STATUTORY INSTRUMENTS

1961 No. 2037

EAST AFRICA

The Tanganyika (Compensation and Retiring Benefits) Order in Council, 1961

Made - - - -	*24th October*, 1961
Laid before Parliament	*30th October*, 1961
Coming into Operation	*1st November*, 1961

At the Court at Buckingham Palace, the 24th day of October, 1961

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of 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 Tanganyika (Compensation and Retiring Benefits) Order in Council, 1961.

(2) This Order shall come into operation on the first day of November, 1961.

Interpretation.

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 in relation to the public service of Tanganyika.

Transitional provisions.

4.—(1) Where any officer or authority has before the commencement of this Order in pursuance of any provision of the compensation scheme given any permission or consent or prescribed any condition or granted any benefit or made any payment or made any declaration or done any other thing for the purposes of that scheme, that permission, consent, condition, benefit, payment, declaration or other thing shall be deemed to have been given, prescribed, granted, made 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.

(2) Where any officer has before the commencement of this Order in pursuance of any provision in the compensation scheme given any undertaking or given or received any notice or retired or received any benefit he shall, provided that any conditions prescribed or deemed to have been prescribed by or under the Schedule to this Order are satisfied, be deemed to have given that undertaking, to have given or received that notice, or to have retired, or to have been granted or received that benefit, as the case may be, under the corresponding

(a) 53 & 54 Vict. c. 37. (b) 52 & 53 Vict. c. 63.

provision in that Schedule, and the provisions of that Schedule shall have effect accordingly.

(3) Until the ninth day of December, 1961, the provisions of the Schedule to this Order shall have effect as if there were substituted for the references therein to the appropriate Service Commission references to the Governor and in the exercise of any function under the Schedule, the Governor shall act in his discretion.

(4) In this section "the compensation scheme" means the scheme for compensation, retiring benefits and related matters entitled Scheme of Retirement Benefits for Members of Her Majesty's Overseas Civil Service and Officers Designated under the Overseas Service Aid Scheme that was published by the Government of Tanganyika on the twenty-eighth day of April, 1961.

W. G. Agnew.

THE SCHEDULE

COMPENSATION AND RETIREMENT BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICE OF TANGANYIKA

Interpretation.

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

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

"appropriate Service Commission"—

(*a*) in relation to an officer who can be removed from his office by the Judicial Service Commission, means that Commission;

(*b*) in relation to an officer who can be removed from his office by the Police Service Commission, means that Commission; and

(*c*) in any other case, means the Public Service Commission;

"entitled officer" means an overseas officer in the public service of Tanganyika—

(*a*) who was before the first day of January, 1961, appointed or selected for appointment to an office in the public service of Tanganyika, being a pensionable office for the purposes of the appropriate law;

(*b*) who was on the operative date the substantive holder of an office that was at that date a pensionable office for the purposes of the appropriate law;

(*c*) in the case of an officer who is not a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, who was on the operative date a designated officer for the purposes of the Overseas Service (Tanganyika) Agreement, 1961;

(*d*) who has since the operative date been the substantive holder of an office that has during his tenure thereof been a pensionable office for the purposes of the appropriate law; and

(*e*) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in that appointment;

"operative date" means the first day of July, 1961;

"overseas officer" means an officer in the public service of Tanganyika who is, either individually or as a member of a class, declared by the appropriate Service Commission to be an overseas officer;

"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;

"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.

(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, unless he is an officer to whom paragraph 12 of this Schedule applies or an officer who is deemed to have become entitled to compensation under that paragraph or an officer who was on leave of absence pending his retirement in consequence of having given notice, under the provisions of the scheme referred to in subsection (4) of section 4 of this Order, of his intention to retire;

(*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*) subject to the provisions of head (*a*) of this sub-paragraph, an overseas 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, prior to the date of the commencement of this Order, retired or died, shall be deemed to have become entitled to compensation under paragraph 2 or paragraph 12, as the case may be, 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) Where an officer was on any date appointed or selected for appointment to an office in the public service of Tanganyika upon transfer from pensionable employment under the Government of the United Kingdom in a public office as defined by the Superannuation Act, 1892(a), and for any period thereafter was entitled to return to such pensionable employment he shall not for the purposes of this Schedule be regarded as having been on that date appointed or, as the case may be, selected for appointment as the substantive holder of an office in the public service of Tanganyika but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceases to be entitled to return to such pensionable employment if on that date he was the holder of an office in that public service.

Entitlement to compensation.

2.—(1) Subject to the provisions of this Schedule, every entitled officer shall, at the commencement of this Order or, in the case of a person who becomes an entitled officer after such commencement, at the date on which he becomes an entitled officer, become entitled to compensation, which shall be assessed in accordance with the provisions of this paragraph and at each assessment shall be calculated by multiplying the amount of his annual pensionable emoluments on the date taken for calculation by the appropriate factor and the resulting amount, or twelve thousand pounds, whichever is the less, shall be the amount to which he is entitled.

Provided that an officer seconded to the service of another government or authority on the date taken for calculation shall, for the purposes of this paragraph, 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 of Tanganyika 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.

(2) The compensation of each entitled officer under this paragraph shall be provisionally assessed as soon as is reasonably practicable after the commencement of this Order or, in the case of a person who becomes an entitled officer after the commencement of this Order, as soon as is reason-

(a) 55 & 56 Vict. c. 40.

ably practicable after that person becomes an entitled officer and for that purpose the date to be taken for calculation shall be the operative date or, in the case of a person who becomes an entitled officer after the operative date, the date on which that person became an entitled officer.

(3) The compensation under this paragraph of each person who is serving as an entitled officer shall be provisionally re-assessed upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of this paragraph.

(4) The compensation of an entitled officer under this paragraph shall be finally assessed upon his retirement or death while still serving as an entitled officer and for that purpose the date to be taken for calculation shall be such date (not being earlier than the date in relation to which his compensation was assessed under sub-paragraph (2) of this paragraph, or later than the date of his retirement or death) as is most advantageous in relation to the officer.

(5) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table I of the Annex to this Schedule (or, in the case of a judge of the High Court, Table II of that Annex) that is appropriate to the age and pensionable service of that officer on the date taken for calculation reckoned 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 compensation.

3.—(1) When the compensation of an entitled officer has been provisionally assessed under sub-paragraph (2) of paragraph 2 of this Schedule, a payment shall be made to that officer, which—

(*a*) in the case of an entitled officer who has undertaken to serve as such upon such conditions as may be prescribed by the appropriate Service Commission for any period (not being less than two years beginning on the operative date or, if he was not an entitled officer on the operative date, on the date on which he became an entitled officer exclusive of any period in which he is on leave of absence) shall be an amount equal to the amount of the compensation or two thousand pounds, whichever is the less;

(*b*) in any other case, shall be an amount equal to the amount of the compensation as so assessed or, if that amount exceeds one thousand pounds, then one-sixth of the amount of compensation or one thousand pounds, whichever is the greater.

(2) Subject to the provisions of sub-paragraph (3) of this paragraph, a further payment shall be made to every person who has become entitled to compensation under paragraph 2 of this Schedule and who has not already received the whole of that compensation (whether that person is serving as an entitled officer or has retired) upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of that paragraph, which—

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

Provided that—

(i) where the balance of compensation outstanding upon the first, second, third or fourth anniversary exceeds five hundred pounds and, in the case of an officer to whom head (*a*) of sub-paragraph (1) of this paragraph applies, where that balance, if added to the amount of compensation already paid under this paragraph, would exceed two thousand pounds, an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid;

(ii) where the balance so outstanding is less than five hundred pounds or, in the case of an officer to whom head (*a*) of sub-paragraph (1) of this paragraph applies, where that balance exceeds five hundred pounds but would not, if added to the amount of compensation already paid under this paragraph, exceed two thousand pounds, an amount equal to that balance shall be paid.

(3) Whenever—

(*a*) a person who has become entitled to compensation under paragraph 2 of this Schedule but who has not already received the whole of that compensation (whether he is still serving as an entitled officer or has already retired) attains the age of fifty-five years or, in the case of a person who is or was when he retired a judge of the High Court, sixty-two years, or dies before attaining that age ;

(*b*) an entitled officer who has not already received the whole of the compensation to which he is entitled under that paragraph retires in the circumstances described in head (*a*) or head (*c*) of sub-paragraph (4) of paragraph 4 of this Schedule or under paragraph 5 of this Schedule before he has attained that age ; or

(*c*) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 of this Schedule retires in any other circumstances before he has attained that age but on or after the fifth anniversary of the operative date,

the balance then outstanding of the compensation to which he is entitled under that paragraph shall be paid to that person or, if that person is dead, to his personal representatives:

Provided that in the latter case the Permanent Secretary to the Treasury may direct that instead of being paid to the personal representatives it shall be paid to one of the dependants of the deceased or be divided among any two or more of those dependants in such proportions as the Permanent Secretary may think fit.

(4) Whenever any payment of compensation is made under sub-paragraph (1) or sub-paragraph (2) of this paragraph, interest at the rate of five per cent. per annum shall accrue from day to day during the period beginning at the date by reference to which that compensation was calculated and ending at the date of the next following assessment of compensation under any of the provisions of this Schedule upon any part of that compensation that did not become payable under this paragraph when the earlier assessment was made and that interest shall become payable at the end of that period.

(5) 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.

Right to retire at any time

4.—(1) Subject to the provisions of this paragraph, an entitled officer may, after giving such notice as may be prescribed by the appropriate Service Commission, retire at any time.

(2) An entitled officer who has given notice of his intention to retire under this paragraph on any date may, with the consent of the appropriate Service Commission, withdraw the notice at any time before that date.

(3) No entitled officer shall retire under this paragraph without the permission of the appropriate Service Commission:

Provided that the Commission shall not withhold permission unless disciplinary proceedings are being taken, or are about to be taken, against the officer and those proceedings might lead to his dismissal.

(4) An entitled officer—

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

(*b*) who is required to retire on or after his attainment of any age prescribed by law;

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

(*d*) in the case of a woman officer, who is required to retire upon her marriage,

shall be deemed to have retired under this paragraph.

Compulsory retirement.

5.—(1) If the Prime Minister so requests, the authorities having power to make appointments in any branch of the public service shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in, that branch than there are vacancies in that branch that could appropriately be filled by such local candidates; and those authorities, if satisfied that such is the case, shall, if so requested by the Prime Minister, select entitled officers in that branch whose retirement would in the opinion of those authorities cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the Prime Minister of the number of officers so selected; and if the Prime Minister specifies a number of officers to be called upon to retire (not exceeding the number of officers so selected) those authorities shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service under this Schedule; and any officer who is so required to retire shall retire accordingly:

Provided that—

(*a*) every officer who is required to retire under this paragraph shall, if the period of leave on full pensionable emoluments for which he is eligible is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence pending his retirement up to six months;

(*b*) no officer shall be required to retire within less than twelve months of the date on which he is given notice under this paragraph;

(*c*) an officer who is engaged upon a tour of duty when he is given notice under this paragraph shall not be required to retire before completing the minimum tour of duty and any leave of absence for which he is eligible thereafter by virtue of this paragraph or otherwise; and

(*d*) an officer who is on leave of absence after completing a tour of duty when he is given notice under this paragraph may, at his option (such option to be exercised within one month of the date of his receipt of the notice), either—

(i) retire at the expiration of any leave of absence for which he may be eligible at the date of the notice by virtue of this paragraph or otherwise;

(ii) serve in Tanganyika for a further period of twelve months, and retire at the expiration of any leave of absence for which he may be eligible thereafter by virtue of this paragraph or otherwise; or

(iii) serve for a further minimum tour of duty and retire at the expiration of any leave of absence for which he may be eligible thereafter by virtue of this paragraph or otherwise.

(2) In this paragraph "minimum tour of duty" in relation to an officer means a period of not less than twenty-one months residential service.

Grant of pensions and gratuities.

6.—(1) Subject to the provisions of paragraphs 11 and 15 of this Schedule, an entitled officer, on his retirement under this Schedule, may be granted at his option (such option to be exercised before the date of retirement or, in the case of an officer to whom sub-paragraph (4) of paragraph 4 of this Schedule applies, within one month after that date) either—

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

(*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, in the case of an officer who retires within twelve years of the operative date, less than the permitted fraction) together with a gratuity equal to the annual amount of the remaining fraction of that pension muliplied by the appropriate factor; or

(*c*) in the case of an officer who retires not less than twelve years after the operative date, a gratuity equal to the annual amount of the pension that may be granted under the appropriate law multiplied by the appropriate factor.

(2) 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.

(3) 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.

(4) For the purposes of this paragraph the amount of the pension that an officer who retires under paragraph 5 of this Schedule may be granted under the appropriate law shall be calculated as if his annual pensionable emoluments on the date by reference to which his compensation is finally assessed under paragraph 2 of this Schedule were the emoluments to be taken for computing his pension under the appropriate law.

(5) If an officer has not exercised the option conferred upon him by sub-paragraph (1) 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.

(6) In this paragraph—

"the appropriate factor" in relation to an officer means the factor obtained from Table III of the Annex to this Schedule that is appropriate to the age of that officer at 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 and not more than twelve years of the operative date, means such fraction as is obtained by subtracting one sixteenth for each complete year of his pensionable service 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 for a period exceeding six months the period by which such leave of absence exceeds six months shall not be taken into account.

Special gratuity for certain officers.

7. Subject to the provisions of paragraphs 11 and 15 of this Schedule, where any entitled officer to whom Part III of the Schedule to the Pensions Ordinance of Tanganyika 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 6 of this Schedule) a gratuity equal to the amount (if any) by which the amount produced by—

(*a*) 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

(*b*) by multiplying the resulting amount by the appropriate factor as defined in sub-paragraph (6) of paragraph 6 of this Schedule,

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

Officers re-appointed to U.K. service.

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

(*a*) who was transferred to the public service of Tanganyika from pensionable employment under the Government of the United Kingdom in a public office as defined by the Superannuation Act, 1892; 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 compensation under paragraph 2 of this Schedule, but shall be entitled to compensation of an amount equal to—

(*a*) one half of the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule; or

(*b*) the amount he would receive if he were entitled to compensation under paragraph 9 of this Schedule, having been transferred to the pensionable employment referred to in head (*b*) of sub-paragraph (1) of this paragraph on the date on which he retired,

whichever is the greater.

(3) If the provisions of this paragraph became applicable to any person, his compensation shall forthwith be reassessed, and—

(*a*) if the amount of compensation as so reassessed exceeds the amount he has already received under paragraph 3 of this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under that paragraph before the reassessment; or

(*b*) if the amount of compensation he has already received under that paragraph exceeds the amount of compensation 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.

9.—(1) This paragraph applies to an entitled officer who is transferred from the public service of Tanganyika to the service of another government or authority that is a Scheduled Government for the purposes of Part III of the Schedule to the Pensions Ordinance of Tanganyika in circumstances in which he remains eligible for the grant of a pension under the appropriate law upon his eventual retirement:

Provided that—

(*a*) it does not apply to an officer to whom paragraph 8 of this Schedule applies;

(*b*) it applies to any officer who, but for the provisions of sub-paragraph (3) of paragraph 1 of this Schedule, would be an entitled officer and who, in the opinion of the appropriate Service Commission, would have had a reasonable prospect of becoming an entitled officer if no constitutional changes had been introduced as if he were an entitled officer.

(2) An officer to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 of this Schedule, but if the amount of his annual pensionable emoluments immediately before his transfer exceeds the amount of the annual emoluments payable to him immediately after his transfer (being emoluments that may be taken into account for the purposes of his pension under the law or regulations relating to his service in that other public service) he shall be entitled to compensation equal to—

(*a*) the amount of the excess multiplied by the appropriate factor; or

(*b*) the amount he would receive if he were entitled to compensation under paragraph 2 of this schedule, having retired on the date of his transfer,

whichever is the less.

(3) If the provisions of this paragraph became applicable to any person, his compensation shall forthwith be reassessed, and

(*a*) if the amount of compensation as so reassessed exceeds the amount he has already received under paragraph 3 of this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under that paragraph before the reassessment; or

(*b*) if the amount of compensation has already been received under that paragraph exceeds the amount of compensation 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.

(4) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table IV of the Annex to this Schedule that is appropriate to the age of the officer at the date of his transfer reckoned in completed years and completed months.

Penalties for breach of undertakings.

10.—(1) If an entitled officer who has given an undertaking for the purposes of head (*a*) of sub-paragraph (1) of paragraph 3 of this Schedule ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than by reason of his death or his retirement in circumstances beyond his control, then the amount of compensation to which he would otherwise be entitled under paragraph 2 of this Schedule shall be reduced by one half per cent. for each month or part of a month during that period in which he has not served in accordance with the undertaking.

(2) If an entitled officer has been granted promotion in the public service of Tanganyika (whether before or after the operative date) upon his giving an undertaking to serve upon such conditions as may be prescribed by the appropriate Service Commission for any period ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than by reason of his death or his retirement in circumstances beyond his control then the amount of compensation to which he is entitled under paragraph 2 of this Schedule shall be calculated as if his annual pensionable emoluments on the date taken for calculation were equal to his annual pensionable emoluments immediately before his promotion or were equal to the average of his

annual pensionable emoluments during the three years immediately preceding his so ceasing to serve, whichever is the greater; and in determining the average of such pensionable emoluments, the provisions of the appropriate law relating to the determination of the average of annual pensionable emoluments for the purposes of pension shall be applied.

(3) If any of the provisions of this paragraph become applicable to any entitled officer, his compensation shall be re-assessed accordingly and paid in accordance with paragraph 3 of this Schedule and if the amount of compensation he has already received under that paragraph exceeds the amount of compensation to which he is entitled under the re-assessment the excess shall forthwith become repayable.

Right to opt for abolition terms.

11.—(1) An entitled officer may at his option (such option to be exercised within three months of the commencement of this Order or, in the case of an officer who was not an entitled officer on the operative date, within three months of the date on which he became an entitled officer) become an officer to which this paragraph applies.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule or be granted a pension or gratuity under paragraph 6 or 7 of this Schedule but, subject to the provisions of paragraph 15 of this Schedule, may, on his retirement under this Schedule, be granted such benefits as may be granted under the appropriate law to an officer whose office has been abolished.

Special provision for certain entitled officers.

12.—(1) This paragraph applies—

(*a*) to the entitled officer who held the office of Deputy Governor immediately before its abolition; and

(*b*) to any entitled officer who has been declared by the appropriate Service Commission to be an officer who was required, before the operative date, to relinquish the duties of his office and thereafter to retire in order to facilitate the introduction of constitutional changes.

(2) An officer to whom this paragraph applies shall retire at the expiration of the period of leave of absence for which he is eligible:

Provided that if the period of leave of absence on full pensionable emoluments for which he is eligible is less than six months he shall (except in the case of an officer to whom paragraph 11 of this Schedule applies) be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence up to six months and shall retire at the expiration of that additional leave of absence.

(3) An officer to whom this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 11 of this Schedule applies) be entitled to, and shall forthwith be paid—

(*a*) compensation equal to the amount he would be entitled to upon his retirement if he were entitled to compensation under that paragraph; and

(*b*) in the case of an officer who has been declared by the appropriate Service Commission to be an officer who was not called upon to retire until after the thirty-first day of December, 1960, a disturbance grant equal to one quarter of his annual pensionable emoluments at his retirement.

(4) For the purposes of paragraph 6 of this Schedule an officer who retires under this paragraph, not being an officer to whom paragraph 11 of this Schedule applies, shall be deemed to have retired under paragraph 5 of this Schedule.

Special provision for designated officers.

13.—(1) This paragraph applies to any officer (not being an entitled officer) who is a designated officer for the purposes of the Overseas Service (Tanganyika) Agreement, 1961.

(2) If the Government of the United Kingdom and the Government of Tanganyika agree that some or all of the provisions of this Schedule other than this paragraph shall apply in relation to any officer to whom this paragraph applies, those provisions shall apply in relation to that officer with such modifications and exceptions as the two Governments may agree.

Disciplinary proceedings and dismissal.

14.—(1) Where 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 compensation 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 compensation which he shall not then have received may, with the approval of the appropriate Service Commission, and subject to the provisions of Article 36c of the Tanganyika Order in Council, 1920(a), or any law amending or replacing that Article, be withheld.

Application of appropriate law.

15. 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 12 of the Pensions Ordinance of Tanganyika 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.

16. Any compensation, gratuity or disturbance grant payable under any of the provisions of this Schedule shall be exempt from tax under any law in force in Tanganyika relating to the taxation of incomes or imposing any other form of taxation.

Exercise of options.

17. Any option exercisable by an entitled officer 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 appropriate Service Commission;

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

Provided that the appropriate Service Commission may, if it thinks fit, generally or in respect of a particular entitled officer and subject or not to conditions, extend the period for the exercise of an option.

ANNEX

Instructions for obtaining the appropriate factor from Table I

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 I 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.

(a) S.R. & O. 1920/1583 (Rev. VIII, p. 266: 1920 I, p. 685).

Instructions for obtaining the appropriate factor from Table II, III or IV

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.

The Schedule, paragraph 2

TABLE I

Age of Officer	Factor when length of service is								
	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years or more
21 ...	·11	·16							
22 ...	·12	·19	·25						
23 ...	·14	·21	·28	·36					
24 ...	·16	·24	·32	·40	·49				
25 ...	·18	·27	·36	·46	·55	·64			
26 ...	·20	·31	·41	·51	·61	·71	·82		
27 ...	·22	·34	·45	·56	·68	·79	·90	1·02	
28 ...	·25	·38	·50	·62	·75	·88	1·00	1·12	1·25
29 ...	·28	·42	·56	·70	·84	·98	1·12	1·26	1·40
30 ...	·32	·48	·64	·80	·96	1·12	1·28	1·44	1·60
31 ...	·37	·56	·74	·92	1·11	1·30	1·48	1·66	1·85
32 ...	·43	·64	·86	1·07	1·28	1·50	1·71	1·93	2·14
33 ...	·49	·74	·98	1·23	1·48	1·72	1·97	2·21	2·46
34 ...	·56	·84	1·12	1·40	1·68	1·96	2·24	2·52	2·80
35 ...	·63	·94	1·25	1·56	1·88	2·19	2·50	2·82	3·13
36 ...	·69	1·03	1·37	1·72	2·06	2·40	2·74	3·09	3·43
37 ...	·74	1·11	1·48	1·85	2·22	2·59	2·96	3·33	3·70
38 ...	·78	1·18	1·57	1·96	2·35	2·74	3·14	3·53	3·92
39 ...	·82	1·23	1·64	2·04	2·45	2·86	3·27	3·68	4·09
40 ...	·84	1·26	1·68	2·10	2·52	2·94	3·36	3·78	4·20
41 ...	·85	1·27	1·70	2·12	2·54	2·97	3·39	3·82	4·24
42 ...	·84	1·26	1·68	2·10	2·52	2·94	3·36	3·78	4·20
43 ...	·81	1·22	1·63	2·04	2·44	2·85	3·26	3·66	4·07
44 ...	·77	1·16	1·54	1·93	2·32	2·70	3·09	3·47	3·86
45 ...	·72	1·08	1·44	1·80	2·16	2·52	2·88	3·24	3·60
46 ...	·66	1·00	1·33	1·66	1·99	2·32	2·66	2·99	3·32
47 ...	·60	·91	1·21	1·52	1·82	2·12	2·42	2·73	3·03
48 ...	·54	·82	1·10	1·37	1·64	1·92	2·19	2·47	2·74
49 ...	·48	·73	·98	1·22	1·46	1·71	1·95	2·20	2·44
50 ...	·42	·64	·85	1·06	1·28	1·49	1·70	1·92	2·13
51 ...	·36	·54	·72	·90	1·08	1·26	1·44	1·62	1·80
52 ...	·28	·43	·57	·72	·86	1·00	1·14	1·29	1·43
53 ...	·20	·30	·40	·50	·60	·70	·80	·90	1·00
54	·10	·15	·20	·25	·30	·35	·40	·45	·50
55 and over	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

TABLE II

The Schedule, paragraph 2

Age of judge	*Factor where length of service is 10 years or more*	*Age of judge*	*Factor where length of service is 10 years or more*
40	3·70	52	3·14
41	3·91	53	2·92
42	4·08	54	2·70
43	4·19	55	2·48
44	4·24	56	2·26
45	4·22	57	2·03
46	4·14	58	1·76
47	4·02	59	1·42
48	3·88	60	1·00
49	3·72	61	·50
50	3·54		
51	3·35	62 and over	Nil

TABLE III

The Schedule, paragraph 6

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

TABLE IV

The Schedule, paragraph 9

Age of Officer	*Factor*	*Age of Officer*	*Factor*
30 and below	5·00	41	9·00
31	5·08	42	8·92
32	5·21	43	8·77
33	5·47	44	8·40
34	5·90	45	7·61
35	6·56	46	6·39
36	7·44	47	5·60
37	8·10	48	5·23
38	8·53	49	5·08
39	8·79		
40	8·92	50 and over	5·00

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for compensation and retiring benefits for certain officers in the public service of Tanganyika.