

ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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C A P. CXIII.

An Act to authorize the Payment of Retiring Pensions to Colonial Governors. [5th *July* 1865.]

WHEREAS it is expedient that Retiring Pensions should be granted in certain Cases to Officers who have administered the Government of Her Majesty's Colonial Possessions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definition of "Colony."

1. In this Act the Term "Colony" includes any Plantation, Island, or other Possession within Her Majesty's Dominions, exclusive of the United Kingdom of *Great Britain* and *Ireland*, and of the Islands being immediate Dependencies thereof, and exclusive of *India* as defined by the Act of Parliament of 1858 "for the "better Government of *India*."

Full Rate of Pension as herein stated.

2. The full Rate of Pension herein-after referred to shall be as follows, that is to say:

In the Case of Officers who shall for at least Four Years have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than Five thousand Pounds, One thousand Pounds:

In the Case of Officers who shall for at least Four Years have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than Two thousand five hundred Pounds, Seven hundred and fifty Pounds:

In the Case of Officers who shall for at least Four Years have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than One thousand two hundred Pounds, Five hundred Pounds:

In other Cases, Two hundred and fifty Pounds.

Reduced Rate.

3. The reduced Rate of Pension herein-after referred to shall in all Cases be Two Thirds of the full Rate.

When full Rate may be granted.

4. One of Her Majesty's Principal Secretaries of State may, by Writing under his Hand, grant the full Rate of Pension to any Person who, being of the Age of Sixty, shall have administered the Government of any Colony or Colonies for Periods amounting in the whole to Eighteen Years, or who, being of the Age aforesaid, shall have administered such Government or Governments for Periods amounting in the whole to Ten Years, and shall have been employed in the whole either in such Administration or in the permanent Civil Service of Her Majesty, for Periods amounting in the whole to Twenty-five Years, or to any Person who, having administered such Government or Governments for Periods amounting in the whole to Fifteen Years, shall have established, to the Satisfaction of such Secretary of State, that he is incapable, from Infirmity of Mind or Body contracted while administering his Government, of discharging the Duties of any Office in the Public Service, and that such Infirmity is likely to be permanent.

When reduced Rate may be granted.

5. Such Secretary of State may, by such Writing as aforesaid, grant the reduced Rate of Pension to any Person being of the Age of Sixty, who, after having attained the Age of Forty, shall have administered the Government of any Colony or Colonies for Periods amounting in the whole to Twelve Years, or to any Person being of the Age of Sixty, who, after having attained the Age of Forty, shall have administered such Government or Governments for Periods amounting in the whole to Eight Years, and shall have been employed in the whole, either in such Administration or in the permanent Civil Service of Her Majesty, for Periods amounting in the whole to Twenty Years, or to any Person who, having administered such Government or Governments for Periods amounting in the whole to Ten Years, shall have established to the Satisfaction of such Secretary of State that he is incapable, from Infirmity of Mind or Body contracted while administering his Government, of discharging the Duties of any Office in the Public Service, and that such Infirmity is likely to be permanent.

6. No

Permanent Civil Service not to be counted under this or any other Act.

6. No Person whose Claim to a Pension under the Provisions of this Act is founded in part upon his Employment in the permanent Civil Service of Her Majesty shall be entitled to claim a Superannuation Allowance, in respect of the same Employment, under the Provisions of any other Act of Parliament.

Deductions from Pension on account of Half Pay, &c.

7. In case any Person to whom a Pension shall have been granted under the Provisions of this Act shall be or become entitled to any Half Pay, Salary, or other Emolument from any Public Revenue raised, or in respect of any Public Services performed, within Her Majesty's Dominions, his Pension shall be reduced by Half the Amount of such Half Pay, Salary, or Emolument.

Advancement to higher Rates of Pension.

8. In case any Person to whom a Pension shall have been granted under the Provisions of this Act shall, by reason of his Re-employment, become eligible for any higher Rate of Pension than that already granted him, One of Her Majesty's Principal Secretaries of State may, by such Writing as aforesaid, grant to him such higher Rate of Pension.

Person receiving Pension bound to accept Employment till of Age of Sixty;

not to relinquish it till Sixty-five.

9. In case any Person, having administered the Government of any Colony and not being of the full Age of Sixty, shall be called upon by Her Majesty to administer the Government of any Colony not being of a lower Class than that on which his Rate of Pension has been, or in case of his Retirement on reaching the Age of Sixty would be calculated, and not being incapable from Infirmity of Mind or Body of administering such Government, shall refuse to administer the same; or if any such Person, not being of the full Age of Sixty-five, shall relinquish such Government without the Permission of Her Majesty, or shall neglect or decline to execute the Duties thereof satisfactorily, the said Secretary of State may by Writing under his Hand declare that such Person has forfeited all Claim to any Pension under this Act, and such Claim shall thereupon be forfeited accordingly.

As to Pension of Person also employed in Civil Service.

10. In case any Person shall have administered the Government of any Colony or Colonies, and shall have likewise been employed in the permanent Civil Service of Her Majesty, but shall not have become entitled to any Pension under the preceding Clauses of this Act, the Number of Years passed in the Government of such Colony or Colonies shall, for the Purpose of computing any Superannuation Allowance to be granted to such Person under the Superannuation Act, 1859, be taken to have been passed in the permanent Civil Service of Her Majesty, and at the Rate of Salary last received by such Person in respect of his Employment in such permanent Civil Service.

11. Any

What to be deemed Employment in Civil Service.

11. Any Person claiming a Pension shall, for the Purposes of this Act, be taken to have been employed in the permanent Civil Service of Her Majesty while holding any Office which at the Time of his claiming such Pension would entitle the Holder thereof to Superannuation Allowance under the Superannuation Act, 1859.

Secretary of State to determine when an Officer is in Administration of Government.

12. One of Her Majesty's Principal Secretaries of State may, with the Consent of the Lords Commissioners of the Treasury, from Time to Time determine under what Conditions and to what Extent any Officer shall be deemed for the Purposes of this Act to have been administering the Government of any Colony while administering the same provisionally, or while absent from his Government with Permission of Her Majesty; and for the Purposes of this Act the Commission issued under the Great Seal of the Territory of *New South Wales* for the Government of the District of *Port Phillip* shall be taken to have constituted that District a Colony.

Statement of Pensions to be laid before Parliament.

13. All Pensions granted under this Act shall be paid out of such Monies as Parliament may provide for the Purpose, and a Statement of all such Pensions shall be laid annually before Parliament.

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