionable employment under the Government of the United Kingdom in a public office as defined by the Superannuation Act 1892(a); and

(*b*) who not later than twelve months after he retired has (other than as the result of a competition conducted by the Civil Service Commissioners of the United Kingdom) returned to such pensionable employment.

(2) A person to whom this paragraph applies shall cease to be entitled to a pecuniary benefit under paragraph 4 of this Schedule, but shall be entitled to a pecuniary benefit of an amount equal to one-half of the amount he would receive if he were entitled to a pecuniary benefit under paragraph 4 of this Schedule.

(3) If the provisions of this paragraph become applicable to any person, his pecuniary benefit shall forthwith be re-assessed, and

(*a*) if the amount of the pecuniary benefit as so reassessed exceeds the amount he has already received under this Schedule, the balance of the pecuniary benefit then outstanding shall be paid, together with any unpaid interest that has accrued under this Schedule before the reassessment, in the manner prescribed by paragraph 5 of this Schedule for the payment of a pecuniary benefit assessed under paragraph 4 of this Schedule; or

(*b*) if the amount of the pecuniary benefit he has already received under this Schedule exceeds the amount of the pecuniary benefit to which he is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.

Transfer to other public service

10.—(1) This paragraph applies to an entitled officer who is transferred from the public service—

(*a*) to the service of a government or authority that is a Scheduled Government for the purposes of Part III of the Pension Rules of the Protectorate in

(a) 1892 c. 40.

circumstances in which he remains eligible for the grant of a pension under the appropriate law upon his eventual retirement;

(*b*) to service in the office of Governor in such circumstances that he is or may become eligible for a pension under the Governors' Pensions Act 1957(a):

Provided that—

(i) it does not apply to an officer to whom paragraph 9 of this Schedule applies or who is transferred to the service of the Gilbert and Ellice Islands or to the British Service of the New Hebrides or who has completed the period during which he has undertaken in pursuance of paragraph 2 of this Schedule, to continue to serve;

(ii) it applies to any officer who transfers to pensionable employment under the Government of the United Kingdom in a public office as defined in the Superannuation Act 1892.

(2) An officer to whom this paragraph applies shall cease to be an entitled officer and shall not be entitled to any pecuniary benefit or pension under this Schedule; and any instalments of the pecuniary benefit to which he was entitled and which have been paid to him under paragraph 5 of this Schedule shall forthwith become repayable.

Grant of pension and gratuities

11.—(1) This paragraph shall apply to an entitled officer who—

(*a*) retires or is required to retire under this Schedule;

(*b*) is permitted to retire by reason of injury or ill-health;

(*c*) is required to retire in consequence of the abolition of his office or for the purpose of facilitating improvements in that part of the organisation of the public service to which he belongs by which greater economy or efficiency may be effected;

(*d*) is required to retire in the public interest;

(*e*) retires on or after the termination of the period during which he has undertaken, in accordance with paragraph 2 of this Schedule, to continue to serve; or

(*f*) in the case of a woman, is required to retire on her marriage.

(2) Subject to the provisions of paragraph 19 of this Schedule, an entitled officer, on his retirement under this Schedule may be granted at his option (such option to be exercised in accordance with the provisions of Rule 25 of the British Solomon Islands Protectorate Pension Rules) either—

(*a*) a pension of such amount as may be granted under the appropriate law; or

(*b*) a reduced pension equal to such fraction as he may desire of the pension that may be granted under the appropriate law (not being less than the permitted fraction) together with a gratuity equal to the annual amount of the remaining fraction of that pension multiplied by the appropriate factor.

(3) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(*a*) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and

(*b*) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(4) Where an officer retires by reason of injury or ill-health in circumstances in which he could under the appropriate law be granted an additional pension the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law included references to that additional pension.

(a) 1957 c. 62.

(5) Where an officer to whom this paragraph applies retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected in circumstances in which he could under the appropriate law be granted an additional pension, the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law did not include references to that additional pension.

(6) For the purposes of this paragraph the amount of the pension or gratuity that an officer who is required to retire under paragraph 6 of this Schedule may be granted under the appropriate law shall be calculated by reference to the full annual pensionable emoluments enjoyed by him on the date immediately prior to his retirement.

(7) If an officer has not exercised the option conferred upon him by sub-paragraph (2) of this paragraph within the period in which it is required to be exercised he shall be deemed to have opted for the grant of a pension of such amount as may be granted under the appropriate law.

(8) In this paragraph—

" the appropriate factor " in relation to an officer means the factor obtained from Table III of the Second Annex to this Schedule that is appropriate to the age of that officer on the date immediately prior to his retirement reckoned in completed years and completed months ;

" the permitted fraction "—

(*a*) in relation to an officer who retires within one year of the operative date, means three-quarters ; and

(*b*) in relation to an officer who retires within not less than one year of the operative date, means such fraction as is obtained by subtracting one-sixteenth for each complete year of his pensionable service, but not exceeding four years, after the operative date from three-quarters:

Provided that in reckoning for the purposes of this sub-paragraph the years of pensionable service of an officer who is granted leave of absence pending his retirement, leave of absence granted in respect of service prior to the operative date the enjoyment of which had on the operative date been deferred shall not be taken into account.

Special gratuity for certain officers

12.—(1) Subject to the provisions of paragraph 19 of this Schedule, where any entitled officer to whom Part III of the Pension Rules of the Protectorate applies retires under this Schedule and is granted by any government or other authority that is a Scheduled Government for the purposes of that Part both a pension and a gratuity, having elected to receive that pension and that gratuity in lieu of a pension of greater amount, he may be granted (in addition to any gratuity that may be granted to him under paragraph 11 of this Schedule) a gratuity equal to the amount (if any) by which the amount produced by—

(i) subtracting the annual amount of the pension granted to him by the Scheduled Government from the annual amount of the pension that would have been granted to him by that Government had he not elected to receive the gratuity granted to him by the Scheduled Government ; and

(ii) multiplying the resulting amount by the appropriate factor,

exceeds the amount of the gratuity granted to him by the Scheduled Government.

(2) In this paragraph " the appropriate factor " has the same meaning as in paragraph 11 of this Schedule.

Special provisions as to payment of pecuniary benefits

13.—(1) Whenever an entitled officer who has not already received the whole of the pecuniary benefit to which he is entitled—

(*a*) completes the period during which he has undertaken, in pursuance of paragraph 2 of this Schedule, to continue to serve or dies before completing that period ; or

(*b*) is required to retire under paragraph 6 of this Schedule or retires in the circumstances described in paragraph 11(1)(*b*), (*c*) or (*d*) of this Schedule,

the balance of the pecuniary benefit to which he is entitled shall be paid to him or, if he is dead, to his personal representatives.

(2) The High Commissioner may direct that instead of any payment being made to the personal representatives of a deceased person payment shall be made to one of the dependants of the deceased or two or more of those dependants in such proportions as the High Commissioner may think fit.

(3) Whenever any instalment of a pecuniary benefit becomes due under this Schedule interest at the rate of five per centum per annum shall accrue from day to day—

(*a*) in cases where the pecuniary benefit has not been finally assessed, during the period between the date on which the amount of the pecuniary benefit was last due to be assessed and the date on which the next following assessment is to be made ;

(*b*) in cases where the pecuniary benefit has been finally assessed, during the period between the date on which that instalment of the pecuniary benefit became due and the date on which the next following instalment of the pecuniary benefit will become due,

upon any part of the pecuniary benefit that did not then become payable and that interest shall become payable at the end of the period during which it accrued:

Provided that, for the purpose of calculating interest under this sub-paragraph the pecuniary benefit to which the officer is entitled shall be deemed to have been provisionally assessed, and the first instalment thereof paid to the officer, on the operative date.

(4) When the pecuniary benefit of an entitled officer is finally assessed under paragraph 4(3) of this Schedule upon his retirement, in addition to the interest payable under sub-paragraph (3) of this paragraph that officer shall be paid a sum equal to the interest that would, if the balance of the pecuniary benefit due to him on the date of his retirement had not been paid and provision had been made for interest at the rate of five per centum per annum to accrue from day to day on that balance, have accrued upon that balance during the period between the date of his retirement and the next anniversary of the operative date.

Leave and subsistence allowance

14.—(1) This paragraph shall apply to an entitled officer who is required to retire under paragraph 6 of this Schedule.

(2) An officer to whom this paragraph applies who is on vacation leave after completing a tour of residential service when he is required to retire shall—

(*a*) if the period of vacation leave for which he is eligible on the date upon which he is given notice requiring him to retire is less than six months, be granted such additional vacation leave as will bring the aggregate period of such vacation leave from that date up to six months ;

(*b*) if with the consent of the High Commissioner he returns to the Protectorate to settle his affairs, he shall be paid a subsistence allowance at the rate prescribed by General Orders for the period of his stay in the Protectorate or twenty-one days, whichever is the less.

(3) An officer to whom this paragraph applies who is not on vacation leave after completing a tour of residential service when he is required to retire shall, if the period of vacation leave for which he is eligible on the date of his departure from the Protectorate is less than six months, be granted such additional vacation leave as will bring the aggregate period of such vacation leave from that date up to six months.

Option to forgo leave

15. An entitled officer—

(*a*) to whom paragraph 11 of this Schedule applies who is not on vacation leave having completed a tour of residential service, may at any time before the end of his tour of residential service, or

(*b*) who returns to the Protectorate in accordance with a condition laid down by the High Commissioner under the proviso to paragraph 7(2) of this Schedule or to whom paragraph 14(2)(*b*) of this Schedule applies, may within three days of his return,

elect to forgo all leave for which he would be eligible on his departure from the Protectorate; and to receive in lieu of such leave a terminal payment equal to the aggregate amount of the emoluments which he would have received during the leave for which he was eligible if he had taken it:

Provided that such terminal payment shall not form part of the pensionable emoluments of the officer.

Passages and baggage facilities

16.—(1) In the case of an entitled officer on vacation leave having completed a tour of residential service, in respect of whom the High Commissioner has granted his consent to his retirement under paragraph 7 of this Schedule, if he returns to the Protectorate after the expiration of his vacation leave at the requirement of the High Commissioner for a period of six months residential service, he shall be provided with appropriate passages and appropriate baggage facilities for himself and his family in respect of his and their return journey to the Protectorate and in respect of his and their journey from the Protectorate consequential upon his retirement; and in any other case (whether or not he returns to the Protectorate) he shall be provided with appropriate baggage facilities for himself and his family for the purpose of removing his and their effects from the Protectorate.

(2) In the case of an entitled officer on vacation leave after completing a tour of residential service being required to retire under paragraph 6 of this Schedule he shall, if the High Commissioner considers that it would be reasonable for him to return to the Protectorate to settle his affairs and he returns, be provided with appropriate passages in respect of his return journey to the Protectorate and his subsequent journey from the Protectorate; and in any case (whether or not he returns to the Protectorate) he shall be provided with appropriate baggage facilities for himself and his family for the purpose of removing his and their effects from the Protectorate.

(3) In the case of an entitled officer who is not on vacation leave after completing a tour of residential service and who is required to retire under paragraph 6 of this Schedule, or who retires under paragraph 7(2) of this Schedule, he shall be provided with appropriate passages for himself and his family in respect of his and their journey from the Protectorate (if any) consequential upon his retirement; and in any case (whether or not such passages are provided) he shall be provided with appropriate baggage facilities for himself and his family for the purpose of removing his and their effects from the Protectorate.

(4) In this paragraph "appropriate passages" and "appropriate baggage facilities", in relation to an entitled officer or, as the case may be, to the family of an entitled officer, mean respectively such passages and such baggage facilities as an officer of his status is entitled to under General Orders for the purpose of travelling to the Protectorate in order to begin a tour of residential service or, as the case may be, for the purpose of travelling from the Protectorate when retiring from the public service, having attained the age of fifty-five years and having completed such a tour.

Disciplinary proceedings

17.—(1) When disciplinary proceedings are taken, or are about to be taken, against any person who is serving as an entitled officer and those proceedings might lead to his dismissal, the payment of any pecuniary benefit under this Schedule and interest thereon shall be withheld pending the determination of those proceedings.

(2) Where any person who is serving as an entitled officer is dismissed, any pecuniary benefit that he has not already received may, on the discretion of the High Commissioner, be withheld.

(3) The provisions of section 5(2) of the Pension Ordinance of the Protectorate(a) shall apply in relation to any pecuniary benefit to which a person may be entitled under this Schedule as they apply in relation to any pension, gratuity or other allowance to which a person may be eligible under that Ordinance.

Place of payment and rate of exchange

18. Any pecuniary benefit, gratuity or interest payable under this Schedule to an officer or to his personal representatives or dependants shall be paid, in accordance with any request made from time to time by such officer, his personal representatives or his dependants, as the case may be, in any of the following countries—

(*a*) in the United Kingdom ;

(*b*) in the Protectorate, the Gilbert and Ellice Islands or the New Hebrides ;

(*c*) in the country from which the officer was recruited or where he intends to reside ;

(*d*) in the case of payment to the personal representatives of an officer or his dependants, in the country in which the personal representatives or the dependants, as the case may be, reside ; or

(*e*) in such other country as the officer or his personal representatives or dependants may, with the concurrence of the High Commissioner, select,

in the currency of the country in which payment is to be made ; and, where payment is to be made in a country other than the Protectorate, the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of payment, the amount in sterling of the pecuniary benefit, gratuity or interest as calculated at the official rate of exchange prevailing on the operative date.

Application of appropriate law

19. The provisions of the appropriate law shall, subject to the provisions of this Schedule, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law ;

Provided that section 11 of the Pensions Ordinance of the Protectorate or any law amending or replacing that section shall not apply in relation to any pension granted under the provisions of this Schedule.

Exemption from tax

20. Any pecuniary benefit or gratuity payable under any of the provisions of this Schedule shall be exempt from tax under any law in force in the Protectorate or the Gilbert and Ellice Islands relating to the taxation of incomes or imposing any other form of taxation.

(a) Cap. 13 of the Revised Laws of the British Solomon Islands Protectorate 1963.

Exercise of options

21. Any option exercisable by any person for the purposes of this Schedule—

(*a*) shall be irrevocable after the end of the period within which it is to be exercised;

(*b*) shall be exercised by notice in writing to the High Commissioner;

(*c*) shall be deemed to have been exercised on the date on which the notice is received:

Provided that the High Commissioner may, if he thinks fit, generally or in respect of a particular person and subject or not to conditions, extend the period for the exercise of an option.

FIRST ANNEX Schedule paragraph 1(4)

OFFICERS TRANSFERRING TO OR FROM THE GILBERT AND ELLICE ISLANDS OR THE NEW HEBRIDES

1. Where an entitled officer is transferred to the public service of the Gilbert and Ellice Islands or to the British Service of the New Hebrides—

(*a*) so long as he continues to serve in either of those services in an office service in which may during his tenure thereof be taken into account in computing his pension under the pension laws of the service, such service shall for the purposes of paragraphs 1 and 3 of this Schedule be deemed to be service in an office in accordance with the undertaking given by the officer for the purposes of paragraph 2 of this Schedule;

(*b*) if he has not already received the whole of the pecuniary benefit to which he is entitled, he shall cease to be entitled under paragraph 5 of this Schedule to any further payments of that pecuniary benefit;

(*c*) if he retires from either of those services in circumstances in which he is permitted under the appropriate Order to retire on pension, in calculating the pension or gratuity for which he is eligible under the appropriate law, the provisions of paragraph 11 of this Schedule shall be applied.

2. Where a person who is an entitled officer for the purposes of the appropriate Order is transferred from an office in the service of the Gilbert and Ellice Islands or in the British Service of the New Hebrides, service in which may during his tenure thereof be taken into account in computing his pension under the pension law of the service, to an office in the public service, service in which may during his tenure thereof be taken into account in computing his pension under the appropriate law—

(*a*) the provisions of this Schedule other than paragraphs 2 and 3 shall apply to him as if he were an entitled officer:

Provided that—

(i) any payments of a pecuniary benefit paid to the officer under the Gilbert and Ellice Islands (Entitled Officers) Order 1971 or the New Hebrides (British Service) (Entitled Officers) Order 1971, as the case may be, shall be deemed to be payments of a pecuniary benefit paid to the officer under and in accordance with the provisions of this Schedule,

(ii) the proviso to paragraph 8(1) of this Schedule shall not apply in relation to an officer who dies while in the public service;

(*b*) if he ceases, otherwise than with the consent of the High Commissioner or by reason of his death or his retirement in circumstances described in paragraph 11 of this Schedule, to serve in such an office in the public service before the termination of the period for which he had undertaken under the appropriate Order to serve in an office in the public service of the Gilbert and Ellice Islands or in the British Service in the New Hebrides, as the case may be, the provisions of this Schedule shall cease to apply to him and he shall not be entitled to any pension or other benefit under this Schedule or the appropriate law.

3. In this Annex "appropriate Order"—

(*a*) in the case of an officer in the public service of the Gilbert and Ellice Islands, means the Gilbert and Ellice Islands (Entitled Officers) Order 1971; and

(*b*) in the case of an officer in the British Service of the New Hebrides, means the New Hebrides (British Service) (Entitled Officers) Order 1971.

SECOND ANNEX

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE I (OFFICERS)

I. Read off from the table the factors for the officer's age at his last birthday and his:—

(*a*) completed years of service,

(*b*) completed years of service plus one year.

II. Subtract I(*a*) from I(*b*), divide the difference by twelve and multiply the result by the number of completed months of service, if any, in excess of the completed years of service.

III. Add I(*a*) and II.

IV. Repeat steps to III for the officer's age at his next birthday.

V. Divide the difference between III and IV by twelve and multiply by the number of completed months of age, if any, since the officer's last birthday.

VI. If IV is greater than III, add V to III.

If IV is less than III, subtract V from III.

VI is the factor required.

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE II (JUDGES) AND TABLE III (COMMUTATION)

I. Read off from the table the factors for the officer's age:—

(*a*) at his last birthday;

(*b*) at his next birthday.

II. Divide the difference between I(*a*) and I(*b*) by twelve and multiply by the number of completed months of age since the last birthday.

III. If I(*b*) is greater than I(*a*), add II to I(*a*).

If I(*b*) is less than I(*a*), subtract II from I(*a*).

III is the factor required.

In calculating factors by interpolation in respect of tables I to III calculation should be rounded off to two decimal points and where this results in a difference of point nought one in either direction, such difference should be ignored.

TABLE I Schedule paragraph 4(5)

OFFICERS WITH RETIREMENT AGE OF 55

Age of Officer	Factor where length of service is							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years or more
25 ...	·26	·35	·44	·53	·62			
26 ...	·30	·40	·50	·59	·69	·79		
27 ...	·33	·44	·56	·67	·78	·89	1·00	
28 ...	·38	·50	·63	·76	·88	1·01	1·13	1·26
29 ...	·43	·57	·72	·86	1·00	1·14	1·29	1·43
30 ...	·49	·65	·82	·98	1·14	1·31	1·47	1·63
31 ...	·56	·75	·93	1·12	1·31	1·50	1·68	1·87
32 ...	·64	·85	1·06	1·28	1·49	1·70	1·92	2·13
33 ...	·72	·96	1·20	1·43	1·67	1·91	2·15	2·39
34 ...	·80	1·06	1·33	1·60	1·86	2·13	2·39	2·66
35 ...	·88	1·17	1·46	1·75	2·04	2·34	2·63	2·92
36 ...	·95	1·27	1·58	1·90	2·22	2·54	2·85	3·17
37 ...	1·01	1·35	1·69	2·03	2·37	2·70	3·04	3·38
38 ...	1·06	1·42	1·78	2·13	2·48	2·84	3·19	3·55
39 ...	1·10	1·46	1·83	2·20	2·56	2·93	3·29	3·66
40 ...	1·11	1·48	1·85	2·22	2·59	2·96	3·33	3·70
41 ...	1·10	1·47	1·84	2·21	2·58	2·94	3·31	3·68
42 ...	1·08	1·44	1·80	2·16	2·52	2·88	3·24	3·60
43 ...	1·04	1·38	1·73	2·07	2·42	2·77	3·11	3·46
44 ...	·99	1·32	1·64	1·97	2·30	2·63	2·96	3·29
45 ...	·93	1·24	1·54	1·85	2·16	2·47	2·78	3·09
46 ...	·86	1·15	1·44	1·72	2·01	2·30	2·58	2·87
47 ...	·79	1·05	1·31	1·58	1·84	2·10	2·37	2·63
48 ...	·72	·96	1·20	1·44	1·68	1·92	2·16	2·40
49 ...	·65	·87	1·08	1·30	1·52	1·74	1·95	2·17
50 ...	·58	·77	·96	1·16	1·35	1·54	1·74	1·93
51 ...	·50	·67	·84	1·01	1·18	1·34	1·51	1·68
52 ...	·43	·57	·71	·85	·99	1·14	1·28	1·42
53 ...	·30	·40	·50	·60	·70	·80	·90	1·00
54 ...	·15	·20	·25	·30	·35	·40	·45	·50
55 and over	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

NOTE: The factor corresponding to the officer's age and service in years and completed months should be obtained by interpolation.

Schedule paragraph 1(5)

TABLE II

JUDGES—NORMAL RETIREMENT AGE 62

Age of Judge	*Factor*
40	3·60
41	3·68
42	3·70
43	3·68
44	3·60
45	3·47
46	3·32
47	3·15
48	2·96
49	2·76
50	2·55
51	2·34
52	2·13
53	1·92
54	1·71
55	1·50
56	1·30
57	1·11
58	·93
59	·76
60	·60
61	·40
62 and over	Nil

NOTE: These factors apply where the judge has at least ten years' service. The factor corresponding to the judge's age in years and completed months should be obtained by interpolation.

TABLE III Schedule paragraph 11(8)

COMMUTATION OF PENSION

Table showing the lump sum to be paid for the commutation of each $1 *p.a. of pension.*

Age of Officer	*Factor*
25	17·08
26	16·97
27	16·86
28	16·74
29	16·62
30	16·50
31	16·38
32	16·25
33	16·12
34	15·98
35	15·84
36	15·70
37	15·55
38	15·40
39	15·24
40	15·07
41	14·90
42	14·73
43	14·55
44	14·36
45	14·17
46	13·97
47	13·76
48	13·54
49	13·32
50	13·08
51	12·84
52	12·59
53	12·50
54	12·50
55 and over	12·50

NOTE: The factors corresponding to the officer's age in years and completed months should be obtained by interpolation.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for certain officers in the public service of the British Solomon Islands Protectorate to participate in a scheme whereby, in return for undertaking to continue to serve in that public service for a specified period, the officers receive certain pecuniary benefits.