



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3426 OF 10TH MARCH, 1949.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 10 OF 1949.

A LAW TO PROVIDE FOR THE PAYMENT OF PENSIONS,
GRATUITIES AND OTHER ALLOWANCES.

R. E. TURNBULL,]

[9th March, 1949.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering
the Government and Commander-in-Chief of the
Colony of Cyprus as follows:—

1. This Law may be cited as the Pensions Law, 1949. Short title.

Interpreta-
tion.

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

“expatriation allowance” means an allowance granted to such officers in the service of Cyprus as may be declared by the Governor to be eligible for such allowance ;

“house allowance” means the estimated value of free quarters as defined in regulations under this Law ;

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

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

“pensionable emoluments”—

(a) in respect of service in Cyprus includes salary, personal allowance, expatriation allowance and house allowance, but does not include duty allowance, entertainment allowance or any other emoluments whatever ;

(b) in respect of other public service means 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 in Cyprus an office which, by virtue of provision for the time being in force in an Order made by the Governor in Council and published in the *Gazette*, is declared to be 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 ; but 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 ;

(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 ;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office, but does not include such an addition if it is granted subject to the condition that it shall not be pensionable ;

“public service” means service in a civil capacity under the Government of Cyprus or the Government of any other part of His Majesty’s dominions, or of any British Protected State, Protectorate or territory under British Mandate or of the Anglo-Egyptian Sudan, or under the High Commissioner for Transport in Kenya and Uganda, and service which is pensionable under the Teachers (Superannuation) Act, 1925, or any Act amending or replacing the same, and any such other service as the Secretary of State may determine to be “public service” for the purpose of any provisions of this Law; and, except for the purposes of computation of pension or gratuity and of section 9 of this Law, includes service as a Governor-General, Governor or High Commissioner in any part of His Majesty’s dominions, any British Protected State or Protectorate, any territory under British Mandate or the Anglo-Egyptian Sudan;

“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.

(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 Law, an office in which he has been confirmed.

3.—(1) Pensions, gratuities and other allowances may be granted by the Governor in accordance with the regulations contained in the First Schedule to this Law to officers who have been in the service of Cyprus.

Pension
regulations.
First
Schedule.

The said regulations may from time to time be amended, added to, or revoked by regulations made by the Governor in Council with the sanction of the Secretary of State, and all regulations so made shall be published in the *Gazette*.

Any pension or gratuity granted under this Law shall be computed in accordance with the provisions in force at the actual date of an officer’s retirement.

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

(3) Whenever the Governor 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
Cyprus.

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

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 Law affect the right of the Crown to dismiss any officer at any time and without compensation.

(2) Where it is established to the satisfaction of the Governor in Council that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

Circum-
stances in
which
pension
may be
granted.

6. No pension, gratuity or other allowance shall be granted under this Law 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 in any case in which the Governor, under the provisions of this Law, may require or permit an officer to retire on or after attaining the age of fifty years, on being required or permitted so to retire;
- (b) 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;
- (c) on the abolition of his office;
- (d) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected;
- (e) on medical evidence to the satisfaction of the Governor in Council or the Secretary of State 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;

- (f) in the case of removal on the ground of inefficiency as provided in this Law ;
- (g) on retirement, in circumstances, not mentioned in the preceding paragraphs of this section, rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947, or any Act amending or replacing the same :

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

7. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Law, the Governor in Council, may, if he considers it justifiable having regard to all the circumstances of the case, 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 (e) of the preceding section.

Retirement
for
inefficiency.

8.—(1) It shall be lawful for the Governor to require or permit any officer to retire from the service of Cyprus at any time after he has attained the age of fifty years and also in the case of a female officer to require or permit such officer to retire on becoming married or at any time thereafter, and retirement shall be compulsory for every officer on attaining the age of fifty-five years :

Age of
retirement.

Provided that—

- (a) any officer who holds any of the offices set out in sub-section (2) shall not be required or permitted to retire as aforesaid, except with the consent of the Secretary of State ;
 - (b) the Governor may allow any officer to remain in the service of Cyprus for such time, after attaining the age of fifty-five years, as to the Governor may seem fit.
- (2) The offices to which paragraph (a) of the proviso to sub-section (1) refers shall be—
- (a) offices for the time being included in any of the unified branches of the Colonial Service ;
 - (b) other offices the initial pensionable emoluments of which are not less than £600 a year.

Maximum
pension.

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

(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 Cyprus an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds 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 sub-section to be four-thirds of its actual amount.

(3) Where the limitation prescribed by the preceding sub-section operates, the amount of the pension to be drawn from the funds of Cyprus shall be subject to the approval of the Secretary of State, in order that it may 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 the preceding sub-sections 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 Law, 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.

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

10.—(1) Every pension granted under this Law shall be subject to the condition that unless or until the officer shall have attained the age of fifty years, he may, if physically fit for service, be called upon by the Secretary of State to accept an office, whether in Cyprus or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he held at the date of his retirement.

If a pensioner so called upon declines to accept such office the payment of his pension may be suspended until he has attained the age of fifty years.

(2) The provisions of the foregoing sub-section shall not apply in any case where the Governor, being of opinion that the officer is not qualified for other employment in the public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

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

Suspension of pensions on re-employment.

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

Pensions, etc., not to be assignable.

(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 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 to the Government.

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

Pensions, etc., to cease on bankruptcy.

(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 Law but before the 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 Secretary of State, or if the person in question is resident in Cyprus, the Governor, from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or the Governor, as the case may be, 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 Secretary of State or the Governor, as the case may be, 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 Secretary of State or, if such person is resident in Cyprus, the Governor 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 Law is sentenced to a term of imprisonment by any competent Court for any offence, such pension or allowance shall, if the Secretary of State, or if such person is resident in Cyprus the Governor, so directs, cease as from such date as the Secretary of State or the Governor, as the case may be, determines.

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under this Law but before the pension or allowance is granted, then the provisions of the foregoing sub-section 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 Secretary of State or the Governor, as the case may be, 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 the preceding section, 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 the preceding sub-section.

15. If any person to whom a pension or other allowance has been granted under this Law 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 Cyprus, or an officer or servant employed in Cyprus by any such company, without the prior permission of the Governor in writing, such pension or allowance shall cease if the Governor so directs :

Pensions, etc., may cease on certain appointments.

Provided that it shall be lawful for the Governor, 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 Cyprus, 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.

16.—(1) 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 the service of Cyprus, it shall be lawful for the Governor in Council to grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments.

Gratuity where an officer dies in the service.

(2) For the purposes of this section, "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 (e) of section 6.

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

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

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

Pensions to dependants when an officer is killed on duty.

- (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 fifteen pounds a year, whichever is the greater;

- (ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a 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 the preceding paragraph ;
- (iii) if the deceased officer leaves a child or children, but does not leave a widow or no 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 the preceding paragraph ;
- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this sub-section, 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) of this sub-section ;
- (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 :

Provided that—

- (a) pension shall not be payable under this sub-section at any time in respect of more than six children ;
- (b) in the case of a pension granted under paragraph (v) of this sub-section, if the mother is a widow at the time of the grant of the pension and subsequently re-marries such pension shall cease as from the date of re-marriage ; and if it appears to the Governor in Council at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor in Council may determine ;
- (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.

(2) In the case of an officer not holding a pensionable office, the expression "pensionable emoluments" in the preceding sub-section 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) If an officer proceeding by a route approved by the Governor to or from Cyprus 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 or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in sub-section (1).

(4) 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 circumstances described in sub-section (1).

(5) This section shall not apply in the case of the death of any officer selected for appointment to the service of Cyprus on or after the 1st day of April, 1944, if his dependants as defined in the Workmen's Compensation Laws, 1942 to (No. 2) 1944, are entitled to compensation under those Laws or under any Law amending or replacing the same.

30 of 1942
2 of 1944
11 of 1944

(6) For the purposes of this section the word "child" shall include—

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
- (c) an adopted child, adopted in a manner recognized by law, before the date of the injury, and dependent as aforesaid.

18. Notwithstanding anything in this Law contained, where an officer shall have served with His Majesty's Forces in time of war, with the approval of the Governor of the territory in the service of which he was last employed before so serving or of the Secretary of State, the following provisions shall have effect:—

War service
to count for
pension
purposes.

- (a) during the period of such service in His Majesty's Forces, including any period after the termination of the war (in this section referred to as "military service"), he shall be deemed, for the purposes of this Law, to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service;
- (b) during any period between his leaving the public service for the purpose of serving in His Majesty's

Forces and the date of his commencing military service, he shall, for the purposes of this Law, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service; and during any period between the termination of his military service and the date of his re-entering the public service he shall, for the said purposes, be deemed to be on leave as aforesaid from the service, and to have held the substantive office, in which he is re-employed:

Provided that—

- (i) this section shall not apply when either period mentioned in paragraph (b) of this section exceeds three months, or such longer period as the Governor, with the approval of the Secretary of State, may in any special case determine; or if the officer fails, after serving with His Majesty's Forces, to re-enter the public service otherwise than in circumstances in which he would be permitted, under the law applicable to the public service in which he is last employed prior to military service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military service;
- (ii) if during any period mentioned in paragraph (a) of this section the officer shall have qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (a) of this section shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";
- (iii) if during his military service the officer shall be injured or killed, he shall not, for the purposes of regulation 25 of the Regulations contained in the First Schedule to this Law, and section 17 of this Law, be deemed to have been injured or killed in the discharge of his duty;
- (iv) the provisions of this section which require that the officer shall be deemed to have held a specified office and to have been on leave from

a specified service shall not apply in respect of any period during which he shall actually have held any other substantive office and have been on leave from any public service ;

- (v) save where in any particular case the Governor otherwise directs, this section shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.

19. Subject to the provisions of section 20, the provisions of this Law shall apply to all officers in the service of Cyprus on or after the date of the coming into operation of this Law and to all those who, having been in the service of Cyprus, have, before the coming into operation of this Law, been transferred to other public service and who were in other public service on the 1st January, 1945: Application of Law.

Provided that, notwithstanding anything in section 3 contained, in the case of any officer who, having been in the service of Cyprus, has, before the coming into operation of this Law, been transferred to other public service and who was in other public service on the 1st of January, 1945, but has retired between that date and the date of the coming into operation of this Law, his pension or gratuity shall be computed in accordance with the provisions of this Law.

20.—(1) The Laws set out in the Second Schedule to this Law are hereby repealed. Repeal and saving.

(2) The repeal of the Cyprus Pensions Order in Council, 1929 and the Cyprus Pensions (Amendment) Order in Council, 1931, and of the Laws set out in the Second Schedule to this Law shall not, nor shall anything contained in this Law,— Second Schedule.

(a) diminish the rights acquired by any person under the Cyprus Pensions Orders in Council, 1929 and 1931, and the Laws repealed by this Law :

(b) affect the rights saved or acquired by any person by the exercise of any election under and in accordance with the provisions of the Cyprus Pensions Orders in Council, 1929 and 1931, and the Laws repealed by this Law, unless, at the request of such person, the Governor permits him to revoke such election ;

(c) affect the pensions granted to any persons who have retired from the public service before the commencement of this Law.

21. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette*. Date of coming into operation.

FIRST SCHEDULE.—(Section 3.)

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES
AND OTHER ALLOWANCES TO OFFICERS.

PART I.

Preliminary.

Short title.

1. These Regulations may be cited as the Pensions Regulations, 1949.

Interpreta-
tion.

2. In these Regulations, unless the context otherwise requires—

“Law” means the Pensions Law, 1949.

“pensionable service” means service which may be taken into account in computing pension under these Regulations.

“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.

PART II.

*Officers without other Public Service.*Application
of Part II.

3. Save when the Governor 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 the service of Cyprus 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 in Cyprus.

Pensions, to
whom and
at what
rates to be
granted.

4. Subject to the provisions of the Law and of these Regulations, every officer holding a pensionable office in Cyprus, who has been in the service of Cyprus 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 the service of Cyprus 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 offices in Cyprus for not less than five years and having been confirmed in a pensionable office, is required or permitted to retire from the service of Cyprus for the reason that she has married, and is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part of these Regulations, she may be granted, on production, within six months after her retirement or such longer period as the Governor 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 in Cyprus or one year's pensionable emoluments, whichever shall be the less.

PART III.

*Transferred Officers.*Application
of Part III.

7. This Part of these Regulations shall apply only in the case of an officer transferred to or from the service of Cyprus from or to other public service.

Interpreta-
tion.

8.—(1) In this Part and Part IV of these Regulations—

“Scheduled Government” means the Government of any territory, or any authority, mentioned in the Appendix to these Regulations;

“service in the Group” means service under the Government of Cyprus and under a Scheduled Government or Scheduled Governments.

Appendix.

(2) Where an officer to whom this Part of these Regulations applies is, on his retirement from the public service, not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely by reason of the fact that he has held office or pensionable office therein for a specified period, he should nevertheless be deemed for the purposes of this Part of these Regulations to have retired 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.

9.—(1) Where the other public service of an officer to whom this Part of these Regulations applies has been wholly under one or more Scheduled Governments and his aggregate service would have qualified him had it been wholly in Cyprus for a pension under the Law, 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 in Cyprus 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 in Cyprus, as the aggregate amounts of his pensionable emoluments during his service in Cyprus shall bear to the aggregate amounts of his pensionable emoluments throughout his service in the Group.

Pension for
service
wholly
within the
Group.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly in Cyprus—

- (a) in the application of regulation 19, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of retirement from the public service or 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 that 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 24 or regulation 25 ;
- (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—

- (a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under Scheduled Government in respect of which no pension or gratuity is granted to him ;
- (b) where under regulation 20 one-half only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, one-half only of the officer's aggregate pensionable emoluments during that service shall be taken into account for the calculation aforesaid.

Pension where other service not within the Group.

10.—(1) Where the other public service of an officer to whom this Part of these Regulations applies has not included service under any of the Scheduled Governments, and his aggregate service would have qualified him, had it been wholly in Cyprus, 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 in Cyprus a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service in Cyprus.

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

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 of these Regulations applies has been under one or more of the Scheduled Governments, the provisions of 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 of these Regulations applies retires 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, but has not been in the public service in a civil capacity for ten years, he may be granted in respect of his service in Cyprus 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 of these Regulations applies who is required or permitted to retire for the reason that she has married, and in consequence—

- (a) would, if the whole of her public service had been in Cyprus, have been eligible for a gratuity under regulation 6 of these Regulations; and
- (b) if she is at the date of her retirement in other public service, is 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,

may, if she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part of these Regulations, 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 service in Cyprus bears to her total public service :

Provided that for the purpose of computing such an officer's total public service under this paragraph, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

Officers from Palestine.

14. Any person holding office in the service of the Government of Palestine immediately before the 15th May, 1948, who is appointed to the service of Cyprus after that date, shall be deemed to continue in his office in Palestine until he is appointed to the service of the Crown elsewhere.

PART IV.

General.

General rules as to qualifying service and pensionable service.

15.—(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 any period during which he has been absent on leave.

(2) No period which is not qualifying service by virtue of the foregoing paragraph 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.

16.—(1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service: Continuity of 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 purposes of this paragraph.

(2) An officer—

- (a) whose pension has been suspended under section 11 of the Law 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 reorganization 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 Governor in Council thinks 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 Cyprus ; 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.

17. 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 Secretary of State. Leave without salary.

18. Subject to the provisions of section 18 of the Law, 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 Cyprus or of any Scheduled Government and have not been refunded, such period shall not be taken into account as pensionable service. Service in His Majesty's Forces.

19.—(1) For the purpose of computing the amount of an officer's pension or gratuity— Emoluments to be taken for computation of pensions, etc.

(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, 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 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 increments which, in the opinion of the Governor in Council, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken ;
 - (iii) for the purpose of calculating pensionable emoluments under this paragraph, the officer shall be deemed to have been on duty on full pensionable emoluments throughout the said three years.
- (2) The estimated value of free quarters in respect of service in Cyprus shall be taken as six per centum of the actual or average salary of the office, as the case may be.

Service in
a non-
pensionable
office.

20. Only service in a pensionable office shall be taken into account as pensionable service :

Provided that—

- (a) 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, one-half of such period may, with the approval of the Governor, be so taken into account ;
- (b) any break in service which may be disregarded under the provisions of regulation 16 may likewise be disregarded in determining for the purposes of the preceding proviso whether one period of service immediately follows another period of service ;
- (c) 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 Governor, 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 ;
- (d) 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, 24 and 25 of these Regulations 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.

21. 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 the preceding regulation) 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.

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

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

Service under age of 18 or on probation or agreement.

Provided that any break of service which may be disregarded under the provisions of regulation 16 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

23. Notwithstanding anything in these Regulations contained, when a person who, having served as a teacher in any elementary school operating under the provisions of any law in force for the time being from and after the commencement of the Education Law, 1905, is appointed without any break to the service of the Government, any period of service as such teacher shall be taken into account for the purposes of these Regulations :

Service as school teacher followed by other service.

Provided that—

- (a) notwithstanding any break between service as such teacher and appointment to the service of the Government, any period of service as such teacher as hereinbefore provided, may, with the approval of the Governor, be also taken into account regard being had to the circumstances in which such break occurred ;
- (b) of the service before the 1st October, 1920, in the case of a Moslem teacher and of the service before the 1st September, 1923, in the case of a Greek-Orthodox teacher, only two-thirds shall be counted for the purposes of these Regulations ;
- (c) such person, upon his appointment to the pensionable service, shall refund any gratuity, benevolent grant or additional grant received by him in respect of his service as such teacher.

PART V.

Supplementary.

24. 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 organization of the Department to which he belongs, by which greater efficiency or economy may be effected,—

Abolition of office and reorganization.

- (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 the service of Cyprus, be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of 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 be required to retire without the approval of the Secretary of State, having received all increments for which he would have been eligible by that date.

25.—(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, and

(b) without his own default, and

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

(i) he may, if his retirement is thereby necessitated or materially accelerated and 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 the said regulation 4;

(ii) he may, if so injured while in the service of Cyprus, be granted on retirement an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as hereinafter set out, that is to say,

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 the additional pension may be reduced to such an extent as the Governor in Council shall think reasonable where the injury is not the cause or the sole cause of retirement.

(2) An officer so injured while in the service of Cyprus, not holding a pensionable office, or holding a pensionable office in which he has not been confirmed, may be granted on retirement a pension of the same amount as the additional pension which might be granted to him under paragraph (1) if his office were a pensionable office and he had been confirmed therein. The provisions of regulation 26 shall not apply to a pension granted under this paragraph.

(3) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein, or of a period of leave therefrom, is permanently injured as the result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this regulation, to have been injured in the circumstances described in paragraph (1).

(4) An officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances described in paragraph (1).

(5) Neither sub-paragraph (ii) of paragraph (1) nor paragraph (2) shall apply in the case of an officer selected for appointment to the service of Cyprus on or after the 1st day of April, 1944, who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Laws, 1942 to (No. 2) 1944, or any Law amending or replacing the same.

26.—(1) Any officer to whom a pension is granted under the Law may, at his option exercisable as in this regulation provided, be paid in lieu of such pension, a 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 :

Gratuity
and reduced
pension.

Provided that in the application of this regulation to cases where the limitation prescribed by sub-section (2) of section 9 of the Law operates, the words " such pension " shall mean the amount of pension which the officer might have drawn from the funds of Cyprus if he had not exercised his option under this regulation.

(2) The option referred to in paragraph (1) shall be exercisable, and if it has been exercised on or before the date of the coming into operation of the Law may be revoked, not later than the day immediately preceding the date of the officer's retirement :

Provided that, if the officer does not exercise the option prior to the day immediately preceding the date of his retirement, the Governor may, if it appears to him in all the circumstances equitable so to do, allow him to exercise the option at any time between that date and the actual date of award of pension.

(3) Subject to the provisions of paragraph (2), if an officer has exercised the option, his decision shall be irrevocable.

27. Notwithstanding anything contained in regulation 4 of these Regulations, the annual rate of pension of any officer who has elected not to come under the provisions of sections 4 and 5 of the Cyprus Pensions Order in Council, 1929, (Amendment No. 2) Law, 1946, shall be one seven hundred and twentieth of the pensionable emoluments for each complete month of his pensionable service.

Annual rate
of pension in
certain cases.

26 of 1946

APPENDIX TO FIRST SCHEDULE.
(Regulation 8.)

Aden.	Jamaica.
Bahamas.	Kenya.
Barbados.	Kenya and Uganda Railways and Harbours Administration.
Basutoland.	Leeward Islands.
Bechuanaland Protectorate.	Malay Union.
Bermuda.	Malayan Establishment.
British Guiana.	Malta.
British Honduras.	Mauritius.
British Solomon Islands Protectorate.	Nigeria.
Cayman Islands.	Northern Rhodesia.
Ceylon.	Nyasaland.
Colonial Audit Department (Home Establishment).	Palestine.
Commonwealth Agricultural Bureau.	St. Helena.
Crown Agents for the Colonies.	St. Lucia.
Dominica.	St. Vincent.
Evcaf Department.	Seychelles.
Falkland Islands.	Sierra Leone.
Federated Malay States.	Singapore.
Federation of Malay.	Somaliland.
Fiji.	Straits Settlements.
Gambia.	Swaziland.
Gibraltar.	Tanganyika Territory.
Gilbert and Ellice Islands Colony.	Trinidad.
Gold Coast.	Turks and Caicos Islands.
Grenada.	Uganda.
Hong Kong.	United Kingdom of Great Britain and Northern Ireland.
	Zanzibar.

SECOND SCHEDULE.—(Section 20.)

REPEALS.

1. The Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1936 ; (6 of 1936).
2. The Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1938 ; (6 of 1938).
3. The Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1940 ; (13 of 1940).
4. The Pensions (War Service) Law, 1940 ; (25 of 1940).
5. The Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1941 ; (1 of 1941).
6. The Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1944 ; (13 of 1944).
7. The Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1946 ; (8 of 1946).
8. The Cyprus Pensions Order in Council, 1929, (Amendment No. 2) Law, 1946 ; (26 of 1946).
9. The Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1947 ; (7 of 1947).

9th March, 1949.

H. G. RICHARDS,
Acting Colonial Secretary.