CHAPTER 16.

An Act to amend the law relating to the payment of pensions to Governors, and persons holding similar offices, who have served within His Majesty's Dominions, or in British Protectorates, or Mandated Territories. [27th March 1929.]

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:—

Increase of units of pensions and of maximum amount of pension. 1 & 2 Geo. 5. c. 24.

1.—(1) For the purpose of calculating the amount of any pension under the Pensions (Governors of Dominions, &c.) Act, 1911 (hereinafter referred to as "the principal Act") the unit of pension for every completed month's service as Governor shall be increased by one pound; and accordingly paragraph (2) of section two of the principal Act shall have effect as if for the words "five," "four," "three" and "two" there were therein substituted respectively the words "six," "five," "four" and "three."

(2) The maximum yearly amount of a pension under the principal Act shall be increased by seven hundred pounds; and accordingly section four of that Act shall have effect as if for the words "thirteen hundred," wherever those words occur, there were therein substituted the words "two thousand."

(3) As respects any person who on the twenty-second day of March, nineteen hundred and twenty-eight, was serving as a Governor (including any person who by virtue of an order made under this Act is deemed to have been so serving), this section shall be deemed to have been in operation as from the date of his appointment as Governor.

Provisions as to alternative pensions

2. Where any Governor entitled to receive a pension under section one of the principal Act is a person who was, immediately before his appointment as Governor,

under Superannuation Acts.

employed in service in the permanent civil service of the State, then, if the amount of the pension payable to him under the principal Act would, together with any further pension which might be granted to him under section three of that Act, be less than the amount of the pension payable to him under this section, a pension may be granted to him under the Superannuation Acts, 1834 to 1919, as if the number of years served by him as Governor had been passed in service in the permanent civil service of the State and as if the rate of salary received by him had been that last received in respect of his employment in that service (emoluments being reckoned for this purpose as salary).

Power to grant a reduced pension under Superannuation Acts in special cases.

3.—(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, having served as a Governor and having been employed in service in the permanent civil service of the State, is entitled neither to a pension under section nine of the principal Act nor to a pension under the Superannuation Acts, 1834 to 1919, by reason of his having neither completed ten years' service as a Governor nor attained the age of sixty years, and that it is nevertheless in the interest of the public service to grant him a pension, the Treasury may grant him a pension under the Superannuation Acts, 1834 to 1919, as if he had attained the age of sixty years, and the provisions of subsection (1) of section five of the principal Act shall apply for the purpose of computing any such pension subject, save as hereinafter provided, to the modification that so much of the pension as is payable in respect of his service as a Governor shall be reduced by one-two-hundred-and-fortieth for every completed 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, that part of the pension payable in respect of service as a Governor shall not be so reduced—

(*a*) by more than one-half of the full amount thereof; or

(*b*) in the case of a Governor retiring from service in an unhealthy place who has attained an age at which he would if he had retired while holding

the office last held by him in the permanent civil service of the State have been entitled to receive a pension, by more than will permit of the payment under this section of a pension as nearly as may be equivalent to that which he would have been so entitled to receive.

(2) In this section the expression "unhealthy place" has the same meaning as in the Superannuation Act, 1876, and in determining for the purposes of proviso (*b*) of the last foregoing subsection what pension a Governor would have been entitled to receive if he had retired while holding the office last held by him in the permanent civil service of the State, his service as Governor in an unhealthy place shall be reckoned in manner provided by section two of that Act. 39 & 40 Vict. c. 53.

(3) Every Minute of 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.

(4) This section shall be deemed to have been in operation as from the ninth day of March, nineteen hundred and twenty-two.

Gratuity in case of death while serving as Governor in case of Governors with colonial or similar civil service.

4. Where a Governor who was, immediately before his appointment as Governor, serving in an office in the permanent civil service of a colony, protectorate or mandated territory dies while he is a Governor, the Treasury may grant out of moneys provided by Parliament to his legal personal representatives a gratuity equal to such gratuity, if any, as would, if he had died at the date at which he ceased to serve in that office have been payable out of the revenues of the colony, protectorate or mandated territory.

Amendment of section six of principal Act.

5. For section six of the principal Act (which relates to deduction from pension on account of salary or emolument other than pension) there shall be substituted the following section:—

"If any person to whom a pension has been granted under this Act becomes entitled, otherwise than by way of pension, to any salary or emolument in respect of any employment in service in the permanent civil service of the State,

or in the naval, military or air service of the Crown, his pension shall, subject as herein-after provided, be reduced by an amount equal to one-half of the amount of the salary or emolument:

"Provided that the Secretary of State may, with the approval of the Treasury, exempt any person from the operation of this section if the Secretary of State and the Treasury are satisfied that the employment in respect of which the salary or emolument is payable will not continue for more than one year."

Application of principal Act to Resident at Aden.

6. The principal Act shall apply to any person serving as Resident at Aden, not being a person pensionable out of the revenues of India in respect of that service, as if he were the Governor or administrator of a protectorate; and in that Act the expressions "Governor" and "Governorship" shall be construed accordingly.

Amendment of definition of "service in the permanent civil service of the State."

7. For the purposes of subsection (2) of section five of the principal Act, employment in the permanent civil service of a colony, protectorate, or mandated territory shall not be deemed to be employment in the permanent civil service of the State, but, save as aforesaid, the expression "service in the permanent civil service of the "State" shall, for the purposes of the principal Act and of this Act, include, and be deemed always to have included, service in any permanent office in the government of any colony, protectorate, or mandated territory, being service which qualifies a holder of the office to receive a pension out of the revenues of the colony, protectorate, or mandated territory.

Power to extend principal Act to mandated territories.

8.—(1) The Secretary of State may, by order made with the consent of the Treasury, extend the provisions of the principal Act to any mandated territory.

(2) Every order made under this section—

(*a*) shall be laid before both Houses of Parliament as soon as may be after it is made; and

(*b*) shall come into operation on the date specified therein in that behalf, but may direct that the order shall be deemed also to have been in operation during any period before that

date which may be specified in the order; and

(c) may be revoked by any subsequent order made in like manner, but without prejudice to the application of the provisions of the principal Act to the mandated territory to which the order related during any period before the revocation thereof.

(3) During any period during which an order made under this section is in operation, or is, in accordance with directions therein contained, deemed to have been in operation, the principal Act shall have effect or shall be deemed to have had effect, as the case may be, as if the Governor or administrator of the mandated territory to which the order relates were a Governor, and in that Act the expressions "Governor" and "governorship" shall be construed accordingly.

Interpretation.

9. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Governor" means a Governor within the meaning of the principal Act:

"Mandated territory" means any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty:

"Protectorate" means British Protectorate, and shall be deemed to include the Malay States.

Short title, citation, construction and repeal.

10.—(1) This Act may be cited as the Pensions (Governors of Dominions, &c.) Act, 1929; and the principal Act and this Act may be cited together as the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929.

(2) Except where the context otherwise requires, references in this Act to the principal Act shall be construed as references to that Act as amended by this Act, and this Act shall be construed as one with that Act.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Section 10.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 13.	The Pensions (Colonial Service) Act, 1887.	In section two, the words "the Colonial Governors (Pensions) Acts, 1865 and 1872, and" and the words from "and also the administration" to the end of the section; and In section seven, the words "the Colonial Governors (Pensions) Acts, 1865 and 1872, or"
1 & 2 Geo. 5. c. 24.	The Pensions (Governors of Dominions, &c.) Act, 1911.	In subsection (2) of section five, the words from "For the purposes of this provision" to the end of the section; and In subsection (2) of section twelve, proviso (*a*).
2 & 3 Geo. 5. c. 26.	The Pensions (Governors of Dominions, &c.) (Amendment) Act, 1913.	The whole Act.