CHAPTER 24.

An Act to consolidate and amend the Law relating to the payment of Pensions to Governors of any part of His Majesty's Dominions, or any British Protectorate, or persons holding a similar office. [18th August 1911.] A.D. 1911.

BE it enacted by the King'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 :

Power to grant pensions to Governors.

1.—(1) Subject to the provisions of this Act, the Secretary of State may, with the approval of the Treasury, by writing under his hand, grant a pension to any Governor within the meaning of this Act who has completed not less than ten years' service as such a Governor, and has either—

(*a*) attained the age of sixty years ; or

(*b*) become, in the opinion of the Secretary of State, incapable of discharging the duties of his office by reason of some infirmity of mind or body which is likely to be permanent ; or

(*c*) retired, or been removed, from his office in consequence of the abolition thereof.

(2) The decision of the Secretary of State, confirmed by the Treasury, with respect to the claim of any person to a pension under this Act shall be final.

Calculation of amount of pension.

2. The amount of pension under this Act for Governors within the meaning of this Act shall be calculated in accordance with the following rules :—

(1) Governorships within the meaning of this Act shall be divided for the purposes of pension into four classes, to be called Class I., Class II., Class III., and Class IV. The division shall be made by order of the Secretary of State approved by the Treasury and laid before Parliament, and any order so made may be revoked or varied by an order made in a similar manner :

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(2) The unit of pension for every completed month's service as Governor shall be five pounds for Class I., four pounds for Class II., three pounds for Class III., and two pounds for Class IV.:

(3) Where a Governor's service has been in one class only, the yearly amount of his pension shall be the amount produced by multiplying the unit of pension for that class by the number of completed months' service:

(4) Where a Governor's service has been in more than one class, the unit of pension for each class in which he has served shall be multiplied by the number of completed months' service in that class, and the yearly amount of the pension shall be the sum of the amounts so produced.

Provisions as to holding other pensions with Governor's pension.

3. A pension may be granted in respect of service in the permanent Civil Service of the State, under the Superannuation Acts, 1834 to 1909, to any Governor within the meaning of this Act who is entitled to receive a pension under this Act, in the same manner and subject to the same provisions, as far as applicable, as if, on the completion of that service, he had retired on the ground of ill-health, and any pension so granted to him or granted to him in respect of any other service may be held by him in addition to his pension under this Act, subject to the provisions of this Act as to the maximum yearly amount of the pension to be received.

Maximum amount of pension.

4.—(1) The yearly amount of a pension under this Act shall not exceed thirteen hundred pounds.

(2) Where a person is entitled to receive a pension under this Act, and is also in receipt of any other sum by way of pension granted in respect of employment in the service of the Crown—

(*a*) he shall not receive the pension under this Act so long as the yearly amount of the other sum so received is thirteen hundred pounds or upwards; and

(*b*) if the yearly amount of the other sum so received is less than thirteen hundred pounds, he shall not receive a greater sum in respect of the pension under this Act than the difference between that yearly amount and thirteen hundred pounds.

Reckoning of Governor's service for Civil Service pension in certain cases, and provision as to gratuity on death while serving as Governor. 9 Edw. 7. c. 10.

5.—(1) Where any person having served as a Governor within the meaning of this Act, and having likewise been employed in service in the permanent Civil Service of the State, has not become entitled to receive a pension under this Act in respect of his service as Governor, the number of years served by him as Governor shall, for the purpose of computing any pension which may be granted to him under the Superannuation Acts, 1834 to 1909, be deemed to have been passed in service in the permanent Civil Service of the State and at the

rate of salary last received by him in respect of his employment in that Service (emoluments being reckoned for this purpose as salary).

(2) Where a Governor within the meaning of this Act who was immediately before his appointment as Governor employed in the permanent Civil Service of the State dies while he is Governor, subsection (1) of section two of the Superannuation Act, 1909 (which provides for a gratuity in case of death in certain cases), shall apply in his case as if he was at the time of his death employed in the permanent Civil Service of the State at the rate of salary last received by him in respect of his employment in that service (emoluments being reckoned for this purpose as salary).

For the purposes of this provision, employment in the permanent Civil Service of a colony shall not be deemed to be employment in the permanent Civil Service of the State, notwithstanding anything in section two of the Pensions (Colonial Service) Act, 1887. 50 & 51 Vict. c. 13.

Deduction from pension on account of salary or emolument other than pension.

6. If any person to whom a pension has been granted under this Act is, or thereafter becomes, entitled to any salary or other emolument from any public revenue raised, or in respect of any public services performed, within His Majesty's dominions (other than a pension), his pension under this Act shall be reduced by half the amount of the salary or emolument.

Advancement to higher rate of pension.

7. If any person to whom a pension has been granted under this Act becomes by reason of re-employment entitled to a pension of an increased yearly amount under this Act the Secretary of State may, with the approval of the Treasury, and subject to the maximum yearly amount of a pension under this Act, by writing under his hand, grant him a pension of an increased yearly amount.

Obligation to accept re-employment till age of 60, and continue in office till age of 65.

8. If any person who has served as a Governor within the meaning of this Act, and has not attained the age of sixty, is called upon by His Majesty to undertake any Governorship within the meaning of this Act, and, not being incapable from infirmity of mind or body of executing the duties of the office, refuses to undertake the Governorship, or if any such person, not being of the full age of sixty-five, relinquishes any such Governorship without the permission of His Majesty, or neglects or declines to execute the duties of the office satisfactorily, the Secretary of State may, by writing under his hand, declare that that person has forfeited all claim to any pension under this Act, and the claim to pension shall thereupon be forfeited accordingly.

Power to grant a reduced pension in special cases.

9.—(1) Where in any special case it appears to the Secretary of State and the Treasury that it is impracticable to find appropriate employment in the public service for a person who has served as a Governor within the meaning of this Act, and

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who would be entitled under the foregoing provisions of this Act to receive a pension under this Act if he had attained the age of sixty years, and that it is in the interests of the public service to grant him a pension under this Act, the Secretary of State may, by writing under his hand, grant him such a pension as if he had attained the age of sixty years, but in such a case the full yearly amount of the pension shall be reduced by one two-hundred-and-fortieth for every complete month which must elapse between the date on which the pension becomes payable and the time at which the person to whom the pension is granted will attain the age of sixty :

Provided that, if those reductions would amount to more than half the full yearly amount of the pension, the pension shall not be reduced by more than half of its full amount.

(2) A pension may be granted in respect of service in the permanent Civil Service of the State to any Governor who receives a pension under this section in the same manner as if he had received a pension under the foregoing provisions of this Act.

(3) A minute of the Secretary of State, approved by the Treasury, granting a pension under this section shall set forth the amount of the pension granted and the reasons for the grant, and shall be laid before Parliament.

Provision as to determining amount of service as Governor.

10. The Secretary of State may, with the consent of the Treasury, determine under what conditions and to what extent any person shall be deemed for the purposes of this Act to have been serving as a Governor within the meaning of this Act while serving as provisional Governor, or while proceeding to his government, or while absent from his government with the permission of His Majesty.

Provision of money for pensions.

11. All pensions granted under this Act shall be paid out of moneys provided by Parliament, and a statement of all such pensions shall be laid annually before Parliament.

Interpretation, repeal, and short title.

12.—(1) For the purposes of this Act—

The expression "Governor" means the Governor or administrator of any part of His Majesty's dominions (exclusive of the British Islands and of British India), or of a British Protectorate, and includes the High Commissioner of Cyprus, and the expression "Governorship" shall be construed accordingly ;

The expression "service in the permanent Civil Service of the State" means service in respect of which a pension may be granted under the Superannuation Acts, 1834 to 1909 ;

The expression "pension" includes any superannuation or other retiring allowance, including any Navy or Army

retired pay, and also includes any capital sum paid on or in respect of retirement, or by way of commutation of a pension payable periodically;

Where any pension or any part thereof consists of a capital sum, the yearly amount of that sum shall, for the purpose of this Act, be taken to be the yearly amount which would actuarially be the equivalent of the capital sum, having regard to the expectation of life of the person receiving the sum.

(2) The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule:

Provided that—

(*a*) In section two of the Pensions (Colonial Service) Act, 1887, a reference to this Act shall be substituted for a reference to the Colonial Governors (Pensions) Acts, 1865 and 1872; and 50 & 51 Vict. c. 13. 28 & 29 Vict. c. 113. 35 & 36 Vict. c. 29.

(*b*) The repeal shall not affect the rights of any person to whom a pension has been granted under the enactments repealed to receive that pension; and

(*c*) The repeal shall not affect the rights of any person who is serving or has served as a Governor within the meaning of this Act at the time of the passing of this Act to receive a pension under the repealed enactments in cases where he is entitled to receive a pension under those enactments but not entitled to receive a pension under this Act; and

(*d*) If a person who is serving or has served as a Governor within the meaning of this Act at the time of the passing of this Act subsequently becomes entitled to receive a pension in respect of that service under this Act, and would also have been entitled to receive a pension under the repealed enactments, a pension may be granted to him at his option either in accordance with the provisions of this Act or in accordance with the provisions of the repealed enactments.

(3) This Act may be cited as the Pensions (Governors of Dominions, &c.) Act, 1911.

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SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
28 & 29 Vict. c. 113.	The Colonial Governors (Pensions) Act, 1865.	The whole Act.
35 & 36 Vict. c. 29.	The Colonial Governors (Pensions) Act, 1872.	The whole Act.
50 & 51 Vict. c. 13.	The Pensions (Colonial Service) Act, 1887.	Sections three, four, and five.

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