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# Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No. 426.

## THE KENYA AND UGANDA (TRANSPORT) ORDER IN COUNCIL, 1925.

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES AND  
OTHER ALLOWANCES TO EUROPEAN OFFICERS IN THE  
SERVICE OF THE KENYA AND UGANDA RAILWAY.

IN EXERCISE of the powers conferred on him by Article 7 (c) of the Kenya and Uganda (Transport) Order in Council, 1925, the High Commissioner for Transport for the Colony and Protectorate of Kenya and the Protectorate of Uganda has been pleased to make the following Regulations :—

### PART I.

1. These Regulations may be cited as “ the Kenya and Uganda Railway European Officers’ Pensions Regulations, 1927,” and shall be deemed to have come into operation on the first day of April, 1927.

Short title and  
commence-  
ment.

2. In these Regulations—

Definitions.

“ European officer ” means any officer both of whose parents were of European descent, but includes also any other officer appointed under the conditions of service ordinarily applicable to Europeans. In case of any question or dispute arising as to whether an officer is to be regarded as an European officer for the purpose of these Regulations the decision of the High Commissioner shall be final;

“ Pensionable office ” means—

(a) in respect of services on the Kenya and Uganda Railway, an office which has been declared by the High Commissioner, with the sanction of the Secretary of State, to be pensionable for the purposes of these Regulations : Provided that any office declared to be pensionable under these Regulations may be declared at any time by the High Commissioner, with the sanction of the Secretary of State, to be no longer pensionable, due regard being had to existing rights;

(b) in respect of other public services, an office which is a pensionable office under the laws or regulations in force in such services;

“ Pensionable emoluments ” (a) in respect of service on the Kenya and Uganda Railway, includes—

- (i) salary,
- (ii) personal allowance,
- (iii) 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;

“ Salary ” means the salary attached to an office;

" Personal allowance " means a special addition to such salary, granted personally to the holder for the time being of the office;

" House allowance " means the estimated value of free quarters as defined in regulation 26 (2) or any regulation hereafter made amending or substituted for the same;

" Year " means a calendar year;

" Month " means a calendar month;

" Secretary of State " means one of His Majesty's Principal Secretaries of State;

" Public service " means service in a civil capacity under the Government of Kenya or the Imperial Government, or the Government of India or of a British Dominion, Colony or Protectorate or a territory under British mandate, or under the High Commissioner in Kenya and Uganda, and any such other service as the Secretary of State may determine to be " public service " for the purpose of any provision of these Regulations;

" East African Dependencies " means Kenya, the Uganda Protectorate, the Zanzibar Protectorate, the Nyasaland Protectorate, the Somaliland Protectorate, the Tanganyika Territory, Northern Rhodesia, and the Kenya and Uganda Railway;

" East African service " means service in a civil capacity under the administration of one or more of the East African Dependencies;

Service as a Governor or High Commissioner of a British Dominion, Colony or Protectorate, or a territory under British mandate, or as a Governor in India shall be deemed to be " public service " except for the purpose of computation of pension or gratuity and of regulation 9.

" Order in Council " means the Kenya and Uganda (Transport) Order in Council, 1925;

" High Commissioner " means the High Commissioner for Transport established by the Order in Council.

" Railway and Harbour Fund " means the fund established by the Order in Council.

" Other public service " means public service not under the High Commissioner.

Pensions, etc.,  
to be charged  
on Railway and  
Harbour Fund

3. There shall be charged on and paid out of the Railway and Harbour Fund all such sums of money as may from time to time be granted by the High Commissioner by way of pension, gratuity or other allowance in accordance with these Regulations.

Pensions, etc.,  
not of right.

4. (1) No European officer shall have an absolute right to compensation for past services or to pension, gratuity or other allowance; nor shall anything in these Regulations contained limit the right of the Crown to dismiss any officer without compensation.

(2) No European officer shall be granted a pension, gratuity or other allowance without a certificate from the head of his department, or, if he is himself the head of a department, from the General Manager, and in the case of the General Manager from the High Commissioner, to the effect that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of such pension, gratuity or other allowance.

(3) Where it is established to the satisfaction of the High Commissioner that an European officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may, with the approval of the Secretary of State, be reduced or altogether withheld.

5. No pension, gratuity or other allowance shall be granted to any European officer in respect of any service— Service not qualifying for pension.

(a) while on probation or agreement, unless without break of service he is confirmed in a pensionable office in the Kenya and Uganda Railway or in an office in other public service which is at the time of confirmation pensionable under the pensions regulations applicable to such service; or

(b) while under the age of twenty years.

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

(a) on or after attaining the age of fifty years, or, in the case of transfer to other public service, on or after attaining the age at which an European officer is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;

(b) in the case of an officer who was appointed to the service of one of the East African Dependencies before the commencement of these Regulations, after completing twenty years' East African service: Provided that no such service shall be counted if it is not in itself pensionable or allowed to be reckoned for pension;

(c) on the abolition of his office;

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

(e) on medical evidence to the satisfaction of the High Commissioner or the Secretary of State 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;

(f) in the case of removal on the ground of inefficiency as hereinafter provided.

7. Where an European 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 these Regulations, the High Commissioner, with the approval of the Secretary of State, may, if he considers it justifiable having regard to all the circumstances of the case, grant such a pension, gratuity or other allowance as he thinks just and proper, but in no case exceeding in amount that for which the officer would be eligible if he were suffering from some infirmity of mind or body likely to be permanent. Retirement for inefficiency.

Age of  
compulsory  
retirement

8. It shall be lawful for the High Commissioner, with the approval of the Secretary of State, to require an European officer to retire from the service of the Kenya and Uganda Railway at any time after he attains the age of fifty years, or, in case of an officer who was appointed to the service of one of the East African Dependencies before the commencement of these Regulations, after he completes twenty years' East African service.

Maximum  
pension  
grantable.

9. (1) A pension granted to an European officer under these Regulations shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Kenya and Uganda Railway.

(2) Where the European officer has been or is granted a pension or pensions in respect of other public service, he may be granted the full pension for which he is eligible in respect of his service in the Kenya and Uganda Railway, but no person may at any time draw from the Railway and Harbour Fund 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 such person at any time in the course of his service in the Kenya and Uganda Railway or in other public service :

Provided that where such a person 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 regulation, to be four-thirds of its actual amount.

(3) In a case falling under the limitation laid down by subsection (2), the amount of the pension to be drawn from the Railway and Harbour Fund 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 similarly to be drawn in respect of other public service.

(4) For the purpose of the preceding subsections an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension, the amount of such additional pension which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from such additional pension, falls short of two-thirds of such highest emoluments.

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

10. Every pension granted to an European officer shall be subject to the following condition :—

Unless or until he has attained the age of fifty years or has completed twenty years' East African service, he may, if physically fit for service, be called upon by the Secretary of State to accept in lieu of his pension, an office, whether in the Kenya and Uganda Railway or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he had at the date of the grant of his pension.

If a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of fifty years.

11. If any European officer to whom a pension has been granted under these Regulations is appointed to another office in the service of the Kenya and Uganda Railway or in any other public service, then during his tenure of such office so much only (if any) of his pension from the Railway and Harbour Fund shall be paid to him per annum as, together with—

Pensions  
affected by  
re-employment.

- (a) the annual emoluments of such office;
- (b) any annual amounts received on account of pension in respect of other public service; and
- (c) where the officer receives, in respect of some period of public service, both a gratuity and a pension, an annual amount equal to one-third of such pension;

makes up an amount not greater than the highest pensionable emoluments drawn by such officer at any time in the course of his public service :

Provided that—

- (1) where an European officer, in whose case an abatement of pension falls to be made under this regulation, has been granted a pension or pensions in respect of other public service the amount of pension to be drawn from the Railway and Harbour Fund 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 similarly to be drawn in respect of other public service; and
- (2) any bonus or temporary increase, whether on pension or on salary of the new office, granted in view of the high cost of living shall be added to such pension or salary, as the case may be, for the purposes of this regulation;
- (3) Where the new office is that of Governor or High Commissioner of a British Dominion, Colony or Protectorate or a territory under British mandate or that of Governor in India the amount to be taken as the annual emoluments of such office for the purpose of this regulation shall be determined by the Secretary of State.

12. If any European officer to whom a gratuity without pension has been granted under these Regulations is re-appointed to any office in the service of the Kenya and Uganda Railway his previous service may, with the approval of the Secretary of State, be taken into account for the purposes of pension, if he refunds the gratuity on such re-appointment.

Gratuity  
affected by re-  
employment.

13. No pension, gratuity or other allowance granted under these Regulations 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 High Commissioner.

Pensions, etc.,  
not to be  
assignable.

14. If any European officer to whom a pension or other allowance has been granted under these Regulations is adjudicated a bankrupt or is declared insolvent by judgment of the Court, then such pension or allowance shall forthwith cease :

Pensions, etc.,  
to cease on  
bankruptcy.

Provided always that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the Secretary of State from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as he shall think fit, to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension or allowance, had he not become a bankrupt or insolvent, to be paid to, or applied for the maintenance and personal support or benefit of all or any, to the exclusion of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the Secretary of State thinks proper, and such moneys shall be paid or applied accordingly.

Pensions, etc.,  
to cease on  
conviction.

**15.** If any European officer to whom a pension or other allowance has been granted under these Regulations is sentenced to a term of imprisonment by any competent Court whether within or without Kenya or Uganda for any crime or offence then, in every such case, it shall be lawful for the Secretary of State 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 Secretary of State to cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance to be paid to or applied for the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy hereinbefore provided.

Pensions, etc.,  
to cease on  
accepting  
certain  
appointments.

**16.** If any European officer to whom a pension or other allowance has been granted under these Regulations becomes either a director of any company the principal part of whose business is in any way directly concerned with Kenya or Uganda or an officer or servant employed in Kenya or Uganda by any such company, without in every such case the permission of the High Commissioner in writing first had and obtained, then in every such case it shall be lawful for the High Commissioner, with the approval of the Secretary of State, to direct that such pension or allowance shall forthwith cease :

Provided always that it shall be lawful for the High Commissioner, with the approval of the Secretary of State, 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 Kenya or Uganda, 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.

Gratuity to  
estate where an  
European officer  
dies in the  
service.

**17.** Where an European officer holding a pensionable office who is not on probation or agreement dies while in the service of the Kenya and Uganda Railway, and during the five years preceding his death has continuously held pensionable office in the Kenya and Uganda Railway or offices in other

public service which were, when he held them, pensionable under the pensions regulations applicable to such service, it shall be lawful for the High Commissioner to grant to his legal personal representative a gratuity of an amount not exceeding one year's pensionable emoluments.

18. (1) Where an European officer holding a pensionable office, who is not serving on probation or agreement, dies as the direct result of injuries received—

Pensions, etc., to dependents where an European officer is killed on duty.

- (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 duties,

while in the service of the Kenya and Uganda Railway, it shall be lawful for the High Commissioner, with the approval of the Secretary of State, to grant in addition to the grant, if any, made to his legal personal representative in accordance with regulation 17—

- (i) if the deceased officer leaves a widow, a pension to the widow, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his pensionable emoluments at the date of the injury or £10 a year, whichever be the greater, and also a gratuity not exceeding £1 multiplied by the total number of their years, starting from their ages at the time of their father's death and ending with 15 years, to each child alive at the date of the father's death, and a gratuity not exceeding £15 to any posthumous child :

Provided that the gratuities so granted shall not in the aggregate be less than £10 nor more than £60.

- (ii) if the officer's wife predeceases him or if no pension is granted to her under the preceding subsection, and he leaves children who would have been eligible for gratuity if a pension had been granted to the widow, gratuities of twice the amount of the gratuities for which they would have been eligible in such circumstances;
- (iii) if the deceased officer does not leave a 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, at a rate not exceeding the rate of the pension which might have been granted to his widow :

Provided that—

- (a) 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 remarriage; and
- (b) if the mother is not a widow and it appears that the deceased's father is in a position to support her, such pension shall cease from such date as the Secretary of State may determine.

(2) When an European officer who is not qualified for either pension or gratuity dies in the circumstances mentioned in sub-section (1) of this regulation, it shall be lawful for the High Commissioner, with the approval of the Secretary of State, to grant the pension or gratuities which might have been granted if his case had fallen under sub-section (1), but no grant shall be made under regulation 17.



Application of regulations.

**19.** These Regulations shall apply to all European officers in the service of the Kenya and Uganda Railway on or after the first day of April, 1927, and to all those who, having served in the Kenya and Uganda Railway, have before the said date been transferred to other public service and are still in other public service on the said date :

Provided that if the High Commissioner is satisfied that any European officer to whom these Regulations apply has received an undertaking that he will be regarded as eligible for pension or gratuity under conditions more favourable to him than those prescribed by these Regulations, the High Commissioner may direct that his pension or gratuity shall be computed with due regard to such undertaking.

Pensions to whom and at what rates to be granted.

**20.** Subject to the provisions of these Regulations, every European officer holding a pensionable office in the Kenya and Uganda Railway, who has been in the service of the Kenya and Uganda Railway in a civil capacity for ten years or upwards, may be granted a pension at the rate of one four hundred and eightieth of his pensionable emoluments for each complete month of pensionable service, subject to the limit described in regulation 9.

Gratuities where length of service does not qualify for pension.

**21.** Every European 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 regulation 20.

Period of service in the Kenya and Uganda Railway qualifying for pension or gratuity defined.

**22.** Subject to the provisions of these Regulations, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an European officer begins to draw salary or half salary from the Railway and Harbour Fund and the date of his leaving the service of the Kenya and Uganda Railway, without deduction of any period during which he has been absent on leave.

Service to be unbroken.

**23.** 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.

Computation of pensions and gratuities.

**24.** For the purpose of computing the amount of an European officer's pension or gratuity the following periods shall be taken into account as pensionable service :—

- (a) Any periods during which he has been on duty;
- (b) Any period during which he received half salary from the Railway and Harbour Fund while proceeding to Kenya on first appointment;
- (c) Any periods during which he has been absent from duty on leave with full or half salary;
- (d) Any periods during which he has been absent from duty on leave without salary, granted on grounds of public policy with the approval of the Secretary of State, and during which he has not qualified for pension or gratuity in respect of other public service;

And any periods during which he has been absent on leave, other than those specified above, shall be deducted from the European officer's total service in order to arrive at his period of pensionable service.

25. For the purpose of computing the amount of the pension or gratuity of an European officer who, during some period of his service in a pensionable office in the Kenya and Uganda Railway, has been on the active list of the Navy, Army or of the Royal Air Force, the whole or any part of such period during which no pension contributions have been paid from the Railway and Harbour Fund, or, if paid, have been refunded, may be taken into account.

Computation of pensions and gratuities. Service on the Active List of the Army, Navy or Air Force.

26. (1) For the purpose of computing the amount of an European officer's pension or gratuity—

Computation of pensions, etc., on what emoluments to be based.

- (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 pensionable emoluments payable to 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 pensionable emoluments payable to him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) in other cases the average of the full pensionable emoluments payable in respect of each of the offices substantively held by the European officer during his tenure thereof within such period of three years shall be taken:

Provided that if such average is less than the full pensionable emoluments which were payable to him at the date of the first transfer within such period of three years, the High Commissioner may, with the approval of the Secretary of State, grant him a pension calculated upon the full pensionable emoluments payable to him at that date.

(2) The estimated value of free quarters shall be taken as fifteen per centum of the initial salary of the officer's appointment, or of the actual salary if such salary is non-incremental:

Provided that—

- (a) the point in any scale of salary at which an efficiency bar occurs shall for this purpose be regarded as the initial salary of the appointment in the case of any officer who has passed such efficiency bar;
- (b) the estimated value of free quarters shall not be reckoned as less than £50 per annum, nor, in the case of officers appointed to the service of the Kenya and Uganda Railway after the commencement of these Regulations, as more than £150 per annum.

Non-pensionable service followed by pensionable service.

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

Provided that where an unbroken period of service in a civil capacity in an appointment other than a pensionable office is immediately followed by service in a pensionable office in one of the East African Dependencies, such period or any part of such period may, with the approval of the Secretary of State, be so taken into account.

Acting service.

**28.** Where an European officer has performed acting service in a pensionable office in the Kenya and Uganda Railway, the period of such service may be taken into account as pensionable service :

Provided that—

- (1) the period of such acting service was not part of the pensionable service of the previous holder of the office and does not fall to be reckoned as part of the European officer's own pensionable service in other public service ;
- (2) this period of service is immediately preceded or followed by service in a substantive capacity in a pensionable office in the Kenya and Uganda Railway.

Abolition or reorganisation of office.

**29.** If an European officer holding a pensionable office retire or be removed from the 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 and economy can be effected, he may be granted a pension calculated in accordance with regulation 20 :

Provided, however, that if he has been in the service of the Kenya and Uganda Railway 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 :

And provided also that the grant of such pension shall be subject to the condition that he shall be liable to be recalled to service in the Kenya and Uganda Railway :

Provided further that if such an European officer is not qualified for other employment in the public service, and if there is no reason, in the opinion of the High Commissioner, to expect that he can be shortly re-employed, a pension may, with the approval of the Secretary of State, be granted to him free from the above-mentioned condition.

European officers retiring on account of injuries.

**30.** (1) Where an European 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 regulation 20, be granted, in addition to the pension granted to him under that regulation, an additional pension at the rate of the proportion of his actual pensionable emoluments 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 the additional pension shall, subject to the approval of the Secretary of State, be reduced to such an extent as the High Commissioner shall think reasonable in the following cases :—

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

Provided also that the total amount of the additional pension shall not exceed the amount prescribed in regulation 9 (4).

(2) An European officer so injured, whose length of service is not such as to qualify him for a pension under regulation 20, but who is qualified for a gratuity under regulation 21, may nevertheless be granted in lieu of such gratuity a pension at the rate of one four hundred and eightieth part of his pensionable emoluments for each complete month of pensionable service together with such additional pension as might be awarded to him under the preceding part of this regulation if he were qualified for pension.

Pensions to injured European officers where service less than ten years.

(3) An European officer so injured who is not qualified for either a pension under regulation 20 or a gratuity under regulation 21 may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified.

**31.** If any European officer to whom a pension has been granted under these Regulations is appointed to another office in the service of the Kenya and Uganda Railway, and subsequently retires in circumstances in which he may be granted a pension, he may be granted in lieu of his previous pension a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of the Kenya and Uganda Railway, whichever may be the greater :

Computation of pensions. Re-employed pensioners.

Provided that if on his previous retirement he was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of the gratuity already paid.

**32.** Where an European officer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or a non pensionable office in circumstances in which he might have been granted a pension if he had continuously held a pensionable office, he may, with the approval of the Secretary of State, be allowed to count his

European officers transferred from pensionable to non-pensionable office.

service in the non-pensionable office 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.

Gratuity and  
reduced  
pension.

**33.** (1) Any European officer to whom a pension is granted under these Regulations may, at his option exercisable as hereinafter 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.

(2) The option referred to in subsection (1) shall be exercisable—

(a) in the case of an European officer who, if he had been retired on grounds of ill-health at the date of the publication of this regulation in the Gazette, might have been granted a pension under these Regulations, not later than six months after the said date of publication;

(b) in the case of any other European officer, not later than one month after the earliest date on which, if retired on grounds of ill-health, he might be awarded a pension under these Regulations or within six months of the publication of this regulation in the Gazette, whichever shall be the later date for exercising the option:

Provided always—

(i) that an European officer who has previously had the opportunity of exercising the option but has not done so may apply within one month of his subsequent marriage for permission to exercise the option, which permission may be granted at the High Commissioner's discretion after examination of the officer by a Government Medical Board;

(ii) that the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed either to the General Manager in Kenya or to the Crown Agents for the Colonies; and

(iii) that if an European officer has exercised the option his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under these Regulations.

## PART II.

### SPECIAL REGULATIONS FOR EUROPEAN OFFICERS WITH OTHER PUBLIC SERVICE.

Definitions.

**34.** For the purpose of these Regulations—

“Scheduled Government” means any Government included in the Schedule to these Regulations;

“Service in the Group” means service in the Kenya and Uganda Railway and under a Scheduled Government or Governments.

**35.** Subject to the succeeding regulations, the provisions of regulations 27, 31, 32 and 33 shall apply to the case of an European officer who has been transferred to or from the service of the Kenya and Uganda Railway from or to other public service, and the provisions of regulations 22, 23, 24, 25, 26 and 28 shall apply to the case of an European officer so transferred as if his whole service had been in the Kenya and Uganda Railway :

Application of Regulations in Part I.

Provided that in the application of regulation 33 to cases falling under the limitation of regulation 9 (2) the words "such pension" in that regulation shall mean the amount of pension which he might have drawn from the Railway and Harbour Fund if he had not elected for a gratuity and reduced pension.

**36.** (1) Where the other public service of an European officer has been wholly under one or more of the Scheduled Governments and he has held a pensionable office in the Kenya and Uganda Railway for a period of at least twelve months, and his aggregate service would have qualified him had it been wholly in the service of the Kenya and Uganda Railway for a pension under these Regulations, he may, on his ultimate 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 a pension from the Railway and Harbour Fund 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 the Kenya and Uganda Railway as the aggregate amount of his pensionable emoluments during his service in the Kenya and Uganda Railway shall bear to the total amount made up of such aggregate amount together with the aggregate amount of his pensionable emoluments from any of the Scheduled Governments :

Pensions for service wholly within the group.

Provided that in determining the pension for which he would have been eligible if his service had been wholly in the Kenya and Uganda Railway—

- (a) the final pensionable emoluments taken shall be those of his last period of service in the group;
- (b) no regard shall be had to regulation 30;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments :

Provided further that any period of other public service in respect of which pension is not granted by the Scheduled Government concerned shall not be taken into account either in determining the amount of the pension for which he would have been eligible if his service had been entirely in the Kenya and Uganda Railway or in calculating the aggregate amount of his pensionable emoluments.

(2) The aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the European officer would have drawn, and the total amount of the other pensionable emoluments, including any allowance authorised for an officer who is not provided with free quarters, which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service under each of the Scheduled Governments concerned.

Pension where other service not within the group.

37. Where the other public service of an European officer has not included service under any of the Scheduled Governments, and he has held a pensionable office in the Kenya and Uganda Railway for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in the service of the Kenya and Uganda Railway, for a pension under these Regulations, he may, on his ultimate 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 the Kenya and Uganda Railway a pension at the rate of one four hundred and eightieth part of the amount of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of the Kenya and Uganda Railway for each month of his pensionable service in the Kenya and Uganda Railway.

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

38. Where a part only of the other public service of an European officer has been under one or more of the Scheduled Governments, the provisions of regulation 36 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

Additional pension to European officers retiring on account of injury.

39. Where an European officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in the service of the Kenya and Uganda Railway, for a pension under these Regulations, is compulsorily retired from the public service in the circumstances mentioned in regulation 30, he may, if at the time he is in the service of the Kenya and Uganda Railway, be granted from the Railway and Harbour Fund the additional pension allowed by that regulation, in addition to the pension granted under regulation 36, 37 or 38, as the case may be.

Pension in respect of injury after less than twelve months' service in the Kenya and Uganda Railway.

40. Where by reason of the fact that an European officer whose case falls under regulation 39 has held a pensionable office in the Kenya and Uganda Railway for less than twelve months, he is not eligible for a pension under regulation 36, 37 or 38, as the case may be, he may, nevertheless, if at the time of his retirement he is in the service of the Kenya and Uganda Railway, be granted from the Railway and Harbour Fund a pension of the same amount as the additional pension allowed by regulation 39.

Gratuities where length of service does not qualify for pension.

41. (1) Where an European officer who has been transferred to or from the service of the Kenya and Uganda Railway from or to other public service, 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 completed in the aggregate the minimum period of ten years' service qualifying him for a pension, he may be granted from the Railway and Harbour Fund 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 36, 37 or 38, as the case may be.

Injury.

(2) Where such an European officer is compulsorily retired from the public service in the circumstances mentioned in regulation 30, he may, if at the time he is in the service of the Kenya and Uganda Railway, be treated as if he had no other public service, but he shall not be granted, in addition, the gratuity for which he is eligible under sub-section (1) of this regulation.

42. Where an European officer who is transferred to other public service is 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 not completed twelve months' service therein, he shall not on that account be disqualified from receiving a pension or gratuity from the Railway and Harbour Fund if otherwise eligible therefor.

European officers transferred to other public service and retiring after less than twelve months' employment in last service.

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SCHEDULE.

(Regulation 34.)

Colony and Protectorate of Kenya.

Uganda Protectorate.

Nyasaland Protectorate.

Zanzibar Protectorate.

Somaliland Protectorate.

Tanganyika Territory.

By command of His Excellency the High Commissioner  
for Transport.

Nairobi,

22nd July, 1927.

E. J. WADDINGTON,  
*for Secretary to High Commissioner.*