



CHAPTER 292.

RETIREMENT BENEFITS FOR PUBLIC OFFICERS.

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CHAPTER 292.

RETIREMENT BENEFITS FOR PUBLIC OFFICERS.

An Ordinance to Provide for the Earlier Retirement of certain Public Officers and for the Grant of Pensions to such Officers on their Retirement. 42 of 1959.

[31ST DECEMBER, 1959.]

1. This Ordinance may be cited as the Retirement Benefits Short title. for Public Officers Ordinance.

2. The provisions contained in the Schedule to this Ordinance shall have effect in relation to the public service of Sierra Leone.

Provisions of Schedule to have effect in relation to public service of Sierra Leone.

3. (1) Subject to the provisions of this Ordinance, any pensions law enacted in Sierra Leone that applied immediately before the commencement of this Ordinance in relation to any person in respect of his service in the public service of Sierra Leone or in relation to the dependants of any such person in respect of any such service shall continue to apply in relation to that person or to those dependants as the case may be.

Application of pensions laws.

(2) Subject to the provisions of this Ordinance, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service of Sierra Leone after the commencement of this Ordinance or to the dependants of any such person shall be governed by the law in force on the

date on which that person is first appointed to a pensionable office in that public service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be, and is applicable in his or their case.

(3) Where any person is entitled to exercise an option whether one of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable than the other laws.

(4) In this section—

“pensions law” means a law that governs the grant of pensions, gratuities and other like benefits;

“dependants” in relation to any person means the widow, children, dependants and personal representatives of that person.

Sec. 2.

SCHEDULE.

Interpreta-
tion. 1. (1) In this Schedule, unless the context otherwise requires—

“appropriate law” in relation to an officer in the public service of Sierra Leone means the law that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the public service of Sierra Leone;

“existing overseas officer” means an overseas officer in the public service of Sierra Leone—

(a) who was before the date of commencement of this Ordinance appointed or selected for appointment as the substantive holder of an office in the public service of Sierra Leone, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment,

and includes any other person who is declared by a Secretary of State, with the concurrence of the Governor, to be an existing overseas officer;

“future overseas officer” means an overseas officer in the public service of Sierra Leone—

(a) who was after the date of commencement of this Ordinance, selected for appointment and appointed as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment;

“overseas officer” means an officer in the public service of Sierra Leone who is, either individually or as a member of a class, declared by the Governor, acting in his discretion, to be an overseas officer;

“pensionable emoluments” in relation to an officer in the public service of Sierra Leone means emoluments that may be taken into account for the purpose of computing the pension of that officer under the appropriate law;

“pensionable service” in relation to an officer in the public service of Sierra Leone means the aggregate amount of service that may be taken into account for the purpose of computing the pension of that officer under the appropriate law;

“substantive holder” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

(2) Where a person has been *gazetted* as the substantive holder of any office with effect from a date earlier than the date of the *Gazette*, he shall for the purposes of this Schedule be deemed to have become the substantive holder of that office on that earlier date.

(3) Where an officer in the public service of the United Kingdom was on any date appointed or selected for appointment as the holder of an office in the public service of Sierra Leone and for any period thereafter was entitled to revert to the public service of the United Kingdom he shall not for the purposes of this Schedule be regarded as having been appointed to be the substantive holder of an office in the public service of Sierra Leone or as having been selected for appointment as such, as the case may be, on that date, but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceased to be entitled so to revert if on that date he was the holder of an office in the public service of Sierra Leone.

(4) A person who was before the commencement of this Ordinance declared by the Government to be an expatriate officer shall for the purposes of this Schedule be deemed to be an overseas officer.

(5) Where under the appropriate law an officer in the public service of Sierra Leone may be granted two or more pensions references in this Schedule to the pension that may under the appropriate law be granted to that officer shall include references to both or all of these pensions.

(6) Any question concerning the interpretation of this Schedule may be referred to and determined by a Secretary of State, whose decision thereon shall be final.

2. (1) Subject to the provisions of sub-paragraph (4) of this paragraph, an existing overseas officer in the public service of Sierra Leone may, after giving four months' notice in writing to the Governor or such shorter notice as the Governor, acting in his discretion, may allow, retire at any time.

Existing and certain future overseas officers may retire at any time.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, a future overseas officer in the public service of Sierra Leone may, after giving six months' notice to the Governor or such shorter notice as the Governor, acting in his discretion, may allow, retire at any time if he has completed ten years' service, being service that may be taken into account in determining whether he is eligible for the grant of a pension or gratuity under the appropriate law, of which the three years immediately before his retirement were served in the public service of Sierra Leone:

Provided that nothing in this sub-paragraph shall prevent an officer from retiring without having served the three years immediately before his

retirement in the manner specified as aforesaid if he is entitled to do so under the appropriate law.

(3) An officer who has given notice of his intention to retire under this paragraph on any date may, with the permission of the Governor, acting in his discretion, withdraw the notice at any time before that date.

(4) No officer in the public service of Sierra Leone shall retire under this paragraph without the permission of the Governor, acting in his discretion:

Provided that the Governor shall not withhold his permission unless proceedings for the officer's dismissal are being taken or about to be taken.

Pensions, etc.
for existing
and future
overseas
officers.

3. (1) If an existing overseas officer in the public service of Sierra Leone retires under paragraph 2 of this Schedule he may be granted at his option either—

(a) such pension as may under the appropriate law be granted to him; or

(b) a reduced pension equal to three-quarters of that pension together with a gratuity equal to one-quarter of the annual amount of that pension multiplied by twelve and one-half; or

(c) a gratuity of one-quarter of the aggregate amount of his pensionable emoluments during his service in Sierra Leone.

(2) If a future overseas officer in the public service of Sierra Leone retires under paragraph 2 of this Schedule he may be granted such pension, gratuity or other benefit as may under the appropriate law be granted to him.

(3) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and

(b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(4) References in this paragraph to the pension that may under the appropriate law be granted to an officer include, in the case of an officer who retires on account of injury or ill-health, references to any additional pension that may be granted under the appropriate law to that officer in respect of retirement on the ground of injury or ill-health.

Exercise of
options.

4. Any option exercisable by an officer in the public service of Sierra Leone for the purposes of this Schedule—

(a) shall be exercisable on or before the date of the officer's retirement:

Provided that the Governor, acting in his discretion, may if he thinks fit, and subject or not to conditions, extend the period for the exercise of the option;

(b) shall be irrevocable after the end of the period within which it must be exercised;

(c) shall be exercised by notice in writing to the Governor; and

(d) shall be deemed to have been exercised on the date on which such notice is received.

5. Where an officer in the public service of Sierra Leone retires under paragraph 2 of this Schedule, the provisions of the appropriate law shall subject to the provisions of this Ordinance apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity and to any pension or gratuity granted, under the appropriate law.

Application of appropriate law.

6. Any gratuity granted under paragraph 3 of this Schedule shall be exempt from tax under any law relating to the taxation of incomes or imposing any other form of taxation.

Exemption from tax.

7. (1) If an officer in the public service of Sierra Leone who is not an overseas officer can show to the satisfaction of the appropriate authority that his career in the public service has been prejudiced by the provisions of the Sierra Leone (Constitution) Order in Council, 1958, as amended, or that, because of those provisions, he has reasonable grounds for anxiety about his career in the public service, the foregoing provisions of this Schedule (other than sub-paragraph (2) of paragraph 2 and sub-paragraph (2) of paragraph 3) shall apply in relation to him as they apply in relation to an overseas officer.

Application of Schedule to officers who are not overseas officers.
P.N. No. 68 of 1958.

(2) In this paragraph "the appropriate authority" in relation to an officer in the public service of Sierra Leone means—

(a) in the case of an officer who was selected for appointment to the public service by a Secretary of State or whose appointment to an office in the public service was approved by a Secretary of State, a Secretary of State;

(b) in the case of any other officer in the public service of Sierra Leone, the Governor, acting in his discretion.