

Uganda

## Pensions Act

### Chapter 286

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# Uganda

## Pensions Act

### Chapter 286

Commenced on 1 January 1946

*[This is the version of this document as it was at 31 December 2000 to 27 June 2018.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

**An Act to provide for the grant and regulating of pensions, gratuities and other allowances in respect of the public service of officers under the Government of Uganda.**

#### 1. Interpretation

- (1) In this Act, unless the context otherwise requires—
- (a) “**appointing authority**” means the President or any other person or authority responsible for the appointment of a public officer, and includes any other person or authority to whom that power is lawfully delegated;
  - (b) “**Minister**” means the Minister responsible for public service;
  - (c) “**other public service**” means public service not under the Government;
  - (d) “**overseas addition**” means the inducement allowance referred to in clause 3(a) of the agreement contained in the Schedule to the Overseas Service Act, and which is specifically declared to be pensionable;
  - (e) “**Oversea Superannuation Scheme**” means the scheme to establish a fund to provide service pensions and gratuities and pensions to dependents on a contributory basis for colonial research and allied services;
  - (f) “**pensionable emoluments**”—
    - (i) in respect of service under the Government subsequent to the 31st December, 1953, includes salary, overseas addition, inducement pay and personal allowance, but does not include duty allowance, house allowance, entertainment allowance or any other emoluments;
    - (ii) in respect of service under the Government between the 1st January, 1946, and the 31st December, 1953, includes salary and personal allowance, but does not include duty allowance, house allowance, entertainment allowance or any other emoluments;
    - (iii) for the purpose of calculating the aggregate pensionable emoluments of officers in respect of service under the Government prior to the 1st January, 1946, means—
      - (A) in the case of an officer who prior to the 1st January, 1946, held a pensionable office in which he or she had been confirmed, the emoluments which were pensionable under the European Officers’ Pensions Ordinance or the Asiatic Officers’ Pensions Ordinance, as the case may be; and
      - (B) in the case of an officer who prior to the 1st January, 1946, held a nonpensionable office or a pensionable office in which he or she had not been confirmed—
        - (I) the emoluments of the office which would have been pensionable emoluments under the European Officers’ Pensions Ordinance or the

Asiatic Officers' Pensions Ordinance, as the case may be, if the office had been a pensionable office and the officer had been confirmed in it;

- (II) if the officer does not come within the provisions of subparagraph (iii)(B) (I) above, the salary of the officer together with any house allowance for which he or she may have been eligible under the terms and conditions of his or her appointment;
  - (C) in respect of other public service, means emoluments which count for pension in accordance with the law or regulations in force in that service;
- (g) **“pensionable office”** means—
- (i) in respect of public service by a person under the Government, an office—
    - (A) to which he or she has been appointed, on probation or otherwise, by the authority having power for the time being to make appointments to the public service of Uganda on terms which include eligibility for the grant of a pension under this Act or under any Ordinance repealed by this Act; and
    - (B) which he or she has not ceased to hold on such terms;
  - (ii) 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 the service;
  - (iii) an office to which a Ugandan national was appointed on probation or otherwise by the authority having power for the time being to make appointments in the East African Community on terms which include eligibility for the grant of a pension under the Pensions Act of the Community and regulations made under it.
- (h) **“pensions authority”** means a public officer of the rank of Permanent Secretary appointed by the Minister;
- (i) **“personal allowance”** means a special addition to salary granted personally to the holder for the time being of the office and which is specifically stated to be pensionable;
- (j) **“public service”** means—
- (i) service in a civil capacity under the Government of Uganda or any other country or territory in the Commonwealth or the Republic of Southern Yemen;
  - (ii) service under the East Africa High Commission, the East African Railways and Harbours Administration or the East African Posts and Telecommunications Administration or under the East African Common Services Organisation, the East African Community, the East African Railways Corporation, the East African Harbours Corporation or the East African Posts and Telecommunications Corporation;
  - (iii) superannuable service on the staff of Makerere University College, the Royal College, Nairobi, or the University College, Dar es Salaam;
  - (iv) service which is pensionable—
    - (A) under the Oversea Superannuation Scheme;
    - (B) under any Acts relating to the superannuation of teachers in the United Kingdom;
    - (C) under a local authority in the United Kingdom;
    - (D) under the administration of a district or an urban authority; or
    - (E) under the National Health Service of the United Kingdom;
  - (v) any other service that the pensions authority has determined to be public service for the purposes of this Act;

- (vi) except for the purposes of computation of a pension or gratuity and of [section 13](#), service in respect of which a pension may be granted under the Governors' Pensions Act, 1957, of the United Kingdom; and
  - (vii) service as the holder of the office of President, Vice President, justice of Appeal, registrar, officer or servant of the Court of Appeal for Eastern Africa or the Court of Appeal for East Africa;
  - (k) "**salary**" means the salary attached to a pensionable office or, where provision is made for taking service in a nonpensionable office into account as pensionable service, the salary attached to that office;
  - (l) "**service of the Government**" or "service under the Government" means public service in a civil capacity under the Government, or where a Ugandan national is concerned, the East African Community, and includes service as a teacher as defined in the Public Service (Teachers) Act and also includes service in a local administration or district administration or an urban authority, where the officer exercises his or her option under [section 6](#);
  - (m) "**teacher**" has the meaning assigned to it in the Education Act;
  - (n) "**urban authority**" means a city, municipal or town council or town board established by law;
  - (o) "**wife**" includes in the case of an officer under whose religion or tribal custom polygamy is lawful any person to whom the officer is lawfully married in accordance with the tenets of that religion or tribal custom; and in any such case, the amount of any pension, gratuity or other allowance for which a wife is eligible under this Act shall be divided equally among all such wives during the period in which there is more than one wife eligible therefor; and "widow" shall be construed accordingly.
- (2) For the avoidance of doubt, it is 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 that appointment otherwise require, the last-mentioned office is, for the purposes of this Act, an office in which he or she has been confirmed.
- (3) Where it appears to the pensions authority that there is no satisfactory proof of the correct age of an officer or of any child, then the pensions authority may, upon such evidence as he or she may think fit, presume the age of the officer or of the child, and the presumed age shall be taken to be the correct age of the officer or of the child for the purposes of this Act.

## 2. Appointment of pensions authority

The Minister may, by statutory order, appoint a public officer of the rank of Permanent Secretary to be the pensions authority.

## 3. Pensions regulations

- (1) Pensions, gratuities and other allowances may be granted by the pensions authority, in accordance with the regulations contained in the First Schedule to this Act, to officers who have been in the service of the Government.
- (2) The Minister may amend the Schedules to this Act and with the approval of Cabinet by statutory instrument, vary the pensions, gratuities or the allowances provided for under the Act or any law made under it.
- (3) Whenever the pensions authority 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; except that no such regulation shall have retrospective effect unless it has received the prior approval of Parliament signified by resolution.

- (4) Any pension or gratuity granted under this Act shall be computed in accordance with the provisions in force at the actual date of an officer's retirement or of his or her death in the public service, as the case may be.
- (5) All regulations made under this section shall have the same force and effect as if they were contained in the First Schedule to this Act.

#### **4. Pensionable service for teachers**

- (1) Notwithstanding anything contained in this Act in respect of teachers, only service on or after the 1st day of July, 1953, shall be considered as pensionable service, but any period of service in respect of which a teacher would have been eligible for gratuity under the Uganda African Teachers Gratuity Regulations, 1952, or during which a teacher contributed to the Uganda Teachers Provident Fund established under the Uganda Teachers Provident Fund Regulations, 1952, shall be considered as qualifying service.
- (2) Any pension granted under this Act to a teacher who has completed a period of previous service in addition to his or her pensionable service shall be increased on and after the 1st July, 1953, by one-twelfth of 5 percent for each complete month of previous service.
- (3) In this section, "previous service" means service prior to the 1st July, 1953, which is qualifying service within the meaning of subsection (1).

#### **5. Pensionable service for officers in the service of a district administration**

- (1) For the purposes of this Act, only service on or after the 1st day of January, 1954, with respect to officers in the service of the former Buganda Government, and on or after the 1st day of January, 1950, in respect of officers in the service of the former Eastern, Western and Northern Provinces shall be taken into account as pensionable service.
- (2) This section shall apply only to officers in the service of a district administration.

#### **6. Option for an officer who is a member of a pension scheme established by an urban authority**

- (1) An officer who is a member of a pension scheme established by an urban authority in which he or she is serving may, with effect from the date that the pensions authority may determine, opt to be subject to this Act.
- (2) Any officer who exercises the option under subsection (1) shall cease to be a member of the pension scheme of the urban authority in which he or she is serving from the date on which he or she exercises that option.
- (3) Any pension or other benefit to which the officer may be entitled under the scheme on the date on which he or she exercises the option, and which on that date has not been paid to him or her, shall not become payable to the officer, but he or she shall become eligible for a gratuity or other allowance under this Act.
- (4) For the avoidance of doubt, it is declared that any pension, gratuity or other allowance granted by the pensions authority to any officer to whom this section applies shall be in addition to, and shall not in any way be affected by, any pension or other benefit to which the officer is entitled under any other pension scheme.

#### **7. Pensions, etc. charged on and payable out of the Consolidated Fund and other funds**

- (1) Subject to this section, all pensions, gratuities or other allowances shall be charged on and payable out of the Consolidated Fund without further appropriation than this Act.

- (2) All pensions, gratuities or other allowances granted to any Ugandan national under the Pensions Act of the Community shall be charged on and payable out of the Consolidated Fund without further appropriation than this Act.
- (3) Any pension, gratuity or other allowance granted under this Act with respect to any officer in the service of a district administration or an urban authority shall be charged on and payable out of the funds of the district administration or urban authority, as the case may be, in which the officer was serving without further authority than this Act.

#### **8. Income tax not to be charged upon pension, etc.**

Notwithstanding any provision in any written law to the contrary, no income tax shall be charged upon any pension, gratuity or other allowance granted under this Act.

#### **9. Officers entitled to pensions; prohibition of court proceedings**

- (1) Every officer employed in the public service who has qualified for a pension shall be entitled to it.
- (2) No proceedings shall be brought in any court on the ground that any provision of this Act has not been complied with.
- (3) The question whether the President, the Minister, the pensions authority or any other person or authority has validly exercised any functions under this Act, shall not be inquired into in any court.

#### **10. Circumstances in which pension may be granted**

- (1) Except as provided by such regulations as may be made under [section 3](#), no pension, gratuity or other allowance shall be granted under this Act to any officer except on his or her retirement from the public service in one of the following cases—
  - (a) in—
    - (i) the case of an officer in the public service on the 16th February, 1961, who on that date had attained the age of forty-five years, at any time;
    - (ii) the case of an officer in the public service who is in receipt of overseas addition or who was recruited by the Secretary of State or by the Crown Agents for Oversea Governments and Administrations on terms of service which did not include payment of inducement pay or overseas addition, or who is, or was on the 9th October, 1962, an officer eligible for vacation leave under paragraph 17(ii), (iii) or (iv) of section C of the Standing Orders for the Uganda Civil Service in force on the 16th February, 1961, or who has elected or is deemed to have elected not to accept the new terms of service contained in Government Establishment Instruction No. 4 of 1961, on or after attaining the age of forty-five years;
    - (iii) the case of an officer in the public service on the 16th February, 1961, who attained the age of forty-five years not later than the 16th February, 1962, on or after attaining that age;
  - (b) in the case of a transfer to other public service, in circumstances in which he or she is permitted by law or regulations of the service in which he or she is last employed to retire on pension or gratuity; provided that if the other public service is superannuated service under the Federated Superannuation System for Universities or under a similar insurance scheme, he or she has retired on one of the grounds mentioned in paragraphs (a), (c), (d) and (e) or, if he or she was transferred to the other public service prior to the 16th February, 1961, on or after attaining the age of forty-five years;
  - (c) on the abolition of his or her office;

- (d) on compulsory retirement for the purpose of facilitating improvement in the organisation of the department to which he or she belongs, by which greater efficiency or economy may be effected;
- (e) on medical evidence, to the satisfaction of the pensions authority, that he or she is incapable by reason of any infirmity of mind or body of discharging the duties of his or her office and that the infirmity is likely to be permanent;
- (f) if he or she retires from the public service with the written consent of the President acting on the advice of the Public Service Commission, the Judicial Service Commission or, as the case may be, the Education Service Commission;
- (g) on retirement in circumstances not mentioned in the preceding paragraphs of this section, rendering him or her eligible for a pension under the Governors' Pensions Act, 1957, of the United Kingdom or any Act of the United Kingdom amending or replacing that Act,

except that a gratuity may be granted to a female officer, in accordance with this Act, who resigns on or with a view to marriage or is required to retire on account of her marriage, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.

- (2) Notwithstanding subsection (1), a pension, gratuity or other allowance shall be paid to an officer who retires on the attainment of the age of forty-five years if he or she has served for a continuous period of ten years or more.
- (3) Every officer shall retire from the public service on the attainment of the age of fifty-five; except that an officer who attains the age of fifty may, if he or she wishes, remain in the public service until he or she attains the age of fifty-five unless the appropriate authority, within six months after the officer attains the age of fifty, requires him or her to retire.
- (4) For the avoidance of doubt, it is declared that the period of six months referred to in subsection (3) or any shorter period thereof shall be taken into account as pensionable service.
- (5) Subsections (3) and (4) shall apply to officers who were in the public service at the commencement of the Pensions Act (Amendment) Decree, [Decree No. 23 of 1973](#), on 9th November, 1973, and who were still in the public service at the commencement of the Pensions Act (Amendment) Decree, [Decree No. 11 of 1977](#), on 1st July, 1977.

## 11. Grant of pension, etc. on removal from the service in the public interest

Where an officer is removed from the public service in the public interest and a pension, gratuity or other allowance cannot otherwise be granted to him or her under this Act, the pensions authority shall grant such pension, gratuity or other allowance as it considers to be just and proper, not exceeding in amount that for which the officer would be eligible if he or she retired from the public service in the circumstances described in [section 10\(1\)\(e\)](#).

## 12. Compulsory retirement

- (1) An officer shall retire on attaining the age of sixty years.
- (2) Subject to subsection (3), the President may, acting in accordance with the advice of the Public Service Commission, the Judicial Service Commission or, as the case may be, the Education Service Commission, require an officer to retire from the service of the Government—
  - (a) in the case of an officer referred to in [section 10\(1\)\(a\)\(i\)](#), at any time;
  - (b) in the case of an officer referred to in [section 10\(1\)\(a\)\(ii\)](#) and (iii), at any time after the officer attains the age of forty-five years;
  - (c) in any other case, at any time after the officer attains the age of fifty years.



- (3) This section shall not apply to a judge of the High Court or of the Court of Appeal or the Supreme Court.

### **13. Maximum pension**

- (1) Except in cases provided for by subsection (2), a pension granted to an officer under this Act shall not exceed 87 percent of the highest pensionable emoluments drawn by him or her at any time in the course of his or her service under the Government.
- (2) An officer who has been granted a pension in respect of other public service shall not at any time draw from the public funds of Uganda an amount of pension which, when added to the amount of any pensions drawn in respect of other public service exceeds three-quarters of the highest pensionable emoluments drawn by him or her at any time in the course of his or her public service; except that where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of the pension shall be deemed, for the purposes of this subsection to be—
  - (a) in cases where the laws of the territory in which the public service was performed provided for the payment of an unreduced pension, the amount of pension which would have been awarded had no gratuity been granted; and
  - (b) in cases where the laws of the territory in which the public service was performed do not provide for the payment of an unreduced pension, such amount as aforesaid plus one-third of the amount.
- (3) Where the limitation specified by subsection (2) operates, the amount of the pension to be drawn from the public funds of Uganda shall be determined with due regard to the amount of any pensions to be drawn in respect of other public services.

### **14. Pensions, etc. may be paid to unconfirmed officer**

- (1) Where the appointing authority has appointed an officer to act in a pensionable office and the officer has acted for two years or more but retired or transferred to another service without being confirmed in that office, the rate at which his or her pension shall be calculated shall be that which would apply if he or she had been confirmed in that office, unless he or she has been removed from the office to a junior office before his or her retirement or unless the appointing authority directs otherwise in writing.
- (2) Where an officer who is otherwise eligible for a pension has been serving in a pensionable office on a trial appointment but retired or transferred to another service without being confirmed in that office, the rate at which his or her pension shall be calculated shall be that which would apply if he or she had been confirmed in that office.

### **15. Grant of pension, etc. on dismissal**

Where an officer is dismissed from the public service, the pensions authority may, if he or she thinks fit, grant such pension, gratuity or other allowance as he or she thinks just and proper, not exceeding in amount that for which the officer would be eligible if he or she retired from the public service in the circumstances described in [section 10\(1\)\(e\)](#).

### **16. Pensions, etc. not to be assignable**

A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purposes of satisfying—

- (a) a debt due to the Government or a debt relating to tax due under the East African Income Tax Management Act, or any Act amending or replacing it; 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 except a debt due to the Government or a debt relating to tax due under the East African Income Tax Management Act, or any Act amending or replacing it.

#### **17. Pensions, etc. not subject to attachment on bankruptcy**

Where any person to whom a pension or other allowance has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment of any competent court, the officer shall continue to receive the pension, allowance or gratuity, but the pension, allowance or gratuity shall not be subject to attachment under the Bankruptcy Act.

#### **18. Pensions, etc. to cease on death**

- (1) Every pension or other allowance granted under this Act, shall, unless it has sooner ceased, cease upon the death of the person to whom it is granted.
- (2) Notwithstanding subsection (1), where a person who is in receipt of a pension or other allowance under this Act dies before the expiry of fifteen years after the date of his or her retirement, the pensions authority may continue paying the pension or other allowance—
  - (a) if the deceased pensioner is survived by a spouse, to the spouse, for the unexpired period of the fifteen years referred to in this subsection;
  - (b) if the deceased pensioner is not survived by a spouse or is survived by a spouse to whom no pension is granted, to a child or children while under the age of eighteen years, for the unexpired period of the fifteen years referred to in this subsection;
  - (c) if the deceased pensioner is survived by a spouse to whom a pension is granted under paragraph (a) of this subsection and a child or children, and the spouse subsequently dies before the expiry of the remainder of the fifteen years referred to in paragraph (a) of this subsection, then paragraph (b) of this subsection shall apply.
- (3) For the avoidance of doubt, it is declared that a pension granted under this section shall be payable for a period not exceeding in aggregate fifteen years from the date of retirement of the deceased pensioner.

#### **19. Gratuity where officer dies**

- (1) Where an officer dies while holding a pensionable office and is not on probation or agreement, or while holding a nonpensionable office to which he or she has been transferred from a pensionable office in which he or she has been confirmed, the pensions authority may grant to his or her legal personal representatives—
  - (a) if the officer had served in the public service for ten years or less—
    - (i) a gratuity of an amount not exceeding three times his or her annual pensionable emoluments; and
    - (ii) a gratuity of an amount not exceeding five times the annual amount of pension the deceased officer would have been eligible for if his or her period of service had been qualifying service for the purpose of this Act;

- (b) if the officer had served in the public service for a period exceeding in the aggregate ten years —
  - (i) either a gratuity of an amount not exceeding triple his or her annual pensionable emoluments or his or her commuted pension gratuity, if any, whichever is the greater; and
  - (ii) a reduced pension as provided in regulation 30 of the regulations contained in the First Schedule to this Act whether commuted pension gratuity under paragraph (b)(i) of this subsection is payable or not; and for the purpose of granting a pension under this subparagraph—
    - (A) if the deceased officer is survived by a spouse, pension shall be payable to the surviving spouse for a period not exceeding fifteen years from the date of death of the officer;
    - (B) if the deceased officer leaves a child or children but does not leave a spouse or leaves a spouse to whom pension is not granted, pension shall be payable to the child or children for a period not exceeding fifteen years while the child or children are under the age of eighteen years;
    - (C) if the deceased officer leaves any child and a spouse to whom a pension is granted under subparagraph (ii)(A) of this paragraph, and the spouse subsequently dies within fifteen years from the date of death of the officer, the provisions of subparagraph (ii)(B) of this paragraph shall apply for the unexpired period of the fifteen years;
    - (D) if the deceased pensioner is survived by more than one wife or child, the amount of any pension, gratuity or other allowance shall be divided equally among the wives or children;
    - (E) a pension granted under subsection (1)(b)(ii) shall not be payable for a period exceeding, in aggregate, fifteen years.
- (2) Where any such officer who has been granted or who has become eligible for a pension under this Act dies after retirement from the service of the Government, and the sums paid or payable to him or her between the date of his or her retirement and the date of his or her death on account of any pension or gratuity in respect of his or her service under the Government and under any scheduled Government (excluding any additional pension awarded in accordance with regulation 29(3)(b) of the Pensions Regulations) are less than triple the amount of his or her annual pensionable emoluments or, if greater, the commuted pension gratuity for which he or she would be eligible under subsection (1) had he or she died on the date of his or her retirement, the pensions authority may grant to his or her legal personal representatives a gratuity equal to the deficiency.
- (3) This section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Oversea Superannuation Scheme in respect of such death.
- (4) Notwithstanding anything contained in the Administrator General's Act or in any written law relating to estate duty, no gratuity granted under this section shall be subject to the payment of the Administrator General's fees or of estate duty.
- (5) For the purposes of this section—
  - (a) “annual pensionable emoluments” means the emoluments which would be taken for the purpose of computing the grant of any pension or gratuity to the officer if he or she had retired at the date of his or her death in the circumstances prescribed in [section 10\(1\)\(e\)](#);
  - (b) “commuted pension gratuity” means the gratuity, if any, which might have been granted to the officer under regulation 29 of the Regulations contained in the First Schedule to this Act if his or her service under any scheduled Government had been wholly in Uganda and

he or she had retired on the day following the date of his or her death in the circumstances described in [section 10\(1\)\(e\)](#), and had received a reduced pension and a gratuity equal to fifteen times one-third of the pension which he or she might have been granted on the day following the date of his or her death;

- (c) “scheduled Government” has the same meaning as in regulation 12 of the Regulations contained in the First Schedule to this Act.
- (6) For the purposes of this section, an officer who has not been confirmed in his or her office and who dies in the circumstances mentioned in [section 20\(1\)](#) shall be deemed to have been confirmed in his or her office.

## **20. Pensions to dependents of officers dying from injuries received or disease contracted on duty**

- (1) Where as a result of—
  - (a) injuries received in the actual discharge of, and specifically attributable to the nature of, his or her duty and which are not wholly or mainly due to, or seriously aggravated by, his or her own serious and culpable negligence or misconduct; or
  - (b) contracting a disease to which he or she is specifically exposed by the nature of his or her duties, not being a disease wholly or mainly due to, or seriously aggravated by, his or her own serious and culpable negligence or misconduct, an officer dies within seven years of the date of the injury or the contracting of the disease, the pensions authority may grant, in addition to the grant, if any, made to his or her legal personal representative under [section 19](#)—
  - (c) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-fiftieths of his annual pensionable emoluments at the date of the injury;
  - (d) if the deceased officer leaves a widow to whom a pension is granted under paragraph (c) of this subsection and a child or children, a pension in respect of each child, until the child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension specified in that paragraph;
  - (e) 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 the child attains the age of eighteen years, of double the amount specified in paragraph (d) of this subsection;
  - (f) if the deceased officer leaves a child or children, and a widow to whom a pension is granted under paragraph (c) of this subsection, and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until the child attains the age of eighteen years, of double the amount specified in paragraph (d) of this subsection;
  - (g) if the deceased officer does not leave a widow, or if no pension is granted to the 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.
- (2) Notwithstanding subsection (1)—
  - (a) a pension shall not be payable under subsection (1) at any time in respect of more than six children, and where there are more than six children in respect of whom, but for this paragraph, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age;
  - (b) in the case of a pension granted under subsection (1)(g), if the mother is a widow at the time of the grant of the pension and subsequently remarries, the pension shall cease as from the date of remarriage; and if it appears to the pensions authority at any time that the mother is

adequately provided with other means of support, the pension shall cease as from such date as the pensions authority may determine;

- (c) a pension granted to a female child under this section shall cease upon the marriage of the child under the age of eighteen years.
- (3) For the purposes of this section, where an officer dies while—
  - (a) travelling by air, sea, rail or road and is proceeding to or from Uganda;
  - (b) at the commencement or termination of his or her duty, or of a period of secondment, duty, leave or in pursuance of official instructions; and
  - (c) on a route approved by the responsible officer,as a result of damage to the aircraft, vessel, train or vehicle in which he or she is travelling or any act of violence directed against that aircraft, vessel, train or vehicle, the officer shall be deemed to have died as a result of injuries received in the actual discharge of duty, and without default on the officer's part and on account of circumstances specifically attributable to the nature of duty of the officer.
- (4) In the case of an officer not holding a pensionable office, "pensionable emoluments" in this section means the emoluments enjoyed by him or her which would have been pensionable emoluments if the office held by him or her had been a pensionable office.
- (5) For the purposes of this section, "child" includes—
  - (a) a posthumous child;
  - (b) a stepchild 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 recognised by law before the date of the injury and wholly or mainly dependent upon the deceased officer for support.
- (6) In the case of the death of an officer whose dependents are entitled to compensation under any law relating to workers compensation, the pensions authority may take such compensation into account to such extent as he or she sees fit in fixing the amount of pension to be paid under this section.
- (7) This section shall not apply in the case of the death of any officer where benefits corresponding to the benefits granted by this section are payable under the Oversea Superannuation Scheme in respect of the death.

## 21. Application of Act

- (1) This Act shall apply—
  - (a) to every officer appointed to the service of the Government after the 9th August, 1948, otherwise than on transfer from other public service;
  - (b) to every teacher appointed to the Teaching Service on or after the 1st day of July, 1953;
  - (c) to every officer in the service of the administration of a district, and to every such officer who was in the service—
    - (i) in the case of service in the former Buganda Government, on or after the 1st day of January, 1954;
    - (ii) in the case of service in the former Eastern, Western or Northern Province, on or after the 1st day of January, 1950;
  - (d) to an officer serving in an urban authority who is a member of a pension scheme established by the urban authority in which he or she is serving who, from the date the pensions authority may determine, opts to be subject to this Act;

- (e) to every officer appointed to the service of an urban authority on or after the date the pensions authority may determine;
- (f) subject to the Second Schedule to this Act, to every officer—
  - (i) transferred to the service of the Government after the 9th August, 1948, from other public service;
  - (ii) in the service of the Government prior to the 9th August, 1948, who, in accordance with the Government Secretariat Circular No. 29 of 1948, of the 1st September, 1948, elected or is deemed to have elected for the new terms of service contained in that circular and any amendments to it;
  - (iii) transferred from the service of the Government to other public service before the 1st January, 1946, who retires from the public service subsequent to that date;
- (g) to every officer to whom Government Secretariat Circular No. 53 of 1948, of the 21st December, 1948, and any amendments and additions to it, applies;
- (h) to every officer to whom Government Secretariat Circular Standing Instruction No. 83 of the 25th October, 1954, and any amendments and additions to it, applies.

## 22. Appeals Board

- (1) If the pensions authority decides in respect of any officer—
  - (a) that a pension, gratuity or other allowance may not be granted under this Act; or
  - (b) that a pension, gratuity or other allowance which may be or has been granted under this Act shall be withheld, reduced in amount or suspended,

the officer or, if he or she is dead, his or her personal representatives may, within ninety days of being informed of the decision, apply in writing to the pensions authority for the case to be referred to an Appeals Board.
- (2) Where an application is made under subsection (1), the pensions authority shall notify the Minister in writing, and the Minister shall thereupon appoint an Appeals Board of three members, consisting of—
  - (a) one member selected by the Minister;
  - (b) one member selected by an association representative of public officers of which the applicant is qualified to be a member or representative of a profession of which the applicant is a member, the association being nominated in either case by the applicant; and
  - (c) one member who shall be a lawyer selected by the other two members jointly, or, in default of agreement between those members, by the Chief Justice, from among persons who hold or have held office as a judge of the High Court, as a chief magistrate or as a magistrate grade I who shall be the chairperson of the board.
- (3) The Appeals Board shall inquire into the facts of the case and for that purpose—
  - (a) shall hear the applicant, or a public officer representing him or her, or a legal representative, if he or she requests in writing to be heard, and any other person who, in the opinion of the board, is able to give the board information on the case; and
  - (b) shall have access to and consider all documents which were available to the pensions authority and shall consider any further documents relating to the case which may be produced by or on behalf of the applicant or the pensions authority.
- (4) After the Appeals Board has completed its consideration of the case, the board shall advise the pensions authority whether the decision which is the subject of the reference to the board should

be confirmed, reversed or modified, and the pensions authority shall act in accordance with that advice.

### **23. Questions under Act to be determined by pensions authority**

Subject to [section 22](#), where any question exists in relation to any matter arising under this Act, the question may be determined by the pensions authority.

### **24. Delegation of powers**

The pensions authority may, by order in writing, delegate to any person all or any of the powers which are conferred on him or her by this Act and by the Pensions Regulations, other than those specified in the Fourth Schedule.

## **First Schedule (Section 3)**

### **Pensions Regulations**

#### **Part I – Preliminary**

##### **1. Short title**

These Regulations may be cited as the Pensions Regulations.

##### **2. Interpretation**

In these Regulations, unless the context otherwise requires—

- (a) “pensionable service” means service which may be taken into account in computing pension under these Regulations;
- (b) “qualifying service” means service which may be taken into account in determining whether an officer is eligible by length of service for pension or gratuity.

#### **Part II – Officers without other public service**

##### **3. Application of Part II**

Except when the pensions authority 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 the Government from or to other public service except for the purpose of determining whether the officer would have been eligible for pension or gratuity, and the amount of pension or gratuity for which the officer would have been eligible, if the service of the officer had been wholly under the Government.

##### **4. Pensions to whom and at what rates to be granted**

Subject to the Act and these Regulations, every officer holding a pensionable office in the service of the Government, who has been in such service in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one five-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service.

## 5. Increase of existing pensions for citizens

- (1) Subject to subregulation (2) of this regulation, from the 1st day of July, 1988, there shall be paid on every pension payable in respect of the Service of the Government to a person who—
- (a) is a citizen of Uganda; and
  - (b) is not otherwise disqualified from receiving a pension under any law for the time being in force, an appropriate increase computed in accordance with the following formula—

The Pensions Computation Formula

$$P_n = r p_n \times n \times \#n \times {}^1n$$

Where—

$P_n$	means new pension;
$r p_n$	means new reduced pension fraction;
$\#n$	means new salary;
$\# \# n$	means new pension constant;
${}^1n$	means new length of pensionable service in complete months, permitted under the law under which the grant of pension to a person whose pension is under review is payable in the computation of pensions.

- (2) There shall be no increase in pension where the amount of pension payable before the computation in accordance with the formula set out in subregulation (1) is greater than the amount which would be payable after the computation; and in any such case, the greater pension shall be deemed to be payable and shall continue to be in conformity with this regulation.

## 6. Commuted pension not affected

A variation of pension made under these Regulations shall not apply to a pension or any part of a pension which is commuted under any law relating to the commutation of pensions.

## 7. Pension not to be reduced by these Regulations

Nothing in these Regulations shall operate so as to reduce the amount of pension payable to any person immediately before any variation which may be made under these Regulations.

## 8. Lump sum to be paid to annual allowance earners

- (1) This regulation shall apply to every person who is entitled to receive an annual allowance.
- (2) There shall be paid to a person to whom this regulation applies, a lump sum of money in the following manner —
- (a) for service for 40 years and above, 45,552 shillings;



- (b) for service for 35 years and above but below 40 years, 37,956 shillings;
  - (c) for service for 30 years and above but below 35 years, 30,360 shillings;
  - (d) for service for 25 years and above but below 30 years, 22,776 shillings.
- (3) Upon the payment to a person of compensation under this regulation, the payment to him or her and the annual allowance shall cease.

## 9. Gratuities where length of service does not qualify for pension

Every officer, otherwise qualified for a pension, who has not been in the service of the Government in a civil capacity for ten years may be granted on retirement a gratuity not exceeding ten times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him or her under regulation 4 of these Regulations.

## 10. Marriage gratuities

Where a female officer, who has been in the service of the Government for not less than five years and has been confirmed in a pensionable office, retires or is required to retire from that service for the reason that she is about to marry or has married, and is not eligible for the grant of any pension or otherwise eligible for a 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 pensions authority may in any particular case allow, of satisfactory evidence of her marriage, a gratuity of an amount not exceeding—

- (a) one year's pensionable emoluments; or
- (b) five times the annual amount of the pension which might have been granted to her under regulation 4 of these Regulations had there been no qualifying period and had that regulation been applicable to her, whichever amount shall be the less.

## Part III – Transferred officers

## 11. Application of Part III

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

## 12. Interpretation

- (1) In this Part and in Part IV of these Regulations—
  - (a) “scheduled Government” means—
    - (i) the Government of any territory, or any authority, mentioned in the First Schedule to these Regulations;
    - (ii) the Government of Ceylon, in respect of any officer appointed to service under that Government before the 4th February, 1948;
    - (iii) the Government of Palestine, in respect of any officer appointed to service under that Government before the 15th May, 1948;
    - (iv) the Government of the Somali Republic, in respect of any officer appointed to service under the Government of the Somaliland Protectorate before the 26th June, 1960;
    - (v) the Government of Cyprus, in respect of any officer appointed to service under that Government before the 16th August, 1960;

- (vi) the High Commissioner for Transport in Kenya and Uganda in respect of any officer appointed to the service of that authority prior to the 1st May, 1948; and
  - (vii) the East African Common Services Organisation or, with effect from the 1st December, 1967, the East African Community in respect of any person deemed to have been appointed or appointed to service as President, Vice President, justice of Appeal, registrar, officer or servant of the Court of Appeal for Eastern Africa or, with effect from the 1st December, 1967, of the Court of Appeal for East Africa;
- (b) “service in the group” means service under the Government and under a scheduled Government.
- (2) In construing this Part and Part IV of these Regulations, service after the 30th day of June, 1953, which is pensionable service for the purposes of the Teachers’ Pensions Act, shall be deemed to be service under a scheduled Government.
- (3) For the purposes of these Regulations—
  - (a) any officer in public service under the Government of the Federation of Rhodesia and Nyasaland immediately before the 1st January, 1964, who was immediately before that date employed on secondment to service under the Government of Southern Rhodesia, or Northern Rhodesia or Nyasaland, or was as from that date so employed, shall be deemed to continue to serve in public service under the Government of the Federation of Rhodesia and Nyasaland until his or her employment on secondment is terminated;
  - (b) any pension awarded on or after the 1st January, 1964, in respect of service under the Government of the Federation of Rhodesia and Nyasaland shall be deemed to have been granted by that Government notwithstanding the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963.

### 13. Pension for service wholly within the group

- (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 or her aggregate service would have qualified him or her had it been wholly in the service of the Government for a pension under the Act, he or she may, subject, in the case of retirement from superannuated service under the Federated Superannuation System or a similar scheme, to the proviso to section 10(1)(b) of the Act, on his or her retirement from the public service in circumstances in which he or she is permitted by the law or regulations of the service in which he or she is last employed to retire on pension or gratuity, be granted in respect of his or her service under the Government a pension of such an amount as bears the same proportion to the amount of pension for which he or she would have been eligible had his or her service been wholly under the Government, as the aggregate amounts of his or her pensionable emoluments during his or her service under the Government bears to the aggregate amounts of his or her pensionable emoluments throughout his or her service in the group.
- (2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his or her service had been wholly under the Government—
  - (a) in the application of regulation 23 of these Regulations, his or her pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him or her at the date of retirement from the public service, except that where the officer is not serving in a scheduled Government at that date, the date upon which he or she was last transferred from the service of a scheduled Government shall be deemed to be the date of his or her retirement for the purposes of this paragraph;
  - (b) no regard shall be had to an additional pension granted under regulation 28 or 29 of these Regulations;

- (c) regard shall be had to the condition that the pension may not exceed 87 percent of his or her 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 or her 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 or she would have received or enjoyed had he or she been on duty on full pay in his or her substantive office or offices throughout his or her period of service in the group subsequent to the attainment of the age of eighteen years or, where it would be to his or her advantage, twenty years; but—
  - (a) in calculating the aggregate amount of his or her pensionable emoluments, no account shall be taken of any service under the Government or a scheduled Government in respect of which no pension or gratuity is granted to him or her by the Government or the scheduled Government, as the case may be;
  - (b) where any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, the officer's aggregate pensionable emoluments during that service shall be taken into account to the same extent as the service is taken into account as pensionable service.
- (4) In this regulation, "gratuity" means a lump sum payable in respect of service in a pensionable office, and shall not be construed as meaning a gratuity awarded in respect of service on contract or agreement or the benefits payable under a Provident Fund Scheme.

#### **14. Pension where other service**

- (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 or her aggregate service would have qualified him or her, had it been wholly in the service of the Government, for a pension under these Regulations, he or she may, subject, in the case of retirement from superannuated service under the Federated Superannuation System or a similar scheme, to the proviso to section 10(1)(b) of the Act, on his or her retirement from the public service in circumstances in which he or she is permitted by the law or regulations of the service in which he or she is last employed to retire on a pension or gratuity, be granted in respect of his or her service under the Government a pension at the annual rate of one four-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service in the service of the Government.
- (2) Where the officer is not in the service of the Government at the time of his or her retirement in the circumstances referred to in subregulation (1) of this regulation, his or her pensionable emoluments for the purposes of the subregulation shall be those which would have been taken for the purpose of computing his or her pension if he or she had retired from the public service and been granted a pension at the date of his or her last transfer from the service of the Government.
- (3) In this regulation, "gratuity" means a lump sum payable in respect of service in a pensionable office, and shall not be construed as meaning a gratuity awarded in respect of service on contract or agreement or the benefits payable under a Provident Fund Scheme.

#### **15. Pension where other service both within and not within the group**

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, regulation 13 of these Regulations shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

#### **16. Gratuities where length of service does not qualify for pension**

Where an officer to whom this Part of these Regulations applies retires from the public service in circumstances in which he or she is permitted by the law or regulations of the service in which he or she

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 or she may, subject, in the case of retirement from superannuated service under the Federated Superannuation System or a similar scheme, to the proviso to section 10(1)(b) of the Act, be granted in respect of his or her service under the Government 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 or her under regulation 13, 14 or 15 of these Regulations, as the case may be; except that where such an officer retires or is deemed to have retired from the service of the Government of Kenya, Tanganyika, Zanzibar or Tanzania or from the service of the Common Services Organisation, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration, the East African Community, the East African Railways Corporation, the East African Harbours Corporation, or the East African Posts and Telecommunications Corporation under any written law relating to retiring benefits and compensation which applies to that service or to any category of any such service, he or she may be granted, in respect of his or her service under the Government of Uganda, a pension calculated in accordance with regulation 13 or 15 of these Regulations notwithstanding that he or she has not completed in the aggregate the minimum period of qualifying service.

## 17. Marriage gratuities

- (1) Where a female officer to whom this Part of these Regulations applies, retires or is required to retire from the service of the Government for the reason that she is about to marry or has married, and —
  - (a) would have been eligible for a gratuity under regulation 10 of these Regulations if her service had been wholly under the Government; and
  - (b) is not eligible for the grant of any pension or otherwise eligible for a gratuity under this Part of these Regulations,

she may be granted in respect of her service under the Government a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible under regulation 13, 14 or 15 of these Regulations had there been no qualifying period and had regulation 13, 14 or 15 of these Regulations, as the case may be, been applicable to her.

- (2) For the purpose of computing the amount of the gratuity—
  - (a) in relation to a pension under regulation 13 or 15 of these Regulations, regulation 13(2)(c) of these Regulations shall have effect as if the reference in it to 87 percent of her highest pensionable emoluments were a reference to one-fifth of her annual pensionable emoluments;
  - (b) in relation to a pension under regulation 13, 14 or 15 of these Regulations, the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments.

## Part IV – General

## 18. General rules as to qualifying service and pensionable service

- (1) Subject to these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of the public service and the date of his or her leaving the public service, without deduction of any period during which he or she has been absent on leave.
- (2) No period which is not qualifying service by virtue of subregulation (1) of this regulation shall be taken into account as pensionable service.
- (3) No period during which the officer was not in the public service shall be taken into account as qualifying service or as pensionable service; except that notwithstanding that Palestine ceased to be a territory under British mandate on the 15th May, 1948, any officer who held office in the service of the Government of Palestine immediately prior to that date shall for the purposes of these Regulations be deemed to continue in the public service until either he or she is appointed to

the public service elsewhere, or if he or she is not so appointed, he or she retires or is removed from office.

- (4) Notwithstanding subregulation (3) of this regulation, an officer who is granted leave of absence on the abolition of his or her office shall be deemed to continue in the public service until the expiration of the leave, and the period during which the officer was so absent on leave shall be taken into account as qualifying service or as pensionable service in accordance with these Regulations.

## 19. Continuity of service

- (1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service; except that any break in service which—
- (a) does not arise from misconduct or voluntary resignation;
  - (b) has been approved by the pensions authority on any reasonable grounds; or
  - (c) in the case of an officer of the Ministry of Education who, before the break, was employed as a school teacher, arises from membership of Parliament,
- shall be disregarded for the purposes of this subregulation.

- (2) An officer—
- (a) who has retired from the public service without pension on account of ill health, abolition of office, or reorganisation designed to effect greater efficiency or economy, and has subsequently been reemployed in the public service; or
  - (b) who has left pensionable service under the Teachers' (Superannuation) Act, 1925, of the United Kingdom or any Act of the United Kingdom amending or replacing that Act, or under the Oversea Superannuation Scheme, or under any enactment approved by the pensions authority for the purpose of this regulation, with a view to entering public service not being service pensionable under such Act, scheme or enactment, and has, not later than three months, or such extended period as the pensions authority may in any particular case approve, after leaving such first-mentioned service, received any salary in respect of employment in public service not so pensionable,
- may, if the pensions authority thinks fit, be granted the pension or gratuity for which he or she would have been eligible if any break in his or her public service immediately prior to such reemployment or employment had not occurred, such pension to be in lieu of—
- (c) any pension previously granted to him or her from the public funds of Uganda; and
  - (d) 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 so refunded.

## 20. Leave without salary

No period during which an officer has been absent from duty on leave without salary shall be taken into account as pensionable service unless the leave has been granted on grounds of public policy with the approval of the pensions authority.

## 21. Service in Her Majesty's Forces

Where an officer during some period of his or her 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 Uganda or of any scheduled Government and have not been refunded, that period shall not be taken into account as pensionable service.

## 22. War service

- (1) Where an officer who held a pensionable office serves with the armed forces in time of war (in this regulation referred to as “military service”), or in civilian employment connected with the prosecution of the war (in this regulation referred to as “civilian service”), and before so serving had been employed in the public service, then the following provisions shall have effect—
- (a) during the period of such military or civilian service, including in the case of—
- (i) military service, any period of service with the armed forces after the termination of the war (which period shall be included in the expression “military service”);
  - (ii) civilian service, any period of civilian employment which may be approved by the pensions authority, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war connected with the prosecution of the war (which period shall be included in the expression “civilian service”),
- the officer shall be deemed to have been on leave on full salary from the public service in which he or she was last employed, and to have held the substantive office last held by him or her in that service prior to such military or civilian service;
- (b) during any period between his or her leaving the public service for the purpose of serving in the armed forces or in any such civilian employment and the date of his or her commencing such military or civilian service, he or she shall be deemed to be on leave without salary, not granted on grounds of public policy, from the public service in which he or she was last employed, and to have held the substantive office last held by him or her in that service prior to such military or civilian service; and during any period between the termination of his or her military or civilian service and the date of his or her reentering the public service, he or she shall, for such purposes, be deemed to be on leave as aforesaid from the public service, and to have held the substantive office in which he or she is reemployed, but—
- (c) this regulation shall not apply—
- (i) when either period mentioned in paragraph (b) of this subregulation exceeds three months, or such longer period as the pensions authority may in any special case determine; or
  - (ii) if the officer fails after such military or civilian service to reenter the public service otherwise than in circumstances in which he or she would be permitted, under the law or regulations applicable to the public service in which he or she is last employed prior to such military or civilian 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 or her military or civilian service;
- (d) if during any period mentioned in paragraph (a) of this subregulation the officer has qualified for pension or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (a) of this subregulation 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”;
- (e) if during his or her military or civilian service the officer is injured or killed, he or she shall not be deemed to have been injured or killed in the actual discharge of his or her duty;
- (f) the provisions of this subregulation which require that the officer shall be deemed to have held a specified office and to have been on leave from the public service shall not apply in respect of any period during which he or she has actually held any other substantive office and has been on leave from any public service;

- (g) the pensions authority may in any case direct that this regulation shall apply where the office in the public service last held by the officer prior to military or civilian service was not a pensionable office.
- (2) In this regulation, the expression “the termination of the war” means such date as the pensions authority may declare to be the date on which the war terminated for the purposes of this regulation.

## **23. Emoluments to be taken for computing pension or gratuity**

For the purpose of computing the amount of the pension or gratuity granted to an officer under the Act, the full annual pensionable emoluments enjoyed by him or her immediately prior to the date of his or her retirement shall be taken.

## **24. Severance pay for officers whose offices are abolished under Public Service Reform Programme**

- (1) If an officer holding a pensionable office ceases to hold that office as a result of the abolition of that office under the Public Service Reform Programme, that officer shall be paid severance pay according to the formula specified in Part I of the Second Schedule to the Regulations.
- (2) For the purposes of the severance pay referred to in subregulation (1) of this regulation, any service beyond twenty years shall be ignored.

## **25. Service otherwise than in a pensionable office**

Only service in a pensionable office shall be taken into account as pensionable service; except that—

- (a) where a period of continuous service in a civil capacity otherwise than in a pensionable office, or service in a pensionable office otherwise than on pensionable terms, is immediately followed by service in a pensionable office, and the officer is confirmed in the pensionable office, the pensions authority may approve that—
  - (i) in the case of an officer eligible for payment of a gratuity otherwise than under these Regulations, or for payment of a bonus under the Government Employees Provident Fund Act, in respect of that period or part of that period, the whole of that period or such part of it, as the case may be, shall be taken into account; or, if the officer has received additional increments of salary in recognition of service otherwise than on pensionable terms, such lesser proportion of such period or such part of it as the pensions authority may determine; and
  - (ii) in any other case, the whole of that period, or such lesser proportion as the pensions authority may determine, shall be taken into account, subject in either case to the exclusion of any part of that period in respect of which an officer has been paid, and is not permitted to repay, or does not repay on demand, any such gratuity or bonus, or in respect of which any other superannuation contributions have been paid by the Government;
- (b) any break in service which may be disregarded under regulation 19 of these Regulations may likewise be disregarded in determining for the purposes of paragraph (a) 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 or she has been confirmed to an office other than a pensionable office and subsequently retires either from a pensionable office or from such other office, his or her service in the other office may, with the approval of the pensions authority, be taken into account as though it were service in the pensionable office which he or she held immediately prior to the transfer, and at the pensionable emoluments which were payable to him or her immediately prior to the date of transfer;



- (d) where a period of service in a nonpensionable office is taken into account under this regulation, the officer shall, during that period, be deemed for the purposes of regulations 10, 28 and 29 of these Regulations to be holding a pensionable office, and where that period is taken into account under paragraph (c) of this regulation, to have been confirmed in it.

## **26. Acting service**

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 nonpensionable office, to regulation 25) if the period of the acting service—

- (a) is not taken into account as part of the officer's own 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.

## **27. Service under age or on probation or agreement**

Except 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, where it would be to his or her advantage, twenty years; or
- (b) any period of service while he or she was on probation or agreement, unless without break of service he or she is confirmed in a pensionable office in the public service,

and any break of service which may be disregarded under regulation 19 of these Regulations may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service.

# **Part V – Supplementary**

## **28. Abolition of office and reorganisation**

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

- (a) if he or she has been in the public service for less than ten years, be granted in lieu of any gratuity under regulation 9 or 16 of these Regulations, a pension under regulation 4, 13, 14 or 15 of these Regulations, as the case may be, as if the words “for ten years or more” were omitted from regulation 4;
- (b) if he or she retires from the service of the Government, be granted an additional pension at the annual rate of one-quarter of the pension for which he or she would be eligible under regulation 4, 13, 14 or 15 of these Regulations, if all his or her service in the group had been wholly in the service of the Government,

except that the addition together with the remainder of the officer's pension shall not exceed the pension for which he or she would have been eligible if he or she had continued until the age of fifty-five years to hold the office held by him or her at the date of his or her retirement having received all increments for which he or she would have been eligible by that date.



## 29. Officers injured or contracting diseases in the discharge of their duties

- (1) This regulation shall apply to an officer who while in the service of the Government either—
  - (a) is permanently injured in the actual discharge of his or her duty by some injury specifically attributable to the nature of his or her duty which is not wholly or mainly due to, or seriously aggravated by, his or her own serious and culpable negligence or misconduct; or
  - (b) contracts a disease to which he or she is specifically exposed by the nature of his or her duty, not being a disease wholly or mainly due to, or seriously aggravated by, his or her own serious culpable negligence or misconduct.
- (2) In this regulation, unless the contrary intention appears, references to an officer being injured and to the date on which an injury is sustained shall respectively be construed as including references to his or her contracting a disease mentioned in subregulation (1) of this regulation and to the date on which the disease is contracted.
- (3) Where an officer to whom this regulation applies is holding a pensionable office in which he or she has been confirmed—
  - (a) he or she may, if his or her retirement is necessitated or materially accelerated by his or her injury and he or she has been in the public service for less than ten years, be granted, in lieu of any gratuity under regulation 9 or 16 of these Regulations, a pension under regulation 4, 13, 14 or 15 of these Regulations, as the case may be, as if the words “for ten years or more” were omitted from regulation 4;
  - (b) he or she may, in addition, be granted on retirement a pension at the annual rate of the proportion of his or her actual pensionable emoluments at the date of his or her injury appropriate to his or her case as shown in the following table—

when his or her capacity to contribute to his or her own support is—

slightly impaired	five-sixtieths
impaired	ten-sixtieths
materially impaired	fifteen-sixtieths
totally impaired	twenty-sixtieths

except that the amount of the pension under this paragraph of this subregulation may be reduced to such an extent as the pensions authority shall think reasonable where the injury is not the cause or the sole cause of retirement.

- (4) Where an officer to whom this regulation applies is not holding a pensionable office, or is holding a pensionable office in which he or she has not been confirmed, he or she may be granted on retirement a pension of the same amount as the pension which might be granted to him or her under subregulation (3)(b) of this regulation as if his or her office were a pensionable office and he or she had been confirmed in it. Regulation 30 of these Regulations shall not apply to a pension granted under this subregulation.
- (5) If, for the purpose of assessing the amount of any pension to be granted under subregulation (3) (b) or (4) of this regulation to any officer to whom this regulation applies, the degree of permanent impairment of his or her capacity to contribute to his or her support is in doubt, he or she may be granted a provisional award to have effect until such time as the degree of permanent impairment

can be determined. Regulation 30 of these Regulations shall not apply to an award made under this subregulation.

- (6) If an officer travelling by a route approved by the responsible officer to or from or within Uganda at the commencement or termination of his or her service, or of a period of duty, secondment, leave or in pursuance of official instructions, is permanently injured as a result of damage to the vessel, aircraft, train or vehicle in which he or she is travelling, or any act of violence directed against the vessel, aircraft, train or vehicle, the officer shall be deemed for the purpose of this regulation to have been injured in the circumstances described in subregulation (1) of this regulation.
- (7) Where the pensions authority is satisfied that compensation under the law relating to workers compensation is payable to an officer in consequence of any injury for which a pension may be granted under subregulation (3)(b) or (4) of this regulation, the pensions authority may take that compensation into account against the pension in such manner and to such extent as he or she thinks fit and may withhold or reduce the pension accordingly. Regulation 30 of these Regulations shall not apply where the pensions authority acts under this subregulation.
- (8) Neither subregulation (3) nor (4) of this regulation shall apply in the case of an officer who, in consequence of his or her injury is entitled under the Oversea Superannuation Scheme to benefits corresponding to the benefits granted under those subregulations.
- (9) Where the pensions authority is satisfied that damages have been or will be recovered by an officer in respect of an injury for which a pension may be granted under subregulation (3)(b) or (4) of this regulation, the pensions authority may take those damages into account against the pension in such manner and to such extent as he or she may think fit and may withhold or reduce the pension accordingly.
- (10) For the purposes of subregulation (9) an officer shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of his or her claim and whether or not proceedings are instituted to enforce that claim.

### **30. Gratuity and reduced pension**

- (1) Any officer to whom a pension is granted under the Act may, at his or her option exercisable not later than the day immediately preceding the date of his or her retirement from the public service, or at such later date as the pensions authority may in any special case approve, be paid in lieu of such pension a pension at the rate of two-thirds or any greater fraction of such pension together with a gratuity equal to fifteen times the amount of the reduction so made in the pension.
- (2) In the application of this regulation to cases where the limitation prescribed by section 13(2) of the Act operates, the words “such pension” shall mean the amount of pension which the officer would have drawn from the public funds of Uganda if he or she had not exercised his or her option under this regulation.
- (3) Where an officer has exercised the option mentioned in subregulation (1) of this regulation, he or she may, not later than the day immediately preceding the date of his or her retirement from the public service or such later date as the pensions authority may in any special case approve, amend or revoke the option.

### **31. Gratuities for police and prisons officers**

- (1) A police officer below the rank of assistant inspector or a prison officer below the rank of principal officer may, if he or she has served as a police officer or a prison officer for twelve years or more, be granted on his or her discharge or retirement from the Uganda Police Force or the Uganda Prisons Service, as the case may be, a gratuity of an amount not exceeding 25 percent of his or her total emoluments; except that no gratuity shall be paid in respect of any period of service—
  - (a) as a pensionable officer confirmed in his or her appointment; or
  - (b) which is taken into account as pensionable service under regulation 25 of these Regulations.

- (2) Where a police officer or prison officer to whom this regulation applies has previous service in the police or prisons service of any of the East African territories, or under a regular engagement in the armed forces, that previous service may, in calculating a gratuity payable under this regulation, be taken into account as if it were police or prisons service under the Government; except that—
- (a) no such previous service shall be so taken into account unless the officer enlisted in the Uganda Police Force or Uganda Prisons Service within six months, or such greater period, not exceeding two years, as the pensions authority may allow, of the end of such previous service; and
  - (b) no period of such previous service in respect of which the officer has received a gratuity or other retirement benefit shall be so taken into account.
- (3) Notwithstanding subregulation (1) of this regulation, a gratuity may be paid if an officer is discharged in any of the circumstances described in section 10(1)(d), (e) or (f) of the Act or on the grounds of his or her inability to discharge his or her duties efficiently, or is required to retire under section 12 of the Act; but the pensions authority may direct that a gratuity payable to an officer who has been discharged on the grounds of his or her inability to discharge his or her duties efficiently shall be reduced by such amount as the pensions authority thinks just and proper, or altogether withheld.
- (4) Where a police officer below the rank of assistant inspector, or a prison officer below the rank of principal officer, dies while in the service of the Government, his or her dependents may be awarded a gratuity equal to the gratuity which might have been granted to the officer had he or she been discharged in the circumstances described in section 10(1)(e) of the Act at the date of his or her death.

## 32. Identity

A person to whom a pension, gratuity or other allowance has been granted under the Act shall, before any such pension, gratuity or allowance is paid to him or her, satisfy the paying authority as to his or her identity in such manner as the pensions authority may from time to time direct.

### *Schedules to the Regulations*

#### *First Schedule to the Regulations (reg. 12)*

##### *Scheduled Governments*

Aden  
Antigua  
Bahamas  
Barbados  
Basutoland  
Bechuanaland Protectorate  
Bermuda  
Botswana  
British Antarctic Territory  
British Guiana  
British Honduras  
British Solomon Islands Protectorate

Brunei  
Cayman Islands  
Crown Agents for Oversea Governments and Administrations  
Dominica  
East African Common Services Organisation  
East African Community  
East African Harbours Corporation  
East Africa High Commission  
East African Posts and Telecommunications Administration  
East African Posts and Telecommunications Corporation  
East African Railways and Harbours Administration  
East African Railways Corporation  
Eastern Nigeria  
Eastern Region of Nigeria  
Employing authorities under the Oversea Superannuation Scheme  
Falkland Islands  
Federal Republic of Nigeria  
Federated Malay States  
Federation of Malaya  
Federation of Nigeria  
Federation of Rhodesia and Nyasaland  
Fiji  
Gambia  
Ghana  
Gibraltar  
Gilbert and Ellice Islands Colony  
Gold Coast  
Grenada  
Guyana  
Hong Kong  
Jamaica  
Kenya  
Kingdom of Lesotho  
Leeward Islands (before the 1st July, 1956)  
Malawi

Malayan Establishment  
Malayan Union  
Malaysia  
Malta  
Mauritius  
Midwest Nigeria  
Montserrat  
New Hebrides  
Nigeria  
Nigerian College of Arts, Science and Technology  
North Borneo  
Northern Nigeria  
Northern Region of Nigeria  
Northern Rhodesia  
Nyasaland  
Overseas Audit Department (Home Establishment)  
Republic of Kenya  
Republic of Southern Yemen  
Republic of Tanzania  
Republic of Zambia  
Sabah  
Sarawak  
Service under the United Kingdom Overseas Service Act, 1958  
Seychelles  
Sierra Leone  
Singapore  
Southern Rhodesia  
St. Christopher, Nevis and Anguilla  
St. Helena  
St. Lucia  
St. Vincent  
Straits Settlements  
Swaziland  
Tanganyika  
Tanganyika Broadcasting Corporation

Tanzania  
Tonga  
Trinidad and Tobago  
Turks and Caicos Islands  
Unfederated Malay States  
Union of South Africa  
United Kingdom of Great Britian and Northern Ireland  
Uzibuse  
Virgin Islands  
West African Institute for Oil Palm Research, Nigeria  
West Indies (Federation)  
Western Nigeria  
Western Region of Nigeria  
Zambia  
Zanzibar

***Second Schedule to the Regulations (reg. 24)***

***Severance pay under the Public Service Reform Programme***

***Part I. Retrenchment Formula***

Retrenchment Compensation Package (RCP)= Fixed Annual Benefit (FAB) x Number of Years of Service (NYS)

FAB is a fixed monetary amount dependent on grade, reflecting a compression ratio of 1:8. NYS is limited to 20 years maximum.

Grade	Maximum benefit payable old formula, old salary	FAB	Maximum benefit payable new formula, new salary
U1-PS	9,721,740	880,000	17,600,000
U1-Director	9,146,460	600,000	12,000,000
U1-Commissioner	7,988,340	400,000	8,000,000
U1-Asst. commissioner, etc.	6,830,280	345,000	6,900,000
U2	6,002,040	305,000	6,100,000
U3	5,787,480	290,000	5,800,000
U4	5,567,280	280,000	5,600,000
U5a	5,445,240	275,000	5,500,000
U5b	5,257,800	265,000	5,300,000
U5c	3,503,940	180,000	3,600,000
U6	3,249,420	165,000	3,300,000
U7	2,987,280	150,000	3,000,000
U8	2,146,440	110,000	2,200,000

***Part II. Computation of severance pay payable to pensionable officers  
whose offices are abolished under the Public Service Reform Programme***

reg. 24. Computation Table: Total Amount Payable, Ushs 000s Years of Service

Grade	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
U1-PS	880	1,760	2,640	3,520	4,400	5,280	6,160	7,040	7,920	8,800	9,680	10,560	11,440	12,320	13,200	14,080	14,960	15,840	16,720	17,600
U1-Dir.	600	1,200	1,800	2,400	3,000	3,600	4,200	4,800	5,400	6,000	6,600	7,200	7,800	8,400	9,000	9,600	10,200	10,800	11,400	12,000
U1-Com	400	800	1,200	1,600	2,000	2,400	2,800	3,200	3,600	4,000	4,400	4,800	5,200	5,600	6,000	6,400	6,800	7,200	7,600	8,000
U1-Asst. com.	345	690	1,035	1,380	1,725	2,070	2,415	2,760	3,105	3,450	3,795	4,140	4,485	4,830	5,175	5,520	5,865	6,210	6,555	6,900
U2	305	610	915	1,220	1,525	1,830	2,135	2,440	2,745	3,050	3,355	3,660	3,965	4,270	4,575	4,880	5,185	5,490	5,795	6,100
U3	290	580	870	1,160	1,450	1,740	2,030	2,320	2,610	2,900	3,190	3,480	3,770	4,060	4,350	4,640	4,930	5,220	5,510	5,800
U4	280	560	840	1,120	1,400	1,680	1,960	2,240	2,520	2,800	3,080	3,360	3,640	3,920	4,200	4,480	4,760	5,040	5,320	5,600
U5a	275	550	825	1,100	1,375	1,650	1,925	2,200	2,475	2,750	3,025	3,300	3,575	3,850	4,125	4,400	4,675	4,950	5,225	5,500
U5b	265	530	795	1,060	1,325	1,590	1,855	2,120	2,385	2,650	2,915	3,180	3,445	3,710	3,975	4,240	4,505	4,770	5,035	5,300
U5c	180	360	540	720	900	1,080	1,260	1,440	1,620	1,800	1,980	2,160	2,340	2,520	2,700	2,880	3,060	3,240	3,420	3,600
U6	165	330	495	660	825	990	1,155	1,320	1,485	1,650	1,815	1,980	2,145	2,310	2,475	2,640	2,805	2,970	3,135	3,300
U7	150	300	450	600	750	900	1,050	1,200	1,350	1,500	1,650	1,800	1,950	2,100	2,250	2,400	2,550	2,700	2,850	3,000
U8	110	220	330	440	550	660	770	880	990	1,100	1,210	1,320	1,430	1,540	1,650	1,760	1,870	1,980	2,090	2,200



## **Second Schedule (Section 21)**

### **Application of the Act and regulations to certain officers of the Government**

#### **Part I – General provisions**

##### **1. Application of Schedule**

This Schedule shall apply to officers in the service of the Government who were in the public service prior to the 9th August, 1948, and such other officers as may be specified in Parts II to VI inclusive of this Schedule.

##### **2. Interpretation**

In this Schedule and in the application of the Act and of the Regulations to any officer to whom this Schedule applies—

- (a) “East African territories” means the East Africa High Commission, Kenya, Tanganyika, Uganda, Zanzibar, Nyasaland, Somaliland, Northern Rhodesia and the High Commissioner for Transport in Kenya and Uganda, in respect of service prior to the 1st May, 1948;
- (b) “East African service” means service in a civil capacity under one or more of the East African territories;
- (c) “elected” includes cases where an officer under the provisions of Government Secretariat Circular Nos. 29 of 1st September, 1948, and 53 of 21st December, 1948, is deemed to have elected;
- (d) “new terms of service” means the new terms of service contained in Government Secretariat Circular Nos. 29 of 1st September, 1948, and 53 of 21st December, 1948, and any amendments or additions to them;
- (e) “Regulations” means the Pensions Regulations contained in the First Schedule to the Act.

#### **Part II – Officers transferred other than from East African service**

##### **3. Application of Part II of the Schedule**

The provisions of this Part of this Schedule shall apply only in the case of an officer who—

- (a) was transferred to the service of the Government other than from East African service before the 9th August, 1948, and who has elected for the new terms of service;
- (b) is transferred to the service of the Government other than from East African service on or after the 9th August, 1948.

##### **4. Officers transferred on or after 9th August, 1948, or who are transferred prior to that date and who elect for new terms**

An officer to whom this Part of this Schedule applies shall be subject to the provisions of the Act and of the Regulations, except that in the application of those provisions to any such officer—

- (a) if he or she was appointed to the public service prior to the 1st January, 1930, and his or her public service has been wholly under one or more of the scheduled Governments, and immediately prior to his or her appointment to the service of the Government he or she was eligible to have his or her pension calculated in accordance with a provision corresponding to that set out in this subparagraph, regulation 13 of the Regulations shall have effect as if a third paragraph were added at the end of subregulation (3) as follows—

“(c) where it would be to the advantage of the officer, his or her pension in respect of his or her service under the Government may be calculated as if any scheduled Government in which he or she has served were not a scheduled Government.”;

- (b) if under the provisions of any of the enactments specified in paragraph 1 of the Third Schedule to the Act he or she was eligible on retirement, in circumstances in which he or she might be granted a pension or gratuity, to have such pension or gratuity in respect of an earlier period of service under the Government (not being a period of service immediately preceding the 1st January, 1946) calculated at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service, regulation 13 of the Regulations shall have effect as if there were inserted at the end of subregulation (2) the following paragraph—

“(e) in the application of regulation 4 of these Regulations his or her pension shall be computed separately—

(i) in respect of pensionable service prior to the date on which he or she ceased to be eligible to have his or her pension or gratuity calculated at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service at the aforementioned rate; and

(ii) in respect of pensionable service on and after that date at the annual rate of one six-hundredth of his or her pensionable emoluments for each complete month of pensionable service, and in either computation the other period of service shall be treated for the purposes of this Part of these Regulations as though it had been service under a scheduled Government.”;

- (c) if under the provisions of the enactments specified in paragraph 1 of the Third Schedule to the Act the pensionable emoluments of the officer included house allowance calculated at 15 percent of his or her salary without any maximum and the officer, not having been transferred to or from the service of the Government since the 31st December, 1945, retires from an office the initial or fixed salary of which between the 1st January, 1946, and the 31st December, 1953, was 1,335 pounds per year or more, or on and after the 1st January, 1954, is 1,740 pounds per year or more, or, as from the 1st April, 1960, is 1,839 pounds per year or more, then, for the purpose of ascertaining his or her pensionable emoluments for any calculations made in accordance with subparagraph (a) of this paragraph, in respect of the period prior to the 1st January, 1946, his or her salary during any period in which he or she was serving in such an office shall be deemed to be the amount resulting from the reduction by 10 percent, subject to a maximum reduction of 150 pounds, of his or her actual salary and the addition to that figure of 15 percent of that reduced figure;
- (d) if the officer prior to the 9th August, 1948, was under the provisions of the enactments specified in paragraph 1 of the Third Schedule to the Act eligible, on retirement in circumstances in which he or she might be granted a pension or gratuity, to have such a pension or gratuity calculated in respect of his or her public service immediately prior to the 1st January, 1946 (and for the purpose of this paragraph the provisions of regulation 1 of the Third Schedule of the European Officers' Pensions Ordinance as amended by the European Officers' Pensions (Amendment) (No. 3) Regulations, 1946, shall have effect as if for the words “service subsequent to that date and not otherwise” there were substituted the words “service subsequent to the 1st January, 1946, and not otherwise”), at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service, regulation 13 of the Regulations shall have effect as if there were inserted at the end of subregulation (2) the following paragraph—

“(e) in the application of regulation 4 of these Regulations—

(i) his or her pension shall be calculated separately in respect of pensionable service prior to the 1st January, 1946, and in respect of pensionable service on or after that date; and where as a result of the separate calculation he or she would otherwise suffer a loss of one month’s pensionable service, then one month’s pensionable service shall be added to the period with the greatest number of residual days or, if the residual days are equal, to the period prior to the 1st January, 1946; and

(ii) in respect of the period prior to the 1st January, 1946, his or her pension shall be calculated at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service and in respect of the period on or after the 1st January, 1946, his or her pension shall be calculated in accordance with regulation 4 of these Regulations;

(iii) the sum arrived at by adding together the amount of the separate calculations shall be the pension for which he or she would have been so eligible.”;

- (e) if the officer under the provisions of the enactments specified in paragraphs 9 to 12 of the Third Schedule to the Act was entitled to elect, and does elect, to have his or her pension calculated in accordance with the provisions of the enactments specified in paragraph 13 of the Third Schedule to the Act, then if the pensionable emoluments of the officer included house allowance calculated at 15 percent of his or her salary without any maximum and the officer not having been transferred from the service of the Government retires from an office the initial or fixed salary of which between the 1st January, 1946, and the 31st December, 1953, was 801 pounds per year or more, or on and after the 1st January, 1954, is 1,740 pounds per year or more, or, as from the 1st April 1960, is 1,839 pounds per year or more then, for the purpose of ascertaining his or her pensionable emolument for any calculation made in accordance with this subparagraph in respect of the period prior to the 1st January, 1946, his or her salary during the period in which he or she was serving in such office shall be deemed to be the amount resulting from the reduction by 10 percent, subject to a maximum reduction of 72 pounds, of his or her actual salary and the addition to that reduced figure of 15 percent of that reduced figure.

### **Part III – Officers appointed to the public service before the 9th August, 1948**

#### **5. Application of Part III of the Schedule**

This Part of this Schedule shall apply only to officers who were in the public service prior to the 9th August, 1948, and—

- (a) the whole of whose service has been under the Government and who have elected for the new terms of service;
- (b) who have been transferred to the service of the Government from East African service prior to the 9th August, 1948, and who have elected for the new terms of service;
- (c) who have been transferred to the service of the Government from East African service on or after the 9th August, 1948.

#### **6. Officers with whole service in Government or transferred from East African service**

An officer to whom this Part of this Schedule applies and who prior to the 9th August, 1948, was subject to any of the enactments specified in paragraphs 1 to 12 of the Third Schedule to the Act shall be subject to

the provisions of the Act and of the Regulations except that in the application of those provisions to any such officer—

- (a) if the officer under the provisions of any such enactment was eligible on retirement in circumstances in which he or she might be granted a pension or gratuity to have the pension or gratuity calculated in respect of his or her public service immediately prior to the 1st January, 1946, (and for the purpose of this paragraph the provisions of regulation 1 of the Third Schedule of the European Officers' Pensions Ordinance as amended by the European Officers' Pensions (Amendment) (No. 3) Regulations, 1946, shall have effect as if for the words "service subsequent to that date and not otherwise" there were substituted the words "service subsequent to the 1st January, 1946, and not otherwise"), at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service—
- (i) if he or she is an officer who has been transferred to the Government, regulation 13 of the Regulations shall have effect as if there were inserted at the end of subregulation (2) the following paragraph—

"(e) in the application of regulation 4 of these Regulations—

(i) his or her pension shall be calculated separately in respect of pensionable service prior to the 1st January, 1946, and in respect of pensionable service on or after that date; and where as a result of the separate calculation he or she would otherwise suffer a loss of one month's pensionable service, then one month's pensionable service shall be added to the period with the greatest number of residual days or, if the residual days are equal, to the period prior to the 1st January, 1946; and

(ii) in respect of the period prior to the 1st January, 1946, his or her pension shall be calculated at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service and in respect of the period on or after the 1st January, 1946, his or her pension shall be calculated in accordance with regulation 4 of these Regulations;

(iii) the sum arrived at by adding together the amount of such separate calculations shall be the pension for which he or she would have been so eligible.";

- (ii) if he or she is an officer the whole of whose service has been under the Government, then in application of regulation 4 of the Regulations his or her pension shall be calculated in the manner provided in regulation 13(2)(e) of the Regulations (inserted therein by subparagraph (a)(i) of this paragraph);
- (b) if the officer has been transferred to the service of the Government, and under the enactments specified in paragraph 1 of the Third Schedule to the Act was eligible on retirement in circumstances in which he or she might be granted a pension or gratuity to have such pension or gratuity in respect of an earlier period of service under the Government (such period not being in respect of his or her service immediately prior to the 1st January, 1946) calculated at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service, then regulation 13 of the Regulations shall have effect as if there were inserted at the end of subregulation (2) the following paragraph—

“(e) in the application of regulation 4 of these Regulations, his or her pension shall be calculated separately—

(i) in respect of pensionable service prior to the date on which he or she ceased to be eligible to have his or her pension or gratuity calculated at the annual rate of one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month of pensionable service at the aforementioned rate; and

(ii) in respect of pensionable service on and after that date at the annual rate of one six-hundredth of his or her pensionable emoluments for each complete month of pensionable service, and in either computation the other period of service shall be treated for the purposes of this Part of these Regulations as though it had been service under a scheduled Government.”;

- (c) if under the provisions of the enactments specified in paragraph 1 of the Third Schedule to the Act, the pensionable emoluments of the officer included house allowance calculated at 15 percent of his or her salary without any maximum and the officer, not having been transferred to or from the service of the Government since the 31st December, 1945, retires from an office, the initial or fixed salary of which between the 1st January, 1946, and the 31st December, 1953, was 1,335 pounds per year or more, or on and after the 1st January, 1954, is 1,740 pounds per year or more, or as from the 1st April, 1960, is 1,839 pounds per year then, for the purpose of ascertaining his or her pensionable emoluments for any calculations made in accordance with subparagraph (a) of this paragraph, in respect of the period prior to the 1st January, 1946, his or her salary during any period in which he or she was serving in such an office shall be deemed to be the amount resulting from the reduction by 10 percent, subject to a maximum reduction of 150 pounds, of his or her actual salary and the addition to that figure of 15 percent of that reduced figure;
- (d) if the officer under any of the enactments specified in paragraphs 1 to 8 of the Third Schedule to the Act was entitled to retire after completion of twenty years of East African pensionable service or on or after attaining the age of fifty years, then—
  - (i) section 10(1)(a) of the Act shall have effect as if there were inserted at the beginning of it the words “on completion of twenty years of East African pensionable service or”;
  - (ii) section 12(2)(a) of the Act shall have effect as if there were inserted at the beginning of it the words “on completion of twenty years of East African pensionable service or”;
- (e) if the officer under the provisions of any of the enactments specified in paragraphs 9 to 12 of the Third Schedule to the Act was entitled to retire after completing thirty years of East African pensionable service, or on or after attaining the age of fifty years, then—
  - (i) section 10(1)(a) of the Act shall have effect as if there were inserted at the beginning of it the words “on completion of thirty years of East African pensionable service or”;
  - (ii) section 12(2)(a) of the Act shall have effect as if there were inserted at the beginning of it the words “on completion of thirty years of East African pensionable service or”;
- (f) if the officer was appointed to the public service prior to the 1st January, 1930, and his or her public service has been wholly under one or more of the scheduled Governments and immediately prior to his or her appointment to the service of the Government he or she was eligible to have his or her pension calculated in accordance with a provision corresponding to that set out in this subparagraph, regulation 13 of the Regulations shall have effect as if a third paragraph were added to the end of subregulation (3) as follows—

“(c) where it would be to the advantage of the officer, his or her pension in respect of his or her service under the Government may be calculated as if any scheduled Government in which he or she has served were not a scheduled Government.”;

- (g) if the officer under the provisions of the enactments specified in paragraphs 1 to 8 of the Third Schedule to the Act was entitled to elect, and does elect, to have his or her pension computed in accordance with the provisions of the enactments specified in paragraph 13 of the Third Schedule, then—
- (i) regulation 13(3) of the Regulations shall have effect as if the words “subsequent to the attainment of the age of eighteen years or, where it would be to his or her advantage, twenty years” were deleted;
  - (ii) regulations 27(a) and 30 of the Regulations and subparagraph (f) of this paragraph shall not have effect;
  - (iii) subparagraph (a) of this paragraph shall have effect as if for the words “one four-hundred-and-eightieth of his or her pensionable emoluments for each complete month” wherever they appear there were substituted the words “one-fortieth of his or her pensionable emoluments for each complete year” and as if the words “and where as a result of the separate calculation he or she would otherwise suffer a loss of one month’s pensionable service, then one month’s pensionable service shall be added to the period with the greatest number of residual days or, if the residual days are equal, to the period prior to the 1st January, 1946” were deleted;
- (h) if the officer under the provisions of the enactments specified in paragraphs 9 to 12 of the Third Schedule to the Act was entitled to elect, and does elect, to have his or her pension calculated in accordance with the provisions of the enactments specified in paragraph 13 of the Third Schedule, then—
- (i) regulation 13(3) of the Regulations shall have effect as if the words “subsequent to the attainment of the age of eighteen years or, where it would be to his or her advantage, twenty years” were deleted;
  - (ii) regulations 27(a) and 30 of the Regulations shall not have effect;
  - (iii) if he or she is an officer who has been transferred to the Government from East African service, regulation 13 of the Regulations shall have effect as if there were inserted at the end of subregulation (2) the following paragraph—

“(e) in the application of regulation 4 of these Regulations his or her pension shall be calculated as if for the words ‘one five-hundredth of his or her pensionable emoluments for each complete month of his or her pensionable service’ in that regulation there were substituted the words ‘one-fiftieth of his or her pensionable emoluments for each complete year of his or her pensionable service’.”;

- (iv) if he or she is an officer the whole of whose service has been under the Government, in the application of regulation 4 of the Regulations, his or her pension shall be calculated in the manner provided in regulation 13(2)(e) of the Regulations (as inserted by this subparagraph);
- (v) if the pensionable emoluments of the officer included house allowance calculated at 15 percent of his or her salary without any maximum and the officer not having been transferred from the service of the Government retires from an office the initial or fixed

salary of which between the 1st January, 1946, and the 31st December, 1953, was 801 pounds per year or more, or as from the 1st January, 1954, is 1,740 pounds per year or more, or as from the 1st April, 1960, is 1,839 pounds per year or more then, for the purpose of ascertaining his or her pensionable emoluments for any calculation made in accordance with this subparagraph in respect of the period prior to the 1st January, 1946, his or her salary during the period in which he or she was serving in such office shall be deemed to be the amount resulting from the reduction by 10 percent, subject to a maximum reduction of 72 pounds, of his or her actual salary and the addition to that reduced figure of 15 percent of that reduced figure.

## **Part IV – Officers who were pensionable under the permanent African Civil Servants Regulations, 1929**

### **7. Application of Part IV of the Schedule**

An officer to whom this Part of this Schedule applies and who on and prior to the 9th August, 1948, was subject to the African Civil Servants Regulations, 1929, shall be subject to the provisions of the Act and of the Regulations except that in the application of these provisions to any such officer—

- (a) section 10(1)(a) of the Act shall have effect as if there were inserted in it, immediately before subparagraph (i), the words “on completion of thirty years’ pensionable service or”; and section 12(2)(a) of the Act shall have effect as if those same words were inserted at the beginning of paragraph (a);
- (b) section 19 of the Act shall be read as if there were added after subsection (6) the following subsection—

“(7) When an officer in the Government service transfers from the African Civil Service to the Local Civil Service, the Uganda Civil Service or to the service of an African local government or of the government of a Federal State or the administration of a district and dies subsequently while in such service, the pensions authority may grant to his or her legal personal representative or, at the discretion of the pensions authority, to the person appearing to the pensions authority to be entitled ultimately by law to receive it, an amount equal to the fraction of one year’s pensionable emoluments at the date of transfer which was equal to the length of the officer’s service prior to transfer divided by the combined length of his or her service in the African Civil Service, the Local Civil Service, the Uganda Civil Service, an African local government and of the government of a Federal State or the administration of a district.”.

### **8. Officers to whom this Part of the Schedule applies who contribute to the Government Employees Provident Fund Act**

An officer to whom this Part of this Schedule applies and who becomes a contributor under the Government Employees Provident Fund Act, and who has not elected under section 15(4) of that Act to have his or her service counted as pensionable, shall be subject to the Act and Regulations except that the period during which he or she did not so elect shall be regarded as qualifying service and not as pensionable service.



## **Part V – Officers transferred from the service of Uganda to other East African service prior to the 1st January, 1946**

### **9. Application of Part V of the Schedule**

This Part of this Schedule shall apply to officers transferred from the service of the Government to an East African territory prior to the 1st January, 1946, who have elected in the East African territory in which they were serving on the 1st January, 1946, to be subject to new terms of service which the pensions authority may declare for the purposes of this paragraph to be similar to the new terms of service contained in Government Secretariat Circular No. 29 of the 1st September, 1948, and who, without being transferred back to the service of the Government, or outside the East African territories prior to the 1st January, 1946, retire from other public service in circumstances in which they are eligible for pension or gratuity under the Regulations.

### **10. Certain officers deemed to have elected new terms of service**

An officer to whom this Part of this Schedule applies shall be deemed to be an officer who was transferred to the service of the Government from East African service prior to the 9th August, 1948, who has elected for the new terms of service.

## **Part VI – Officers transferred from the service of Uganda to public service outside the East African territories prior to the 1st January, 1946**

### **11. Application of Part VI of the Schedule**

This Part of this Schedule shall apply only—

- (a) to officers who were transferred from the service of the Government to public service outside the East African territories prior to the 1st January, 1946, and who have not subsequently been transferred back to the service of the Government; and
- (b) to officers who were transferred from the service of the Government to the service of another East African territory and were subsequently transferred from the East African territory to service outside the East African territories prior to the 1st January, 1946, and who have not subsequently been transferred back to the service of the Government.

### **12. Applicability of the Third Schedule of the Act to those to whom Part VI applies**

An officer to whom this Part of this Schedule applies shall continue to remain subject to the enactments specified in the Third Schedule to the Act which applied to him or her immediately prior to his or her last transfer from the service of the Government so, however, that in the application of those enactments the provisions of regulation 15(1) of the enactment specified in paragraph 1 of the Third Schedule shall have effect as if for the words “a gratuity equal to ten times the amount of the reduction so made in the pension” there were substituted the words “a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension”.

## **Part VII – Officers who have elected not to be subject to the new terms of service**

### **13. Application of Part VII of the Schedule**

This Part of this Schedule shall apply only in the case of officers who have elected not to be subject to the new terms of service.



#### 14. Applicability of the Third Schedule of the Act to those to whom Part VII applies

An officer to whom this Part of this Schedule applies shall continue to remain subject to the enactments specified in the Third Schedule to the Act which applied to him or her prior to his or her election not to be subject to the new terms of service; except that an officer who is transferred on and after the 9th August, 1948, to any other office, whether in the service of the Government or other public service, shall cease to be subject to the provisions of the Act and Regulations and shall thereupon in respect of the whole of his or her service under the Government be deemed to be an officer who elected for the new terms of service.

### Third Schedule (para. 4(c) of Second Schedule)

#### Enactments relating to retiring benefits of officers transferred from East African service

1. The European Officers' Pensions Ordinance, 1935 Revision, [Cap. 66](#), of Uganda, and all amendments to it and all regulations made under it.
2. The European Officers' Pensions Ordinance, 1927, of Kenya, and all amendments to it and all regulations made under it.
3. The European Officers' Pensions Ordinance, 1947 Revision, [Cap. 47](#), of Tanganyika, and all amendments to it and all regulations made under it.
4. The European Officers' Pensions Ordinance, 1964 Revision, [Cap. 59](#), of Northern Rhodesia, and all amendments to it and all regulations made under it.
5. The European Officers' Pensions Ordinance, 1945, of Nyasaland, and all amendments to it and all regulations made under it.
6. The European Officers' Pension Decree, 1936 Revision, [Cap. 54](#), of Zanzibar, and all amendments to it and all regulations made under it.
7. The European Officers' Pensions Ordinance, 1950 Revision, [Cap. 43](#), of the Somaliland Protectorate, and all amendments to it.
8. The Kenya and Uganda Railways and Harbours European Officers' Pensions Regulations, 1932, and all amendments to it.
9. The Asiatic Officers' Pensions Ordinance, 1935 Revision, [Cap. 8](#), of Uganda, and all amendments to it and all regulations made under it.
10. The Non-European Officers' Pensions Ordinance, 1932, of Kenya, and all amendments to it and all regulations made under it.
11. The Junior Officers' Pensions Ordinance, 1949, of Tanganyika, and all amendments to it and all regulations made under it.
12. The Non-European Officers' Pensions Decree, 1945 (No. 10 of 1945), of Zanzibar, and all amendments to it and all regulations made under it.
13. The Superannuation Acts of the United Kingdom.

**Fourth Schedule (Section 24)****Powers not to be delegated.**

<u>Section 1(1)</u>	Determination of public service for the purposes of the Act.
<u>Section 11</u>	Grant of pension on removal from service in the public interest.
<u>Section 15</u>	Grant of pension on dismissal.
<u>Section 19</u>	Gratuity where officer dies.
<u>Section 20</u>	Grant of pensions to dependents of officers dying from injuries, etc.
<u>Section 23</u>	Determination of questions arising under the Act.