

No. 370. THE MUNICIPAL CORPORATIONS LAW.

CAP. 252 AND LAWS 11 OF 1950, 31 OF 1951, 20 OF 1953, 29 OF 1954,
57 OF 1954 AND 14 OF 1955.

BYE-LAWS MADE BY THE COUNCIL OF THE MUNICIPAL CORPORATION
OF KYTHREA.

In exercise of the powers vested in them by the Municipal Corporations Law, and otherwise, the Council of the Municipal Corporation of Kythrea hereby make the following bye-laws :—

1. These bye-laws may be cited as the Municipal Corporation (Kythrea) (Amendment) Bye-laws, 1959, and shall be read as one with the Municipal Corporation (Kythrea) Bye-laws, 1932 to 1956 (hereinafter referred to as "the principal Bye-laws") and the principal Bye-laws and these Bye-laws may together be cited as the Municipal Corporation (Kythrea) Bye-laws, 1932 to 1959.

2. The principal Bye-laws are hereby amended by the deletion therefrom of Bye-laws 88A, 88B and 88C and by the insertion therein of the following new part, new heading and new Bye-laws numbered 97 to 118.

Cap. 252.
11 of 1950
31 of 1951
20 of 1953
29 of 1954
57 of 1954
14 of 1955.
Gazettes :
29.1.1932.
27.7.1934.
P.I. :
139/1937
344/1939
251/1945
321/1946
250/1948
428/1950
393/1952
398/1954
82/1956.

"PART XIV.

Pensions and Gratuities.

97. In this part of these Bye-laws, unless the context otherwise requires, the following words shall have the meanings assigned to them, that is to say :—

"Commissioner" means the Commissioner of the District of Nicosia.

"Law" means the Municipal Corporations Law (Cap. 252) and includes any Law amending or substituted for the same.

"Pensionable office" means an office which has been declared by the Council, with the sanction of the Governor, to be pensionable.

"Gratuities and Pension Fund" means the Gratuities and Pension Fund established under these Bye-laws.

98. Subject to the provisions of these Bye-laws, the Corporation shall charge on, and pay out of, the Gratuities and Pension Fund pensions and gratuities to officers who retire from service and to officers who have been removed from their office on any ground other than misconduct or inefficiency in the performance of their duties :

Provided that the Corporation may, with the approval of the Commissioner, charge and pay out of the Gratuities and Pension Fund to an officer who has been removed from office on grounds of misconduct or inefficiency in the performance of his duty, a pension or gratuity not exceeding the amount of pension or gratuity which might have been granted to such officer if he had not been so removed.

99. Subject to the provisions of these bye-laws, every officer holding a pensionable office in the service of the Corporation who has been in such service for ten years or upwards may be granted on his retirement a pension at the rate of one seven hundred and twentieth of his salary for each complete month of service :

Provided that a pension granted to an officer under these bye-laws shall not exceed two-thirds of the highest salary drawn by him at any time in the course of his service.

100. Every officer otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, 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 bye-law 99.

101. Subject to the provisions of these bye-laws, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an officer begins to draw salary from the Funds of the Corporation without deduction of any period during which he has been absent on leave.

102. Service in respect of which pension or gratuity may be granted must be unbroken except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation.

103. For the purpose of computing the amount of an officer's pension or gratuity there shall be taken into account—

- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full salary payable to him at that date in respect of that office ;
- (b) in respect of an officer, who at any time during such period of three years has been transferred from one office to another, but whose salary has not been changed by reason of such transfer or transfers, the full salary payable to him at the date of his retirement in respect of the office then held by him ;
- (c) in other cases, the average of the full salary payable in respect of each of the offices substantively held by the officer during his tenure thereof within such period of three years.

104. No service other than service in a pensionable office shall be taken into account in computing pensions except that where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office, or of service paid from funds of the Corporation or of both such services and period, or any part of it, may be taken into account.

105. If an officer holding a pensionable office retires or is removed from the service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the office to which he belongs, by which greater efficiency and economy can be effected, he may be granted a pension calculated in accordance with bye-law 99:

Provided, however, that if he has been in the service of the Corporation for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with that regulation as if there had been no qualifying period.

106. In the case of an officer whose office is abolished, his pension may be increased by the addition of a certain number of sixtieths of his salary, that is to say—

- (a) in the case of an officer who has served twenty years, seven-sixtieths ;
- (b) in the case of an officer who has served less than twenty years but not less than fifteen years, five-sixtieths ;
- (c) in the case of an officer who has served less than fifteen years but not less than ten years, three-sixtieths.

No additions shall be made under this bye-law so as to entitle an officer to a higher pension than the maximum two-thirds, or to a higher pension than that to which he would have been entitled by length of service on reaching the age of sixty years.

107. Where an officer has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty and his retirement is thereby necessitated or materially accelerated, he may, if he is qualified for a pension under bye-law 99, be granted, in addition to the pension granted to him under that bye-law, an additional pension at the rate of the proportion of his actual

salary at the date of his injury appropriate to his case as shown in the following table when his capacity to contribute to his own support is—

Slightly impaired	five-sixtieths.
Impaired	ten-sixtieths.
Materially impaired	fifteen-sixtieths.
Totally destroyed	twenty-sixtieths.

Provided that the amount of additional pension shall, subject to the approval of the Commissioner, be reduced to such an extent as the Council shall think reasonable in the following cases :—

- (i) Where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires ;
- (ii) Where the injured officer is at the date of injury within ten years of the age at which he is to retire ; or
- (iii) Where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to injury :

Provided also that the total amount of the pension shall not exceed the maximum two-thirds of the pension to which he would have been entitled by length of service on reaching the age of sixty years.

108.—(1) Any officer to whom a pension is granted under these bye-laws, may, at his option exercisable as hereinafter provided, be paid, in lieu of such pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made in the pension.

(2) The option referred to in paragraph (1) of this bye-law shall be exercisable not later than three years after the date on which the office of such officer has been declared pensionable under these bye-laws or not later than three years after the date on which the officer has been appointed to a pensionable office.

109.—(1) Where an officer holding a pensionable office, who is not on probation or agreement, dies while in the service of the Corporation and during the five years preceding his death has continuously held a pensionable office in the service of the Corporation, it shall be lawful for the Council with the approval of the Commissioner to grant to his dependants a gratuity of an amount not exceeding one year's salary.

(2) For the purpose of this bye-law the term "dependants" means such of the members of the family of an officer as were wholly or in part dependent upon the earnings of the officer at the time of his death.

110. No officer shall have an absolute right to compensation for past service or to pension, gratuity or other allowance nor shall anything in these bye-laws contained limit the right of the Council to dismiss, subject to the approval of the Commissioner, where such approval is required, any officer without compensation.

111. No pension, gratuity or other allowance shall be granted to any officer except on his retirement from the service of the Corporation in one of the following cases :—

- (a) on or after attaining the age of sixty years ;
- (b) on the abolition of his office ;
- (c) on compulsory retirement for the purpose of facilitating improvement in the organization of the service to which he belongs, by which greater efficiency and economy can be effected ;
- (d) on medical evidence to the satisfaction of the Council that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent,

112. No pension, gratuity or other allowance granted under these bye-laws shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Government of Cyprus or the Corporation.

113. If any officer to whom a pension or other allowance has been granted under these bye-laws is sentenced to a term of imprisonment by any competent Court within Cyprus or outside Cyprus of any crime or offence then, in every such case, it shall be lawful for the Council with the sanction of the Commissioner to direct that such pension or allowance shall forthwith cease :

Provided always that the pension or allowance shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon ; and

Provided further that where a pension or allowance ceases for the reason aforesaid it shall be lawful for the Council, with the approval of the Commissioner, to cause all or any part of the moneys to which the pensioner would have been entitled to be applied to the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also to the benefit of the pensioner himself.

114. Subject to the provisions of these bye-laws, the Corporation shall charge and pay out of the Gratuities and Pension Fund gratuities to officers in the service of the Corporation, who are not holding a pensionable office and who have been removed from their office on any ground other than misconduct or inefficiency in the performance of their duties.

115. A gratuity under bye-law 114 shall be at the rate of one-twelfth of the average yearly pay received by an officer during his last four years of service for each completed year of unbroken service immediately prior to his retirement or removal from office :

Provided that no officer shall be entitled to receive any gratuity unless he shall have served for an unbroken period of at least five years immediately preceding the retirement or removal from office.

116. To enable the Council to grant gratuities and pensions under these bye-laws a fund shall be established, to be called the "Gratuities and Pension Fund", which shall consist of all moneys paid by the Corporation into this Fund as hereinafter provided.

117. The Corporation shall, subject to the provisions of these bye-laws, administer the Gratuities and Pension Fund and shall keep a separate account in such form as may from time to time be prescribed by the Council with the approval of the Commissioner, of all moneys paid into and out of the said Gratuities and Pension Fund.

118. The Corporation shall in every year charge on and pay out of the Revenues of the Corporation a sum of £50 into the Gratuities and Pension Fund :

Provided that the Council may with the sanction of the Commissioner from time to time increase, reduce or suspend the above payment as circumstances may require."

These Bye-laws have been approved by His Excellency the Governor.

(M.P. 1939/50.)