

ENACTMENT No. 23 of 1957.

An Enactment to make provisions for the payment of pensions to officers in the public service.

INDEX

Section

1. Short title and commencement.
2. Interpretation.
3. Pensions regulations.
4. Pensions, etc., to be charged on revenues of the State.
5. Pensions, etc., not of right.
6. Circumstances in which pension may be granted.
7. Termination of employment in the public interest.
8. Compulsory retirement.
9. Maximum pension.
10. Liability of pensioners to be called upon to take further employment.
11. Suspension of pensions on re-employment.
12. Pensions, etc., not to be assignable.
13. Pensions, etc., to cease on bankruptcy.
14. Pensions, etc., may cease on conviction.
15. Pensions, etc., may cease on accepting certain appointments.
16. Gratuity where an officer dies in the service or after retirement.
17. Pensions to dependants when an officer is killed on duty.
18. Application of Enactment.
19. Repeal of Caps. 38 and 39 and of Enactment No. 1 of 1948.

It is hereby enacted by His Highness the Sultan in Council as follows:—

Short title and commencement.

1. This Enactment may be cited as the Pensions Enactment, 1957, and shall come into operation on such date as the Sultan may by notification signified in the *Gazette* appoint.

Interpretation.

2.—(1) In this Enactment, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“inducement pay” means such additions as may from time to time be attached to the salary of an officer by way of inducement;

“non-pensionable office” means an office which is not a pensionable office;

“other public service” means public service not under the Government of the State;

“pensionable emoluments” means—

(a) in respect of service under the Government of the State, salary, personal allowance, and inducement, pay but does not include duty allowance, entertainment allowance or any other emoluments whatever;

(b) in respect of other public service, emoluments which count for pension in accordance with the law or regulations in force in such service;

“pensionable office” means—

(a) in respect of service under the Government of the State an office which, by virtue of provision for the time being in force in an order made by the Sultan in Council and published in the *Gazette*, is declared to be or to have been as from such date as may be specified in such order (including a date prior to the date of such order), a pensionable office; and any such order may from time to time be amended, added to, or revoked by an order so made and published:

Provided that where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office:

Provided further that in respect of an officer who was a pensionable officer in the service of the government of the State on the 15th day of December, 1941, being an officer to whom section 5 of the Pensions (Special Provisions) Enactment applied Cap. 39. the period of service of such officer during the period of enemy occupation and the period subsequent thereto before such officer resumed duty shall be deemed to be service in a pensionable office in the State;

(b) in respect of other public service an office which is for the time being a pensionable office under the law or regulations in force in such service; “period of enemy occupation” means the period commencing on the 16th day of December, 1941, and ending on the 13th day of June, 1945;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office and specifically declared to be a pensionable allowance;

“public service” means service in a civil capacity under the Government of the State or the Government of any other part of Her Majesty’s dominions or of any British protected state or protectorate or mandated or trust territory administered by the Government of any part of Her Majesty’s dominions, or of the New Hebrides or the Anglo-Egyptian Sudan, or under the East African Railways and Harbour Administration or service which is pensionable under the Teachers’ (Superannuation) Act 1925 or any Act amending or replacing the same or under the Oversea Superannuation Scheme, or in a Colonial University College or pensionable employment under a local authority in the United Kingdom, or in such other service as the Sultan in Council may determine to be “public service” for the purpose of any provision of this Enactment, and, except for the purposes of computation of pension or gratuity and of section 9, includes service as a Governor General, Governor or High Commissioner in any part of Her Majesty’s dominions, any British protected state or protectorate, any mandated or trust territory administered by the Government of any part of Her Majesty’s dominions, or the Anglo-Egyptian Sudan, or the East African Railways and Harbour Administration;

“salary” means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office;

“Sultan in Council” means in the case of an officer other than an officer of Asian domicile

(a) if such officer is resident in Brunei or Sarawak, the Sultan in Council with the approval of the High Commissioner; or

(b) if such officer is resident outside Brunei or Sarawak, the Sultan in Council with the approval of the Secretary of State.

(2) For the avoidance of doubts it is hereby declared that, where an officer has been confirmed in a pensionable office and is thereafter appointed to another pensionable office, then, unless the terms of such appointment otherwise require, such last mentioned office is, for the purposes of this Enactment, an office in which he has been confirmed.

Pension
regulations.

3.—(1) Pensions, gratuities and other allowance may be granted by the Sultan in Council in accordance with the regulations contained in the Schedule to officers who have been in service under the Government of the State or to their legal personal representatives or dependants. The said regulations may from time to time be amended, added to, or revoked by regulations made by the Sultan in Council with the sanction of the High Commissioner and published in the *Gazette*.

(2) Any pension or gratuity granted under this Enactment shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

(3) All regulations made under this section shall have the same force and effect as if they were contained in the Schedule and the expression "this Enactment" shall, wherever it occurs in this Enactment, be construed as including a reference to the said Schedule.

(4) Wherever the Sultan in Council is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose.

Pensions, etc.
to be charged
on revenues of
the State.

4. There shall be charged on and paid out of the revenues of the State all such sums of money as may from time to time be granted by way of pension, gratuity or other allowances in pursuance of this Enactment.

Pensions, etc.
not of right.

5.—(1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Enactment affect the right of the Government to dismiss any officer at any time and without compensation.

(2) Where it is established to the satisfaction of the Sultan in Council that an officer has been guilty of negligence, irregularity or misconduct, it shall be lawful for the Sultan in Council to reduce or to altogether withhold the pension, gratuity, or other allowance for which such officer would have become eligible but for the provisions of this section.

(3) If an officer is dismissed from service under the Government of the State for any such negligence, irregularity or misconduct, no pension, gratuity or other allowance shall be granted, unless in any special case the Sultan in Council with the approval of the High Commissioner otherwise directs, and any such direction may, irrespective of the wishes of the officer concerned, also determine whether any pension or gratuity shall be in the form of a reduced pension or gratuity.

Circumstances in
which pension
may be granted.

6. No pension, gratuity or other allowance shall be granted under this Enactment to any officer except on his retirement from the public service in one of the following cases—

(a) on or after attaining the age of fifty-five years or, with the consent of the Sultan in Council, fifty years or, in the case of a female officer, forty-five years;

(b) in the case of a police officer below the rank of Assistant Superintendent or in the case of any other police officer who would if it were not for the passing of this Enactment have been eligible to have retired on attaining the age of forty-five years or in the case of a prison officer below the rank of Superintendent at any time after he has attained the age of forty-five years;

(c) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity or, if no age is prescribed by the said law or regulations, on or after attaining the age of fifty-five years or, in the case of a female officer, forty-five years;

(d) on the abolition of his office;

(e) on compulsory retirement for the purpose of facilitating improvement in the organisation of the department to which he belongs, by which greater efficiency or economy may be effected;

(f) on medical evidence to the satisfaction of the Sultan in Council that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;

(g) in the case of termination of employment in the public interest as provided by section 7; or

(h) on retirement in circumstances, not mentioned in paragraphs (a), (b), (c), (d), (e), (f), and (g) rendering him eligible for a pension under the Pensions (Governors of Dominions, ect.) Acts, 1911 to 1947, or any Act amending or replacing those Acts:

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Enactment, who retires for the reason that she has married or is about to marry, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.

Termination of
Employment in
the public interest.

7. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provision of this Enactment, the Sultan in Council may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in paragraph (f) of section 6.

**Compulsory
retirement.**

8.—(1) No officer shall be retained in public service under the Government of the State after he has attained the age of fifty-five years save in exceptional cases and with the approval of the Sultan in Council.

(2) It shall be lawful for the Sultan in Council to require an officer to retire from the public service of the State—

(a) at any time after he attains the age of fifty-five years;

(b) in the case of a police officer below the rank of Assistant Superintendent or in the case of any other police officer who would if it were not for the passing of this Enactment have been eligible to have retired on attaining the age of forty-five years or in the case of a prison officer below the rank of Superintendent at any time after he has attained the age of forty-five years; or

(c) in the case of a female officer, on marriage.

Maximum pension.

9.—(1) Except in cases provided for by subsection (2), a pension granted to an officer under this Enactment shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service under the Government of the State.

(2) An officer who shall have been granted a pension in respect of other public service shall not at any time draw from the funds of the State an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service:

Provided that where an officer receives, in respect of some period of public service, both a gratuity and a pension, the amount of such pension shall be deemed for the purpose of this subsection to be what it would have been if part of it had not been commuted or, in the case of a pension granted under the Superannuation Acts of the United Kingdom, to be four-thirds of its actual amount.

(3) Where the limitation prescribed by subsection (2) operates, the amount of the pension to be drawn from the funds of the State shall be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service.

(4) For the purposes of subsections (1), (2) and (3) an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such

an additional pension under this Enactment, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

ability of pensioners to be called upon to take further employment.

10.—(1) Every pension granted under this Enactment shall be subject to the condition that unless or until the officer shall have attained the age of fifty years or, in the case of a female officer, forty-five years, the officer may, if physically fit for service be called upon by the Sultan in Council to accept an office under the Government of the State, not less in value than the office which he held at the date of his retirement.

(2) If a pensioner so called upon declines without reasonable cause to accept such office the payment of his pension may be suspended until he has attained the age of fifty years or, if a female officer, forty-five years.

Suspension of pensions on re-employment.

11.—If an officer to whom a pension has been granted under this Enactment is appointed to another office in the public service, the payment of his pension may, with his consent, if the Sultan in Council thinks fit, be suspended during the period of his re-employment.

Pensions, etc. not to be assignable.

12. A pension, gratuity or other allowance granted under this Enactment shall not be assignable or transferable except for the purpose of satisfying—

(a) a debt due to the Government, or

(b) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child, whether legitimate or not, of the officer to whom the pension gratuity or other allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due the Government.

Pensions, etc. to cease on bankruptcy.

13.—(1) If any person to whom a pension or other allowance has been granted under this Enactment is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) If any person is adjudicated bankrupt or declared insolvent as aforesaid either—

(a) after retirement in circumstances in which he is eligible for pension or allowance under this Enactment but before pension or allowance is granted; or

(b) before such retirement, and he shall not have obtained his discharge from bankruptcy or insolvency at the date of retirement,

then in the former case any pension or allowance eventually granted to him shall cease as from the date of adjudication or declaration as the case may be and, in the latter case,

the pension or allowance may be granted but shall cease forthwith and not become payable.

(3) Where a pension or allowance ceases by reason of this section, it shall be lawful for the Sultan in Council, from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous or discontinuous, as he shall think fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance, had he not become bankrupt or insolvent, to be paid to, or applied for the maintenance or benefit of, all or any to the exclusion of the other or others, of the following, that is to say, such person and any wife, child or children of his, in such proportions and manner as the Sultan in Council thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or allowance has so ceased shall, for the purposes of this section, be regarded as applied for his benefit.

(5) When a person whose pension or allowance has so ceased obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Sultan in Council to direct that the pension or allowance shall be restored as from the date of such discharge or any later date, and the pension or allowance shall be restored accordingly.

Pensions, etc.,
may cease on
conviction.

14.—(1) If any person to whom a pension or other allowance has been granted under this Enactment is sentenced to death or a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Sultan in Council so directs, cease from such date as he determines.

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under the Enactment but before the pension or allowance is granted, then the provisions of subsection (1) shall apply as respects any pension or allowance which may be granted to him.

(3) Where a pension or allowance ceases by reason of this section it shall be lawful for the Sultan in Council to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance had he not been sentenced as aforesaid to be paid, or applied, in the same manner in all respects as prescribed in section 13, and such moneys shall be paid or applied accordingly.

(4) If such person after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect; but, in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under subsection (3).

Pensions, etc.
may cease on
accepting certain
appointments.

15.—(1) If any person to whom a pension or other allowance has been granted under this Enactment otherwise than under section 17 becomes either a director of any company the principal part of whose business is in any way directly concerned with the State, or an officer or servant employed in the State by any such company, without prior permission of the Sultan in writing such pension or allowance shall cease if the Sultan so directs:

Provided that it shall be lawful for the Sultan, on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of such company or to be employed as an officer or servant of such company in the State, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if he shall see fit, to such a date as he shall specify, and the pension or allowance shall be restored in accordance with any such directions.

(2) The provisions of this section shall cease to apply to any person to whom a pension or other allowance has been granted under this Enactment after a period of five years from the date of his retirement.

Gratuity where
an officer dies in
the service or
after retirement.

16.—(1) (a) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in service under the Government of the State, it shall be lawful for the Sultan in Council to grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments, or his commuted pension gratuity, if any, whichever is the greater.

(b) For the purposes of this section—

(i) “annual pensionable emoluments” means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (f) of section 6;

(ii) “commuted pension gratuity” means the gratuity, if any, which might have been granted to the officer under regulation 24 in the Schedule if his public service had been wholly under the Government of the State and if he had retired at the date of his death in the circumstances described in paragraph (f) of section 6 and had elected to receive a gratuity and reduced pension.

(2) Where any such officer to whom a pension, gratuity or other allowance has been granted under this Enactment dies after retirement from service under the Government of the State, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any public service are less than the amount of the

annual pensionable emoluments enjoyed by him at the date of his retirement, it shall be lawful for the Sultan in Council to grant to his legal personal representative a gratuity equal to the deficiency.

(3) The provisions of this section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Oversea Superannuation Scheme in respect of such death.

Pensions to dependants when an officer is killed on duty.

17.—(1) Where an officer dies as a result of injuries received—

(a) in the actual discharge of his duty;

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty;

while in service under the Government of the State, it shall be lawful for the Sultan in Council to grant in addition to the grant, if any, made to his legal personal representative under section 16—

(i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or one hundred and twenty-five dollars a year whichever is the greater;

(ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (i) and child or children, a pension in respect of each child, until such child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (i);

(iii) if the deceased officer leaves a child or children, but does not leave a widow or on pension is granted to the widow, a pension in respect of each child, until such child attains the age of twenty-one years, of double the amount prescribed by paragraph (ii);

(iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i), and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years, of double the amount prescribed in paragraph (ii);

(v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;

(vi) if the deceased officer does not leave a widow or mother, or if no pension is granted to his widow or mother, and if his father was wholly or mainly dependent on him for his support, a pension to the father, while of good character, of an amount not exceeding the pension which might have been granted to his widow;

(vii) if the deceased officer does not leave a child or children who is or are eligible for a pension under the provisions of this section, and if any brother or sister was wholly or mainly dependent on him for support, a pension in respect of any such brother or sister of the same amount and subject to the same conditions as the pension which might have been granted in respect of a child under paragraph (ii), (iii) or (iv) of this subsection:

Provided that—

(a) pension shall not be payable under this subsection at any time in respect of more than six children;

(b) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of re-marriage;

(c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of twenty-one years;

(d) in the case of a pension granted under paragraph (v), (vi) or (vii) of this subsection, if it appears to the Sultan in Council at any time that the mother or father, or any brother or sister, is adequately provided with other means of support, such pension shall cease as from such date as the Sultan in Council may determine.

(2) In the case of an officer not holding a pensionable office, the expression “pensionable emoluments” in the preceding subsection shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) For the purpose of this section, the following words have, in relation to an officer, the meanings hereby respectively assigned to them:—

(a) “brother” includes every male child of his father or of his mother;

(b) “child” includes—

(i) a posthumous child;

(ii) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon him for support; and

(iii) an adopted child, adopted in manner recognised by law, before the date of the injury, and dependent as aforesaid;

(c) "father" includes his step-father and a male person by whom he has been adopted;

(d) "mother" includes his step-mother and a female person by whom he has been adopted;

(e) "sister" includes every female child of his father or of his mother;

(f) "widow" means in the case of a deceased officer who is a Muslim all his legal wives living at the time of his death:

Provided that each of such widows shall receive only a proportionate part, the amount of which to be decided by the Court of the Chief Kathi, of the total pension payable under this section to an only widow.

(4) If an officer proceeding by a route approved by the Resident to or from the State at the commencement or termination of his service therein, or of a period of leave therefrom, dies as the result of damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle, and the Resident is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Britannic Majesty may be engaged, such officer shall be deemed, for the purpose of this section, to have died in the circumstances described in subsection (1):

Provided that this subsection shall not apply in the case of an officer who is eligible to receive an award under subsection (5).

(5) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the actual discharge of his duty and on account of circumstances specifically attributable to the nature of his duty; and if his injuries were not due to his own default the rates of pension prescribed in paragraphs (i) and (ii) of subsection (1) shall be fifteen-sixtieths and one-sixth respectively.

(6) This section shall not apply in the case of the death of any officer selected for appointment to service under the Government of the State on or after the commencement of the Workman's Compensation Enactment, 1957, if his dependants as defined in the said Enactment received payment thereunder, or where benefits corresponding to the benefits granted under this section are payable under the Oversea Superannuation Scheme in respect of his death.

18.—(1) The provisions of this Enactment shall apply—

(a) to every officer first appointed to public service under the Government of the State—

(i) after the commencement of this Enactment; or

(ii) before the commencement of this Enactment, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law of the State; and

(b) to every other officer serving under the Government of the State at the commencement of this Enactment, or transferred from Brunei to any other public service before the date of such commencement and still in public service on that date, unless not later than 12 months after such commencement or within such further period as the Resident may in any special case allow, he gives notice in writing to the Resident of his desire that the provisions of the Enactments and Regulations referred to in section 19 shall apply to him, in which case they shall continue to apply accordingly.

(2) Notwithstanding anything in this Enactment contained, where any officer is seconded to public service under the Government of the State from any other public service the conditions relating to the pension of such officer shall be governed by the Agreement between the Government of the State and the Government of the other territory concerned relating to such secondment.

Repeal of
Caps. 38 and 39
and of Enctment
No. 1 of 1943,
and all subsidiary
legislation made
thereunder.

19. The Pensions Enactment, the Pensions (Special Provisions) Enactment and the Malayan Establishment Pensions Enactment, 1948, and all subsidiary legislation made under those Enactments, are hereby repealed:

Provided that—

(a) all notifications declaring offices to be pensionable offices or classes to be pensionable classes made under the Pensions Enactment shall be deemed to have been made under this Enactment and shall continue in force until cancelled or varied by notifications in the *Gazette* made under this Enactment;

(b) all pensions, gratuities or other allowances granted under or by virtue of the Enactments hereby repealed shall be deemed to have been granted under this Enactment and shall continue to be payable until determined under and in accordance with this Enactment;

(c) all rights accrued in respect of pensions, gratuities or other allowances under or by virtue of any of the Enactments hereby repealed shall continue to subsist under this Enactment.

SCHEDULE

(Section 3)

Regulations for the granting of pensions, gratuities
and other allowances to officers

INDEX

PART I — PRELIMINARY

Regulation

1. Short title.
2. Interpretation.

PART II — OFFICERS WITHOUT OTHER PUBLIC SERVICE

3. Application of Part II.
4. Pensions to whom and what rates to be granted.
5. Gratuities where length of service does not qualify for pension.
6. Marriage gratuities.

PART III — TRANSFERRED OFFICERS

7. Application of Part III.
8. Interpretation.
9. Pension for service wholly within the group.
10. Pension where other service not within the group.
11. Pension when other service both within and not within the group.
12. Gratuities where length of service does not qualify for pension.
13. Marriage gratuities.

PART IV — GENERAL

14. General rules as to qualifying service and pensionable service.
15. Continuity of service.
16. Leave without salary.
17. Service in Her Majesty's Forces.
18. Emoluments to be taken for computation of pensions, etc.
19. Service in a non-pensionable office.
20. Acting service.
21. Service under age of 18 or on probation or agreement.

PART V — SUPPLEMENTARY

22. Abolition of office and re-organisation.
23. Officers retiring on account of injuries.
24. Gratuity and reduced pension.
25. Gratuities for officers who have served in non-pensionable offices.

PART I PRELIMINARY

- Citation. 1. These regulations may be cited as the Pensions Regulations, 1957.
- Interpretation. 2. In these regulations, unless the context otherwise requires —
- “qualifying service” means service which may be taken into account in determining whether an officer is eligible by length of service for pension, gratuity or other allowance;
- “pensionable service” means service which may be taken into account in computing pension under these regulations;
- “the Enactment” means the Pensions Enactment, 1957.

PART II OFFICERS WITHOUT OTHER PUBLIC SERVICE

- Application of Part II. 3. Save when the Sultan in Council in any special case otherwise directs, this Part of these regulations shall not apply in the case of any officer transferred to or from service under the Government of the State from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity, for which the officer would have been eligible, if the service of the officer had been wholly under the Government the State.
- Pensions to whom at what rates to be granted. 4. Subject to the provisions of the Enactment and of these regulations, every officer holding a pensionable office under the Government the State, who has been in service under the Government of the State in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service.
- Gratuities where length of service does not qualify for pension. 5. Every officer, otherwise qualified for a pension, who has not been in service under the Government of the State in a civil capacity for ten years, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 4.
- Marriage gratuities. 6. Where a female officer having held a pensionable office or pensionable offices under the Government of the State for not less than five years and having been confined in a pensionable office, retires from service under the Government of the State for the reason that she has married or is about to marry, and is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, she may be granted, on production within six months after her retirement or such longer period as the Sultan may in any particular case allow, of satisfactory evidence of her marriage, a

gratuity not exceeding one-twelfth of a month's pensionable emoluments for each completed month of pensionable service under the Government of the State or one year's pensionable emoluments, whichever shall be the less.

PART III TRANSFERRED OFFICERS

Application of
Part III.

7. This Part shall apply only in the case of an officer transferred to or from under the Government of the State from or to other public service.

Interpretation.

8. In this Part and Part IV —

“scheduled government” means the government of any territory, or any authority, mentioned in the Schedule and includes the government of Ceylon in respect of any officer appointed to the service of that government prior to the 4th February, 1948, and the government of Palestine, in respect of any officer appointed to the service of that government prior to the 15th May, 1948;

“service in the group” means service under the government of the State and under a scheduled government or scheduled governments.

Pension for service
wholly within the
group.

9.—(1) Where the other public service of an officer to whom this Part applies has been wholly under one or more scheduled governments and his aggregate service would have qualified him had it been wholly under the Government of the State for a pension under the Enactment, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service under the Government of the State a pension of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly under the Government of the State, as the aggregate amounts of his pensionable emoluments during his service under the Government of the State shall bear to the aggregate amounts of his pensionable emoluments throughout his service in the group.

(2) In determining for the purpose of this regulation the pension for which an officer would have been eligible if his service had been wholly under the Government of the State—

(a) in the application of regulation 18, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of retirement from the public service during the three years preceding that date, as the case may be, except that where the officer is not serving under a scheduled government at the date, the date upon which he was last transferred from the service of a scheduled government shall be deemed to be the date of his retirement for the purposes of this sub-paragraph;

(b) no regard shall be had to an additional pension under regulation 22 or regulation 23;

(c) regard shall be had to the condition that pension may not exceed two-thirds of his highest pensionable emoluments;

(d) no period of other public service under a scheduled government in respect of which no pension or gratuity is granted to him shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of an officer's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age of eighteen years.

Provided that in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under a scheduled government in respect of which no pension or gratuity is granted to him.

Pension where
other service not
within the group.

10.—(1) Where the other public service of an officer to whom this Part applies has not included service under any of the scheduled governments, and his aggregate service would have qualified him, had it been wholly under the Government of the State, for a pension under these regulations, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service under the Government of the State a pension at the annual rate of one six hundredth of his pensionable emoluments for each complete month of his pensionable service under the Government of the State.

(2) Where the officer is not in service under the Government of the State at the time of such retirement, his pensionable emoluments for the purposes of paragraph (1) shall be those which would have been taken for the purpose of computing his pension if he had retired from the public service and had been granted a pension at the date of his last transfer from service under the Government of the State.

Pension when
other service both
within and not
within the group.

11. Where a part only of the other public service of an officer to whom this Part applies has been under one or more of the scheduled governments, the provisions or regulation 9 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

Gratuities where
length of service
does not qualify
for pension.

12. Where an officer to whom this Part applies retires from the public service in circumstances in which he is permitted by the law or regulations of the services in which he is last employed to retire on pension or gratuity, but has not been in the public service in a civil capacity for ten years, he may be granted in respect of his service under the Government of the State a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 9, 10 or 11 as the case may be.

Marriage gratuities.

13. A female officer to whom this Part applies who retires for the reason that she had married, or is about to marry, and in consequence —

(a) would, if the whole of her public service had been under the Government of the State, have been eligible for a gratuity under regulation 6; and

(b) if she is, at the date of her retirement in other public service, eligible for a gratuity under provisions corresponding to that regulation in the law or regulations of the public service in which she is last employed;

Application of
Part III.

Interpretation.

may, if she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, be granted a gratuity which bears to the gratuity for which she would be eligible if the whole of her public service had been in the service in which she is last employed the proportion which her pensionable service under the Government of the State bears to her total pensionable service:

Provided that for the purpose of computing her total pensionable service no regard shall be had to any service under a government which does not grant a gratuity to her in consequence of her retirement.

PART IV

GENERAL

Pension for ser-
vants wholly within
group.

General rules as
to qualifying
service and
pensionable service.

14.—(1) Subject to the provisions of these regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of public service and the date of his leaving the public service, without deduction of —

(a) any period during which he is absent on leave;
and

(b) the period of enemy occupation and any period subsequent thereto before an officer being an officer to whom section 5 of the Pensions (Special Provisions) Enactment applied resumed duty. Cap. 39.

(2) No period which is not qualifying service by virtue of paragraph (1) shall be taken into account as pensionable service.

(3) No period during which the officer was not in public service shall be taken into account as qualifying service or as pensionable service.

Continuity
of service.

15.—(1) Except as otherwise provided in these regulations, only continuous service shall be taken into account as qualifying service or as pensionable service:

Provided that any break in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purpose of this paragraph:

Provided further that an officer who was holding office in the service of the Government of Palestine immediately before the fifteenth day of May, 1948, shall be deemed to

have continued in that office until either the date of his appointment to public service elsewhere or, if he was not so appointed, until the date of his retirement or removal from office.

(2) An officer —

(a) whose pension has been suspended under section 11 of the Enactment or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or

(b) who has retired from the public service without pension on account of ill-health, abolition of office, or re-organisation designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service; or

(c) who has left pensionable service under the Teachers (Superannuation) Act, 1925, with a view to entering public service not being service pensionable under the said Act and has, not later than three months after leaving such first mentioned service, received any salary in respect of employment in public service not so pensionable;

may, if the Sultan in Council think fit, be granted the pension or gratuity for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment had not occurred, such pension to be in lieu of —

(i) any pension previously granted to him from the funds of the State; and

(ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation,

but additional to any gratuity so granted which is not required to be refunded as aforesaid.

Leave without
salary.

16. No period during which an officer shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy with the approval of the Sultan in Council.

Service in Her
Majesty's Forces.

17. Where an officer, during some period of his service, has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of the State or of any scheduled government and have not been refunded, such period shall not be taken into account as pensionable service.

Emoluments to
be taken for
computing pension
gratuity.

18.—(1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years' pensionable service before his retirement —

(a) in the case of an officer who has held the same office for a period of three years immediately

preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;

(b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increment, the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;

(c) in other cases one third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that —

(i) if such one third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years those annual pensionable emoluments shall be taken; and

(ii) if such one third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the Sultan in Council, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) of this regulation the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed —

(a) to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his retirement; and

(b) to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period of three years.

(3) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than three years' pensionable service before his retirement —

(a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;

(b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period; and

(c) he shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period.

Service in a
non-pensionable
office.

19. Only service in a pensionable office shall be taken into account as pensionable service; Cap. 38.

Provided that —

(a) an officer to whom the provisions of the Pensions Enactment applied shall be deemed to have held a pensionable office from the date on which he began to qualify for a pension under that Enactment;

(b) where a period of service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the officer is confirmed therein, such period may, with the approval of the Sultan in Council, be so taken into account and, for the purpose of this proviso, any period of service during which the officer serves in a civil capacity in a pensionable office otherwise than on pensionable terms shall be deemed to be service otherwise than in a pensionable office;

(c) any break in service which may be disregarded under the provisions of regulation 15, may likewise be disregarded in determining for the purpose of proviso (b) whether one period of service immediately follows another period of service;

(d) where an officer has been transferred from a pensionable office in which he has been confirmed to a non-pensionable office and subsequently retires either from a pensionable office or a non-pensionable office, his service in the non-pensionable office, may, with the approval of the Sultan in Council, be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer;

(e) where a period of service in a non-pensionable office is taken into account under this regulation, the officer shall, during that period, be deemed for the purposes of regulations 6, 22 and 23 to be holding a pensionable office, and where that period is taken into account under the preceding proviso, to have been confirmed therein.

Acting service.

20. Any period during which an officer has performed only acting service in an office may be taken into account as pensionable service (subject, if the office is a non-pensionable office, to the provisions of regulation 19) if the period of such acting service—

(a) is not taken into account as part of his pensionable service in other public service; and

(b) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same government or authority, and not otherwise.

Service under
age of 18 or
on probation
or agreement.

21. Save as otherwise provided in these regulations, there shall not be taken into account as pensionable service—

(a) any period of service while an officer was under the age of eighteen years; or

(b) any period of service while an officer was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service:

Provided that any break of service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without a break of service.

PART V

SUPPLEMENTARY

Abolition of
office and
re-organisation.

22. If an officer holding a pensionable office retires from the public service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency or economy may be effected,

(a) he may, if he has been in the public service for less than ten years, be granted in lieu of any gratuity under regulation 5 or regulation 12, a pension under regulation 4, 9, 10 or 11, as the case may be, as if the words "for ten years or more" were omitted from regulation 4;

(b) he may, if he retires from service under the Government of the State, be granted an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each complete period of the three years' pensionable service:

Provided that —

(i) the addition shall not exceed ten sixtieths; and

(ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if he had continued to hold the office held by him at the date of his retirement, and retired on reaching the age at which he may retire without the approval of the Sultain in Council, having received all increments for which would have been eligible by that date.

Officers retiring
on account
of injuries.

23.—(1) If an officer holding a pensionable office in which he has been confirmed is permanently injured—

(a) in the actual discharge of his duty;

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty;