

PENSIONS.

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15 OF 1882.⁽¹⁾

FOR REGULATING THE PENSIONS OF CERTAIN OFFICERS IN THE PUBLIC SERVICE OF CYPRUS.

ROBERT BIDDULPH.]

[November 3, 1882.]

1. In this Ordinance:—

Definitions.

“ Pension ” includes superannuation allowance, and any allowance granted as compensation on abolition of office or in consequence of the reorganization of an office of the public service;

“ Judge ” means any Judge of the Supreme Court, or the President of a District Court, but no other Judge;

“ Supreme Court ” and “ District Court ” respectively mean the Supreme Court and the District Courts mentioned in the Cyprus Courts of Justice Order, 1882. 2, 1883, 1.

“ The Government of Cyprus ” means the Government of Cyprus under Her Majesty the Queen and her successors; 8, 1890, 1.

“ Service in Cyprus ” means service in Cyprus under Her Majesty the Queen and her successors;

The words in section 7, “ appointed by Her Majesty to any public office in any part of Her Majesty’s dominions ” mean any appointment to serve Her Majesty in any civil office or offices at home or abroad. 10, 1895,

2. Subject to the provisions, conditions, and exceptions hereinafter specified, it shall be lawful for the High Commissioner of Cyprus in Council to grant out of the revenues of Cyprus a pension after the rates specified in this Ordinance to any Judge or person who has held an office under the Government of Cyprus in respect

High Commissioner to have power to grant pensions.
(As amended by 16, 1901, 2.)

⁽¹⁾ This Ordinance was repealed with amending enactments, except 8, 1890, by 2, 1905, 2, with a saving of existing rights.

of which the High Commissioner may have declared by any writing under his hand and published in the *Cyprus Gazette*, that a pension is payable, hereinafter called a pensionable office.

Rates of pensions.

3. The pension may be fixed at rates not exceeding the following, exclusive of any additions made thereto under sections 6 and 8:—

In respect of a service in Cyprus of ten years, an annual allowance,

(1.) In the case of a Judge, of one-fourth;

(2.) In the case of any other holder of a pensionable office, of one-sixth;

of the salary of his office.

In respect of each additional year of service a further addition,

(1.) In the case of a Judge, of one-fortieth;

(2.) In the case of any other holder of a pensionable office, of one-sixtieth;

of such salary until the completion of a period,

(1.) In the case of a Judge, of twenty-six years' service in all,

(2.) In the case of any other holder of a pensionable office, of forty years' service in all;

when an annual allowance of two-thirds of such salary may be granted, and no addition shall be made in respect of any further service beyond the periods specified.

House allowance and rations.

4. In computing the amount of pension to be granted to any person under this Ordinance, any amount received by the officer as house-rent or the actual annual value of quarters belonging to Government and occupied by him, shall be added to his salary, provided that in any case such amount or actual value shall not be allowed to count for more than one-sixth of his other emoluments.

Emoluments derived from rations, or other unquestionable remuneration for personal service, shall also be reckoned in addition to salary, but not allowances for horses, travelling or other expenses of a similar description, which are contingent only on the particular nature and actual transaction of the business of the office which the person retiring may have held.

Special rates to officers transferred from the home service.

5. In case of officers who may have been transferred from the Civil Service of the United Kingdom to pensionable offices in Cyprus on the ground of their exceptional official experience and ability, their pensions shall be calculated upon the whole of their

public service both in the United Kingdom and Cyprus: Provided always that they or the High Commissioner surrender to the Treasury of Cyprus all sums paid by the Lords Commissioners of the Treasury and of moneys voted by Parliament on account or in lieu of the pensions payable to these officers in respect of their service in the United Kingdom.

6. In case of any officer hereafter appointed to a pensionable office in Cyprus who has previously served Her Majesty in any civil office or offices at home or abroad it shall be lawful for the High Commissioner in Executive Council to add a sum of one-sixtieth of such officer's salary in Cyprus for every three years of such previous service not exceeding five-sixtieths, in all, to the amount of pension or superannuation allowance to which he would otherwise be entitled.

Additions on account of previous service.

In case of a person who has previously served Her Majesty at home or abroad in any legal or judicial office being transferred to be a Judge in Cyprus a sum of one-fortieth may be similarly added to his pension for every three years of such previous service up to a maximum of five-fortieths.

7. Every person who, having been a Judge or the holder of a pensionable office in Cyprus for the space of five years and upwards, is appointed by Her Majesty to any public office in any part of Her Majesty's dominions, or is transferred with the approval of the High Commissioner to other employment in Cyprus of a quasi-public character, may in the discretion of the High Commissioner in Executive Council be granted, on his final retirement from the service of Her Majesty, whether from infirmity or by reason of his being superannuated or his office being abolished, a pension from the revenue of Cyprus at the rate of one-fortieth (if a Judge) or one-sixtieth (if the holder of any other pensionable office) of the salary of the office last held by him in Cyprus for each year during which he was in the public service of Cyprus.

Pension grantable for Cyprus service to officers transferred to other places.

As amended by 16, 1901, 3.

8. If at any time any Judge or holder of a pensionable office shall be required to retire by reason of the abolition of his office or with a view to effecting improvements in the organization of the service it shall be lawful for the High Commissioner in Executive Council to grant him a pension notwithstanding that he has served less than ten years, and to add, for the purposes of computing his pension, a number of years not exceeding seven to the number of years during which he has been in the public service of Cyprus, the

Special pensions to officers retiring on abolition or re-organization of office.

proportion between added years and years of service being determined by rules framed by the High Commissioner under section 21; and the pension shall not exceed the following rates:—

- (1.) One-fortieth in the case of a Judge;
- (2.) One-sixtieth in the case of any other holder of a pensionable office of the salary of his office, for the number of years of service and added years combined.

No pension to exceed two-thirds of salary.

Full pension not to be granted except officer has been faithful, diligent, and meritorious.

9. No pension whatever under this Ordinance shall exceed two-thirds of the salary last enjoyed by the officer to whom it is granted.

10. It shall not be lawful to grant the full amount of pension which can be granted under the Ordinance to any person unless the High Commissioner in Executive Council is satisfied by certificate from the head of the department in which the officer last served or otherwise that the officer has discharged his duties with fidelity, diligence and merit:

Provided that in cases where the certificate as to fidelity, diligence, and merit, is in any respect insufficient, and the defaults or demerits in relation to the public service appear to justify such diminution, a pension of less amount than otherwise would have been awarded, may be granted.

Dismissal to exclude officers from benefit of Ordinance.

Where there has been serious irregularity or misconduct, the grant of pension, compensation or allowance may be altogether withheld, and no public servant who shall be dismissed from his office for misconduct or inefficiency shall be entitled to the benefit of the provisions of this Ordinance.

Gratuities in cases of retirement after less than ten years' service.

11. Except in cases provided for by sections 7 and 8, no pension shall be granted for less than ten years' service, but in case any judge or holder of a pensionable office is compelled by ill-health established to the satisfaction of the High Commissioner by a certificate from a Government Medical Officer to retire from the service before he has completed ten years' service, it shall be lawful for the High Commissioner in Executive Council to grant him from the revenue of Cyprus a gratuity not exceeding a month's pay for each completed year of service and fourteen days' pay for any part of a year not less than six calendar months.

Service to be continuous.

12. The services in respect of which pensions are granted must in all cases have been continuous unless interrupted by reduction of office or other temporary suspension of employment not arising from misconduct or voluntary resignation of the officer.

13. The periods during which an officer is absent on leave on half salary not being vacation leave will be taken into calculation in computing pensions at the rate of one month for every two months of such absence on leave. In every case absence in excess of the period for which salary is allowed under the Regulations in that behalf in force in Cyprus, and absence without salary will not count as service for pension: Provided, however, that a period not exceeding one year during which an officer is absent on leave without salary, such leave being granted on grounds of public policy, may be counted as service on full pay.

Absence on half-pay leave.
As amended by 16, 1901, 4.

Absence without pay.

14. Service in an acting appointment shall not be reckoned towards an officer's pension (even if he should have been subsequently confirmed in the appointment) for any period which may have been taken into account for pension purposes as part of the service of the previous holder of the office.

Acting appointments not to count.

15. Every pension granted under this Ordinance shall be computed upon the salary received by the Officer at the time of his retirement, provided he shall have held such office for at least three years and that the salary of the same office shall not have been altered during that time, otherwise the pension shall be calculated upon the average annual amount of salary received by such person for the three years next preceding his retirement.

Pensions computed upon salary at the time of retirement or average of salary for last three years.

16. It shall not be lawful to grant any pension under this Ordinance to any person who shall be under sixty years of age, unless upon certificate of a Government Medical Officer to the satisfaction of the High Commissioner and Executive Council that he is incapable from infirmity of mind or body to discharge the duties of his office, and that such infirmity is likely to be permanent or unless he retires under Section 7.

Persons under sixty not entitled to pension unless incapacitated from duty or his office abolished.

17. Nothing in this Ordinance contained shall extend or be construed to extend to give any person an absolute right to compensation for past services or to any pension, superannuation or retiring allowance under this Ordinance or to deprive Her Majesty the Queen, Her Principal Secretaries of State, and the High Commissioner, of full power and authority to dismiss any person from the public service without compensation.

No right to compensation for past services.

18. Every person to whom a pension shall have been granted before he shall have attained the age of sixty years, shall, until he shall have attained that age, be liable to be called upon to fill any

Pensioners may be called upon to re-enter the public service.

public office or situation for which his previous public service may in the opinion of the High Commissioner render him eligible, and if he shall decline or neglect to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the pension which had been granted to him.

Pension to cease or be reduced upon re-appointment.

19. In case any person receiving a pension under this Ordinance shall be appointed to fill any office in any public department such pension shall cease to be paid during the tenure of such office, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then only so much of his pension shall be paid to him during the tenure of his new office as with the annual profit of his new appointment shall be equal to the annual profits of his former office.

Persons sixty years of age may be compelled to retire.

20. It shall be competent to the High Commissioner in Executive Council subject to the approval of the Secretary of State to require any public officer who shall have attained the age of sixty years to retire, and such retirement shall be compulsory on such officer.

Power to make and alter rules.

21. It shall be lawful for the High Commissioner with the advice of the Executive Council and subject to the approval of one of Her Majesty's Principal Secretaries of State, to make and from time to time to alter, amend, vary or annul such rules and regulations as may be deemed necessary for carrying out the objects and regulating the operation of this Ordinance and copies of all such rules and regulations shall be laid before the Legislative Council so soon as may be after the promulgation thereof.

High Commissioner to decide in cases of doubt.

22. In all cases where any doubt shall arise as to the application or construction of the provisions of this Ordinance in the case of particular officers, the decision of the High Commissioner in Executive Council, subject to the ratification of one of Her Majesty's Principal Secretaries of State, shall be final and binding.

Pensions chargeable upon the public Revenue.

23. All pensions granted under this Ordinance are hereby made chargeable upon and payable out of the public revenues of Cyprus.

Statement to be laid before Legislative Council.

24. A statement of all pensions granted under this Ordinance shall be laid annually before the Legislative Council.

25. From and after the passing of this Law, the High Commissioner may declare, by writing under his hand published in the *Cyprus Gazette*, that any office under the Government of Cyprus which has already been declared to be a pensionable office under the powers in that behalf contained in Section 2 shall no longer be a pensionable office. From and after such declaration such office shall not be deemed to be an office in respect of which a pension is payable to any holder thereof appointed thereto subsequently.

Power of High Commissioner to declare that offices are no longer pensionable saving existing rights.

9, 1898.

(Passed on 1st June, and assented to on 23rd June, 1898.)

Provided always that the rights or claims of any person who holds or has held any office which has been declared to be a pensionable office shall not in any way be affected by any declaration of the High Commissioner that such office is no longer a pensionable one.

26. An officer transferred from a pensionable office to temporary appointment in any Harbour, Railway, or Irrigation Work, or other similar work under Government control may be allowed to count the period of his temporary employment for pension purposes, provided always:—

Pension of pensionable officers when transferred to temporary appointments.

16, 1901, 5.

- (1.) That he retires under circumstances which would otherwise entitle him to a pension.
- (2.) That if he is superannuated from the service to which he has been transferred or within three years of his retirement therefrom, his retiring allowance will be based on the pensionable emolument of the last pensionable appointment or appointments held by him prior to retirement.
- (3.) That the fact of his being transferred with claim to pension be notified at the time in the *Cyprus Gazette*.
- (4.) That the transfer for such other temporary employment shall have been authorized by the High Commissioner.

27. This Ordinance may be cited as the Pensions Ordinance, 1882. Short title.

13 OF 1885.

TO PROVIDE A SPECIAL PENSION FOR AN OFFICER SERVING IN
CYPRUS.

ROBERT BIDDULPH.]

[April 4, 1885.]

WHEREAS James Alexander Swettenham, Esquire, Receiver-General of Cyprus, has before his appointment as such Receiver-General served Her Majesty in divers civil offices for more than ten years;