1962 No. 2176

EAST AFRICA

The Uganda (Compensation and Retiring Benefits) Order in Council 1962

Made - - - -	*2nd October* 1962
Laid before Parliament	*8th October* 1962
Coming into operation	*immediately before 9th October* 1962

At the Court at Balmoral, the 2nd day of October 1962

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 Uganda (Compensation and Retiring Benefits) Order in Council 1962.

(2) This Order shall come into operation immediately before the 9th October 1962.

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 Uganda.

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

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

received that notice, or to have retired, or to have been granted or received that benefit, as the case may be, under the corresponding provision in that Schedule, and the provisions of that Schedule shall have effect accordingly.

(3) Any officer who has, before the commencement of this Order, been required under the provisions of the compensation scheme to retire to facilitate the localisation of the public service of Uganda shall, for the purposes of the Schedule to this Order, be deemed to have retired in the circumstances described in paragraph 5 of that Schedule.

(4) Until the 9th October 1962, the provisions of paragraphs 4, 10 and 11 of the Schedule to this Order shall be read and construed 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 those paragraphs the Governor shall act in his discretion.

(5) In this section "the compensation scheme" means the scheme for compensation, retiring benefits and related matters entitled Scheme for Retirement Benefits for Pensionable Overseas Officers who retire in the interests of localization that was published by the Government of Uganda on the 1st August 1961, or 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 (Uganda) Agreement 1961 that was published by the Government of Uganda as Sessional Paper No. 5 of the year 1962.

W. G. Agnew.

THE SCHEDULE

Compensation and Retirement Benefits for certain Officers in the Public Service of Uganda

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

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

"appropriate Service Commission"—

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

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

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

(*a*) who was before the 1st January 1962, appointed or selected for appointment to an office in the public service of Uganda, 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 (Uganda) 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 1st March 1962;

"overseas officer" means an officer in the public service of Uganda whose terms of service on the operative date included an entitlement to a free passage from East Africa for the purpose of leave of absence upon completion of a term of duty;

"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;

"pound" means twenty East African shillings;

"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 the definition of "entitled officer" in sub-paragraph (1) of this paragraph, a person who was before the 1st January 1962 selected for appointment to an office in the public service of Uganda, being a pensionable office for the purposes of the appropriate law, but was appointed to that office on probation after the operative date, shall be deemed to have been serving in that office on probation on and since the operative date.

(3) 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;

(*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 10, 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.

(4) Where an officer was on any date appointed or selected for appointment to an office in the public service of Uganda 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 Uganda 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.

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

(5) The provisions of paragraph 10 of this Schedule shall be without prejudice to any provision in the constitution of Uganda protecting a Judge of the High Court, the Director of Public Prosecutions, the Auditor General or the Inspector General of Police in the tenure of his office.

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 Uganda 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 reasonably 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, and shall be finally assessed upon his retirement or death while still serving as an entitled officer and for the purposes of this sub-paragraph 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 upon which his compensation is provisionally re-assessed or finally assessed, as the case may be) as is most advantageous in relation to the officer.

(4) 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 paragraph 2 (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 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 paragraph 14 of this Schedule, 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 sub-paragraph (1) (*a*) 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 sub-paragraph (1) (*a*) 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) 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;

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

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

shall be deemed to have retired under this paragraph.

(5) The proviso to paragraph 5 (1) of this Schedule shall apply in the case of the retirement of an entitled officer who is required to retire in the circumstances described in sub-paragraph (4) (*b*) or (*c*) of this paragraph as it applies in the case of the retirement of an officer in the circumstances described in that paragraph.

Compulsory retirement.

5.—(1) The provisions of this Schedule shall apply to an officer required to retire under section 27 of the Uganda (Independence) Order in Council 1962(a) as if he were an entitled officer retiring under this Schedule:

Provided that—

(*a*) in the case of the retirement under that section of an officer who is on leave of absence after completing a tour of residential service—

(i) he shall, if the period of leave on full pensionable emoluments for which he is eligible on the date upon which he is given notice under that section requiring him to retire 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 from that date up to six months;

(ii) he shall be provided by the Government of Uganda with a passage to Uganda for his own use as if he were returning to Uganda for a further tour of residential service, and such passage (if he returns to Uganda) and such baggage facilities as an officer of similar status is entitled to under the Standing Orders of that Government when retiring from the public service, having attained the age of fifty-five years and having completed a final tour of residential service; and

(*b*) in the case of the retirement under that section of an officer in any other circumstances—

(i) he shall not be required to depart from Uganda on leave of absence pending his retirement until the expiration of a period of six months from the date upon which he was given notice under that section requiring him to retire;

(ii) he shall be provided by the Government of Uganda with such passages and baggage facilities as an officer of similar status is entitled to under the Standing Orders of that Government when retiring from the public service, having attained the age of fifty-five years and having completed a final tour of residential service;

(iii) he 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.

(2) When an officer on probation is required to retire under section 27 of the Uganda (Independence) Order in Council 1962, he shall, for the purposes of this Schedule, be deemed to have been confirmed in his appointment immediately before the day upon which he was given notice under that section requiring him to retire.

(a) S.I. 1962/2175 (1962 III, p. 2745).

Special gratuity on the death of certain officers.

6.—(1) Where an entitled officer dies 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 which could have been granted to that officer under the provisions of paragraph 12 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 First Schedule to the Pensions Ordinance of Uganda 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 the public service of Uganda, the provisions of paragraph 12 (1) (*c*) of this Schedule shall not apply and 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 Uganda shall be that proportion of the pension for which the officer would have been eligible if his pensionable service had been wholly in Uganda as the aggregate amount of his pensionable emoluments during his pensionable service otherwise than in Uganda bears to the aggregate amount of his pensionable emoluments throughout his pensionable service.

Officers re-appointed to U.K. service.

7.—(1) This paragraph applies to an entitled officer or an officer to whom paragraph 10 or 11 of this Schedule applies, who has retired under this Schedule and—

(*a*) who was transferred to the public service of Uganda from pensionable employment under the Government of the United Kingdom either in a public office as defined by the Superannuation Act 1892 or in employment pensionable under the Federated Superannuation System for Universities; 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 or paragraph 10 or paragraph 11 of this Schedule, as the case may be, 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 8 of this Schedule, having been transferred to the pensionable employment referred to in sub-paragraph (1) (*b*) of this paragraph on the date on which he retired.

whichever is the greater.

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

(*a*) if the amount of compensation as so re-assessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under this Schedule before the re-assessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule; or

(*b*) if the amount of compensation he has already received under this Schedule 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.

8.—(1) This paragraph applies to an entitled officer who is transferred from the public service of Uganda to the service of another government or authority that is a Scheduled Government for the purposes of Part III of the First Schedule to the Pensions Ordinance of Uganda 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 7 of this Schedule applies;

(*b*) it applies to any officer who but for the provisions of paragraph 1 (4) 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 and who, unless prevented by circumstances beyond his control, serves for a period of not less than two years residential service beginning on the operative date.

(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 become applicable to any person, his compensation shall forthwith be re-assessed, and

(*a*) if the amount of compensation as so re-assessed 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 re-assessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule; or

(*b*) if the amount of compensation which 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 III 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.

9.—(1) If an entitled officer who has given an undertaking for the purposes of paragraph 3 (1) (*a*) 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, his retirement in circumstances beyond his control or his transfer to other public service in the circumstances described in paragraph 8 of this Schedule, 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 centum 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 Uganda (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, notwithstanding any other provision of this Schedule, 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 (other than proviso (ii) to Regulation 19 (1) (*c*) of the Pensions Regulations 1951 of Uganda) shall be applied; and in the case of a judge of the High Court promoted to that office after the commencement of this Order on the basis that the appropriate factor is that obtained from Table 1 of the Annex to this Schedule.

(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.

Retirement to facilitate constitutional changes.

10.—(1) This paragraph applies—

(*a*) to any officer in the public service of Uganda who has been declared by the appropriate Service Commission to be an officer required before the operative date to retire to facilitate the reconstitution of the Government; and

(*b*) to any entitled officer who is declared by the appropriate Service Commission to be an officer required 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 16 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 16 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*) a disturbance grant equal to one quarter of his annual pensionable emoluments at his retirement.

(4) An officer to whom this paragraph applies shall be provided by the Government of Uganda with such passages and baggage facilities as an officer of similar status is entitled to under the Standing Orders of that Government when retiring from the public service, having attained the age of fifty-five years and having completed a final tour of residential service.

(5) The provisions of paragraphs 6, 12, 13 and 16 of this Schedule shall apply to an officer to whom sub-paragraph (1) (*a*) of this paragraph applies as if that officer were an entitled officer.

(6) For the purposes of paragraph 12 of this Schedule an officer who retires under this paragraph, not being an officer to whom paragraph 16 of this Schedule applies, shall be deemed to have retired in the circumstances described in paragraph 5 of this Schedule.

Voluntary retirement in certain circumstances.

11.—(1) This paragraph shall apply to an officer in the public service of Uganda who has before the operative date been given permission to retire from that public service by the appropriate Service Commission on the ground that his retirement will enable a qualified local candidate to be appointed to an office in that public service, or that that officer has been superseded for promotion by a local officer in pursuance of the policy of the Government of Uganda of giving preference to local officers in respect of promotion.

(2) An officer to whom this paragraph applies shall (except in the case of an officer to whom paragraph 16 of this Schedule applies) on the date upon which he was given permission to retire by the appropriate Service Commission, be entitled to compensation calculated by multiplying the amount of his annual pensionable emoluments on the date to be 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.

(3) For the purposes of this paragraph the date to be taken for calculation shall be such date (not being earlier than the date upon which the officer was given permission to retire by the appropriate Service Commission or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) Subject to the provisions of paragraph 14 of this Schedule, the compensation to which an officer to whom this paragraph applies becomes entitled under this paragraph shall be paid to him in the manner following, that is to say—

(*a*) a payment to be made at least three months prior to the date upon which such officer departs from Uganda on leave of absence pending retirement, which payment shall be an amount equal to the amount of compensation to which the officer is entitled or if that amount exceeds one thousand pounds then one-sixth of the amount of that compensation or one thousand pounds, whichever is the greater;

(*b*) a second payment to be made to every such officer who has not already received the whole of that compensation, at the expiration of six months from the date upon which his leave of absence pending retirement commenced, and further payments on the first, second, third and fourth anniversaries of the date upon which the second payment was made, which—

(i) in the case of the second payment and the payment made on the first, second or third anniversary shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding; and

(ii) in the case of the payment made on the fourth anniversary, shall be equal to the balance of compensation then outstanding:

Provided that—

(*a*) where the balance of compensation outstanding at the date when the second payment is due to be made or upon the first, second or third anniversary of that date exceeds five hundred pounds an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid; and

(*b*) where the balance so outstanding is less than five hundred pounds an amount equal to that balance shall be paid.

(5) In this paragraph—

(*a*) "the appropriate factor" has the same meaning as in paragraph 2 of this Schedule;

(*b*) "the appropriate fraction"—

(i) in relation to the second payment means one-fifth;

(ii) in relation to the first anniversary means one-quarter;

(iii) in relation to the second anniversary means one-third; and

(iv) in relation to the third anniversary means one-half.

(6) Subject to the provisions of paragraph 14 of this Schedule, if an officer to whom this paragraph applies does not retire from the public service of Uganda in accordance with the permission given to him by the appropriate Service Commission he shall cease to be entitled to compensation under this paragraph and any compensation that may have been paid to him under the provisions of sub-paragraph (4) of this paragraph shall be repaid by him to the Government of Uganda.

(7) The provisions of paragraphs 6, 12, 13 and 16 of this Schedule shall apply to an officer to whom this paragraph applies as if that officer were an entitled officer.

Grant of pensions and gratuities.

12.—(1) Subject to the provisions of paragraphs 16 and 17 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 paragraph 4 (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 multiplied 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 is required to retire in the circumstances described in paragraph 4 (4) (*b*) or (*c*) or paragraph 5 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.

(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 IV 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, 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.

13. Subject to the provisions of paragraphs 16 and 17 of this Schedule, where any entitled officer to whom Part III of the First Schedule to the Pensions Ordinance of Uganda 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 12 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 paragraph 12 (6) of this Schedule,

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

Special provisions as to compensation.

14.—(1) Whenever—

(*a*) a person who has become entitled to compensation under paragraph 2 or paragraph 11 of this Schedule but who has not already received the whole of that compensation (and in the case of an entitled officer whether he is still serving as such 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 paragraph 2 retires in the circumstances described in paragraph 4 (4) (*a*), (*c*) or (*d*) of this Schedule before he has attained that age or is required to retire in the circumstances described in paragraph 4 (4) (*b*) of this Schedule; 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 shall be paid to that person or, if that person is dead, to his personal representatives.

(2) Whenever an entitled officer, who has not already received the whole of the compensation to which he is entitled under paragraph 2 of this Schedule, is required to retire in the circumstances described in paragraph 5 of this Schedule before attaining the age of fifty-five years, the balance then outstanding of the compensation to which he is entitled under that paragraph shall be paid to him—

(*a*) if notice requiring him to retire is given to him while he is engaged upon a tour of residential service, before his departure from Uganda; or

(*b*) if such notice is given to him while on leave of absence after completing a tour of residential service, as soon as possible after the date upon which such notice is given to him.

(3) The Secretary to the Treasury 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 to two or more of those dependants in such proportions as the Secretary may think fit.

(4) Whenever any payment of compensation is made under or in the manner prescribed by paragraph 3 or paragraph 11 of this Schedule, interest at the rate of five per centum 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 Schedule when the earlier assessment was made and that interest shall be paid in the manner and at the same time and place as that part of the compensation which is payable following the next assessment of compensation.

Place of payment and rate of exchange.

15. Any compensation or gratuity 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 Uganda, Tanganyika, Kenya or Zanzibar;

(*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 Secretary to the Treasury, 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 Uganda, Tanganyika, Kenya or Zanzibar, the amount of the payment shall be such as would

produce, at the official rate of exchange prevailing at the date of the payment, the amount in sterling of the compensation or gratuity as calculated at the official rate of exchange prevailing on the operative date.

Right to opt for abolition terms.

16.—(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 whom this paragraph applies.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under this Schedule or be granted a pension or gratuity under this Schedule but, subject to the provisions of paragraph 17 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.

(3) An officer to whom this paragraph applies shall repay the amount of any compensation that may have been paid to him.

Application of appropriate law.

17. 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 10 of the Pensions Ordinance of Uganda 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.

18. 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 Uganda relating to the taxation of incomes or imposing any other form of taxation.

Exercise of options.

19. 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 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 person and subject or not to conditions, extend the period for the exercise of an option.

Modified application of Schedule.

20. If the Government of the United Kingdom and the Government of Uganda agree that, in their application to any entitled officer, the foregoing provisions of this Schedule shall have effect subject to such modifications or exceptions as those Governments may agree, then the provisions of this Schedule shall have effect accordingly.

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 completed years of service.

II. Read off from the table the factor for ten years' service and the officer's age in years and completed months by interpolation arithmetically.

III. Divide II by 120 and multiply the result by the number of completed months of service, not exceeding 120.

IV. The greater of I and III, adjusted to the nearest second decimal place (when the third decimal place is 5 exactly take the next highest second place), is the factor required.

Instructions for obtaining the appropriate factor from Table II

I. Read off from the table the factor for the officer's age at his last birthday.

II. Read off from the table the factor for the officer's age in years and completed months by interpolation arithmetically.

III. The greater of I and II, adjusted to the nearest second decimal place (when the third decimal place is 5 exactly take the next highest second place), is the factor required.

Instructions for obtaining the appropriate factor from Tables III and IV

I. The factor required is obtained by reading off from the table the factor for the officer's age in years and completed months by interpolation arithmetically, and adjusting to the nearest second decimal place (when the third decimal place is 5 exactly take the next highest second place).

TABLE I

The Schedule, paragraphs 2, 9(2) and 11

Age of Officer	Factor when length of service is									
	1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years or more
21	·05	·11	·16							
22	·06	·12	·19	·25						
23	·07	·14	·21	·28	·36					
24	·08	·16	·24	·32	·40	·49				
25	·09	·18	·27	·36	·46	·55	·64			
26	·10	·20	·31	·41	·51	·61	·71	·82		
27	·11	·23	·34	·45	·56	·68	·79	·90	1·02	
28	·13	·25	·38	·50	·63	·76	·88	1·01	1·13	1·26
29	·14	·28	·42	·56	·70	·85	·99	1·13	1·27	1·41
30	·16	·32	·48	·64	·80	·97	1·13	1·29	1·45	1·61
31	·19	·37	·56	·75	·94	1·12	1·31	1·50	1·68	1·87
32	·22	·43	·65	·87	1·08	1·30	1·52	1·74	1·95	2·17
33	·25	·50	·75	1·00	1·26	1·51	1·76	2·01	2·26	2·51
34	·29	·57	·86	1·15	1·44	1·72	2·01	2·30	2·58	2·87
35	·32	·64	·97	1·29	1·61	1·93	2·25	2·58	2·90	3·22
36	·35	·70	1·06	1·41	1·76	2·12	2·47	2·82	3·18	3·53
37	·38	·76	1·14	1·52	1·90	2·28	2·66	3·04	3·42	3·80
38	·40	·80	1·21	1·61	2·02	2·42	2·82	3·22	3·63	4·03
39	·42	·84	1·26	1·68	2·11	2·53	2·95	3·37	3·79	4·21
40	·43	·87	1·30	1·73	2·16	2·60	3·03	3·46	3·90	4·33
41	·44	·88	1·31	1·75	2·18	2·62	3·06	3·50	3·93	4·37
42	·43	·86	1·30	1·73	2·16	2·59	3·02	3·46	3·89	4·32
43	·42	·83	1·25	1·67	2·09	2·51	2·93	3·34	3·76	4·18
44	·40	·79	1·19	1·58	1·98	2·38	2·77	3·17	3·56	3·96
45	·37	·74	1·11	1·48	1·85	2·21	2·58	2·95	3·32	3·69
46	·34	·68	1·02	1·36	1·70	2·04	2·38	2·72	3·06	3·40
47	·31	·62	·93	1·24	1·55	1·86	2·17	2·48	2·79	3·10
48	·28	·56	·84	1·12	1·40	1·67	1·95	2·23	2·51	2·79
49	·25	·50	·74	·99	1·24	1·49	1·74	1·98	2·23	2·48
50	·22	·43	·65	·86	1·08	1·30	1·51	1·73	1·94	2·16
51	·18	·36	·55	·73	·91	1·09	1·27	1·46	1·64	1·82
52	·14	·29	·43	·58	·72	·86	1·01	1·15	1·30	1·44
53	·10	·20	·30	·40	·50	·60	·70	·80	·90	1·00
54	·05	·10	·15	·20	·25	·30	·35	·40	·45	·50
55 or more	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL

TABLE II

The Schedule, paragraphs 2 and 11

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	3·80	52	3·20
41	4·02	53	2·97
42	4·20	54	2·74
43	4·32	55	2·51
44	4·37	56	2·28
45	4·34	57	2·05
46	4·25	58	1·77
47	4·13	59	1·43
48	3·98	60	1·00
49	3·81	61	·50
50	3·62	62 or more	NIL
51	3·42		

TABLE III

The Schedule, paragraph 8

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

TABLE IV

The Schedule, paragraphs 12 and 13

Age of Officer	Factor	Age of Officer	Factor
20	17·59	37	15·55
21	17·49	38	15·40
22	17·39	39	15·24
23	17·29	40	15·07
24	17·19	41	14·90
		42	14·73
25	17·08	43	14·55
26	16·97	44	14·36
27	16·86		
28	16·74	45	14·17
29	16·62	46	13·97
		47	13·76
30	16·50	48	13·54
31	16·38	49	13·32
32	16·25		
33	16·12	50	13·08
34	15·98	51	12·84
		52	12·59
35	15·84	53 and over	12·50
36	15·70		

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 Uganda.