

**CAP. 30**  
**PENSIONS ACT, 1950**

ARRANGEMENT OF SECTIONS

- |          |   |
|----------|---|
| 1.       | Pensions Regulations.   |
| 2.       | Applicable law.   |
| 3.       | Pension charged on the Consolidated Fund.   |
| 4.       | Pensions not of right.  |
| 5.       | Circumstances for the grant of pension.   |
| 6.       | Retirement for inefficiency.  |
| 7.       | Compulsory retirement.  |
| 8.       | Maximum pension.  |
| 9.       | Suspension of pension on re-employment.   |
| 10.      | Pensions, not assignable.   |
| 11.      | Pensions cease on bankruptcy.   |
| 12.      | Pensions, re-sentence to imprisonment.  |
| 13.      | Pensions ceasing on accepting certain appointments.   |
| 14.      | Gratuity where an officer dies in the Service.  |
| 15.      | Pensions to dependants.   |
| 16.      | Application of Act.   |
| 16A.     | Special provisions relating to Judges.  |
| 17.      | Palestine service.  |
| 18.      | Pensions (Old Conditions of Service) (Extension of Rights)  |
| 19.      | Interpretation.   |
| Schedule | Regulations for the granting of Pensions, Gratuities and other Allowances to Officers in the Public Service |

---

**CAP. 30**  
**PENSIONS ACT, 1950(1)**

**AN ACT to prescribe the pensions, gratuities and allowances payable to officers in the Public Services and to provide for related matters.2(2)**

**1. Pensions Regulations**

(1) Pensions, gratuities and allowances may be granted by the President in accordance with the Regulations contained in the Schedule to officers who have been in the applicable public service.

(2) Regulations made under this section shall have the same force and effect as if they were contained in the Schedule.

(3) Where the President is satisfied that it is equitable that a regulation made under this section should have retrospective effect in or confer a benefit on or remove a disability attaching to a person, that regulation may be given retrospective effect for that purpose.<sup>3(3)</sup>

## **2. Applicable law**

Subject to this Act and the Regulations, a pension or gratuity granted under this Act shall be computed in accordance with the law or Regulations in force on the date of the public officer's retirement.

## **3. Pension charged on the Consolidated Fund**

The sums of money as may from time to time be granted by way of pension, gratuity or any other allowance in pursuance of this Act are hereby charged on the Consolidated Fund.

## **4. Pensions not of right**

(1) An officer does not have an absolute right to compensation for past services or to pension, gratuity, or any other allowance; and this Act does not affect the right of the President to dismiss an officer at any time and without compensation.

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

## **5. Circumstances for the grant of pension**

(1) A pension, gratuity or any other allowance shall not be granted under this Act to an officer except on retirement from the public service in one of the following cases:

- (a) on or after attaining the age of forty-five years, subject, unless the officer has attained the age of fifty years, to six months' notice in writing of the desire to retire having been given by the officer to the relevant appointing authority;
- (b) on compulsory retirement under section 7;
- (c) in the case of transfer to other public service, on or after attaining the age at which the officer is permitted by the law or regulations of the service in which the officer is last employed to retire on pension or gratuity;
- (d) on the abolition of office;
- (e) on compulsory retirement for the purpose of facilitating improvements in the organisation of the department to which the officer belongs, by which greater efficiency or economy may be effected;<sup>4(4)</sup>
- (f) on medical evidence to the satisfaction of the relevant appointing authority that the officer is incapable by reason of an infirmity of mind or body of performing the functions of office and that the infirmity is likely to be permanent;
- (g) in the case of removal on the ground of inefficiency as provided in this Act;
- (h) on retirement in order to become a chief if the President is satisfied that the retirement is desirable on grounds of public policy;<sup>5(5)</sup>
- (i) on retirement in circumstances, not mentioned in this subsection, rendering the officer

eligible for a pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947, or any Act amending or replacing those Acts.

(2) A gratuity may be granted to a female officer, in accordance with this Act, where the female retires for the reason that she is about to marry, or at any time during a marriage contributed while she is in the public service<sup>6(6)</sup> although she is not otherwise eligible under this section for the grant of a pension, gratuity or any other allowance.

(3) *Spent.*<sup>7(7)</sup>

## **6. Retirement for inefficiency**

Where an officer is removed from office on the ground of inability to perform efficiently the functions of office, and a pension, gratuity or any other allowance cannot otherwise be granted under this Act, the President may, considering the circumstances of the case, grant a pension, gratuity or any other allowance as the President considers just and proper not exceeding in amount that for which the officer would be eligible if the officer retired from the public service in any of the circumstances described in paragraph (f) of subsection (1) of section 6.

## **7. Compulsory retirement**

In accordance with article 199 of the Constitution and except as otherwise provided in the Constitution, a public officer shall retire from public service on attaining the age of sixty years.

(2) A public officer may under clause (2) of article 199 of the Constitution, retire from the public service of anytime after attaining the age of forty-five years.

## **8. Maximum pension**

A pension granted to an officer under this Act shall not exceed the final pensionable emoluments drawn by him at the time of his retirement.<sup>8(8)</sup>

## **9. Suspension of pension on re-employment**

(1) Where an officer to whom a pension has been granted under this Act is appointed to another office in the public service, the payment of this pension may, with the officer's consent and if the President thinks fit, be suspended during the period of the re-employment.

(2) *Spent.*<sup>9(9)</sup>

## **10. Pensions, not assignable**

A pension, gratuity or any other allowance granted under this Act is not assignable or transferable except for the purpose of satisfying,

(a) a debt due to the Government, or

(b) an order of 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 is not liable to be attached, sequestered or levied on for or in respect of a debt or claim except a debt due to the Government.

## **11. Pensions cease on bankruptcy**

(1) Where a person to whom a pension or any other allowance has been granted under this Act or under a previous law or regulation, is adjudicated bankrupt or is declared insolvent by judgement of a competent Court, that pension or allowance shall forthwith cease.

(2) Where a person is adjudicated bankrupt or declared insolvent,

- (a) after retirement in circumstances in which that person is eligible for pension or allowance under this Act, or under a previous law or regulation, but before the pension or allowance is granted, or
- (b) before the retirement, and that person has not obtained the discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case a pension or an allowance eventually granted shall cease as from the date of adjudication or declaration and, in the latter case, the pension or allowance may be granted, but shall cease forthwith and not become payable.

(3) Where a pension or an allowance ceases by reason of this section, the President may, from time to time during the remainder of that person's life, or during a shorter period or periods, either continuous or discontinuous, as the President considers fit, direct that all or a part of the moneys to which that person would have been entitled by way of pension or allowance, had that person not become bankrupt or insolvent, be paid to, or applied for the maintenance or benefit of,

- (a) that person and any wife,
- (b) the children of that person,
- (c) the father and mother if they are the only dependants on that person,

in the proportions and manner determined by the President.

(4) Moneys applied for the discharge of the debts of the person whose pension or allowance has so ceased shall, for the purposes of this section, be regarded as applied for the benefit of that person.

(5) When a person whose pension or allowance has so ceased obtains discharge from bankruptcy or insolvency, the President may direct that the pension or allowance shall be restored as from the date of the discharge or a later date, and the pension or allowance shall be restored accordingly.

## **12. Pensions, re-sentence to imprisonment**

(1) Where a person to whom a pension or any other allowance has been granted under this Act is sentenced to a term of imprisonment by a Court for an offence, the pension or allowance shall, where the President so directs, cease as from the date determined by the President.

(2) Where a person is sentenced after retirement in circumstances in which that person is eligible for a pension or allowance under the Act but before the pension or allowance is granted, subsection (1) shall apply as respects a pension or allowance which may be granted to that person.

(3) Where a pension or allowance ceases by reason of this section, the President may direct that all or a part of the moneys to which that person would have been entitled by way of pension or allowance had that person not been sentenced be paid, or applied, in the same manner in all respects as prescribed in section 11.

(4) Where that person after conviction at any time receives a free pardon, the pension or allowance

shall be restored with retrospective effect; but in determining whether arrears of pension or allowance are payable to that person and in computing the amount, account shall be taken of the moneys paid or applied under subsection (3).

### **13. Pensions ceasing on accepting certain appointments**

(1) Where that person to whom a pension or other allowance has been granted under this Act or under a previous law or regulation, otherwise than under section 15, becomes a director of a company the principal part of whose business is directly concerned with the Republic, or an officer or servant employed in the Republic by any such company, without the prior permission of the President in writing, the pension or allowance shall cease if the President so directs.

(2) The President may, on being satisfied that the person in respect of whose pension or allowance a direction has been given has ceased to be a director of the company or to be employed as an officer or servant of the company in the Republic, to give directions for the restoration of the pension or allowance, with retrospective effect, to a specified date, and the pension or allowance shall be restored in accordance with those directions.

### **14. Gratuity where an officer dies in the service**

(1) Where an officer holding a pensionable office, and who is not on probation or agreement, or an officer holding a non-pensionable office to which that officer has been transferred from a confirmed pensionable office dies while in the service of the Republic, the President may grant to the legal personal representative, or in a case where there is no legal personal representative to any person being a relative of that officer, a gratuity of an amount not exceeding the amount of the annual pensionable emoluments.

(2) Where the officer is not an expatriate officer, the President may grant a gratuity of an amount not exceeding the annual pensionable emoluments to a relative of the officer who has or have been nominated to receive these emoluments.

(3) The nomination shall be in writing, signed by the officer, and deposited with the head of department.

(4) Where more than one relative is nominated, the proportions in which the relatives shall share the gratuity shall be stated in the nomination paper.

(5) Where a nomination is not made, or of the person nominated or of one or more of the persons nominated predeceases the officer, the President may grant to the personal representative of the deceased officer the gratuity or a portion that may not have been paid to a person nominated on account of the death.

(5A) Despite the provisions of subsections (1), (2), (3), (4) and (5) where, if the officer had retired at the date of death a pension might have been granted to that officer under this Act, or might have been so granted but for the provisions of section 5, the amount of a gratuity under this section shall be an amount not exceeding,

- (a) the amount of the gratuity which would be payable under regulation 26 of the Pensions Regulations (which gives an officer to whom a pension is granted the option of converting part of the pension into a gratuity) assuming,
  - (i) that he had so retired after exercising that option, and
  - (ii) that a pension had been granted to that officer under this Act, or
- (b) the amount of the annual pensionable emoluments, whichever is the greater, and in

determining the amount of the pension under subparagraph (ii) of paragraph (a) of this subsection in the case of an officer whose public service was not wholly under the Government it shall be assumed that the whole of his public service was under the Government.10(10)

(6) For the purpose of this section, “**annual pensionable emoluments**” means the emoluments which would be taken for the purpose of computing a pension or gratuity granted to the officer if the officer had retired at the date of the death in the circumstances described in paragraph (f) of subsection (1) of section 5.

## 15. Pensions to dependants

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

- (a) in the actual performance of functions, and,
- (b) without default, on the part of the officer, and
- (c) on account of circumstances specifically attributable to the nature of infraction,

while in the public service, the President may grant, in addition to the grant, made under section 14,

- (d) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of the annual pensionable emoluments at the date of the injury or an amount determined by the President;
- (e) if the deceased officer leaves a widow to whom a pension is granted under paragraph (d) and a child, a pension in respect of each child, until the child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed, under paragraph (d);
- (f) if the deceased officer leaves a child, but does not leave a widow or a pension is not granted to the widow, a pension in respect of each child, until the child attains the age of twenty-one years, of double the amount prescribed by paragraph (e);
- (g) if the deceased officer leaves a child and a widow to whom a pension is granted under paragraph (d) and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until the child attains the age of twenty-one years, of double the amount prescribed in paragraph (e);
- (h) if the deceased officer does not leave a widow, or if a pension is not granted to the widow, and if the mother was wholly or mainly dependent on the officer 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 the widow.

(2) For the purposes of subsection (1),

- (a) pensions shall not be payable under that subsection at any time in respect of more than six children; and
- (b) in the case of a pension granted under paragraph (h), 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 President at any time that the mother is adequately provided with other means of support, the pension shall cease as from the date determined by the President;
- (c) a pension granted to a female child under subsection (1) shall cease on the marriage of that child under the age of twenty-one years;

(d) where a deceased officer, not being an expatriate officer, leaves more than one widow, or children born of more than one marriage, or any persons wholly or in part dependent on the officer for their support, or it is for any other reason impracticable to grant a pension or pensions in the manner prescribed in any of the provisions of subsection (1), the President may grant a pension or pensions, not exceeding in the aggregate the total value of the pensions which might be granted at any one time under those provisions, to the widows, children or dependants: but the amount of any one pension shall not exceed in the case of one or more adult persons or in the case of a child the pension which might have been granted to a widow or a child respectively under the those provisions.

(3) In the case of an officer not holding a pensionable office, the expression “**pensionable emoluments**” in subsection (1) means the emoluments enjoyed which would have been pensionable emoluments if the office held by the officer had been a pensionable office.

(4) For the purposes of this section, “**widow**” except where it occurs in paragraph (d) of subsection (2), means a sole widow.

(5) For the purposes of this section, “**child**” includes

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

(6) Where an officer proceeding by a route approved by the President to or from the Republic at the commencement or termination of public service, or of a period of leave, dies as the result of damage to the vessel, aircraft or vehicle in which the officer is travelling, or of an act of violence directed against the vessel, aircraft or vehicle, and the President is satisfied that the damage or act is attributable to circumstances arising out of war in which the Republic is engaged, the officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1).

(7) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1); and in that case, and if paragraph (b) of subsection (1) is also satisfied, the rates of pension prescribed in paragraphs (d) and (e) of subsection (2) shall be fifteen-sixtieths and one-sixth respectively.

(8) This section shall not apply to the death of an officer selected for appointment to the public service on or after the 1st day of July, 1942, if the “dependants”, as defined in the Workmen’s Compensation Act, 198711(11) are entitled to compensation.

[Cap. 94.]

## 16. Application of Act

Subject to the Constitution, the Act applies

- (a) to an officer first appointed or transferred under the new conditions of service to the public service on or after the 1st day of January, 1946;
- (b) to officers appointed to the public service on or after the 1st day of January, 1946, who have exercised the option to accept the new conditions of service;
- (c) to officers serving in the public service on the 1st day of January, 1946, who have exercised

the option to accept the new conditions of service; and

- (d) to an officer serving in the public service who, having elected not to accept the new conditions of service, has, after the date of the election, accepted promotion within the public service in West Africa.

#### **16A. Special provisions relating to Judges**

*Spent.12(12)*

#### **17. Palestine service**

*Spent.13(13)*

#### **18. Pensions (Old Conditions) (Extension of Rights)**

*Spent.14(14)*

#### **19. Interpretation**

(1) In this Act, unless the context otherwise requires,

**“expatriate officer”** means an officer who is so declared by the Government;

**“expatriation pay”** means the additions as may from time to time be attached to the salary of an office where the holder of the office is an expatriate officer;

**“junior civil service”** means a division or branch of the Civil Service of a West African Government exclusive of the “senior civil service”;

**“new conditions of service”** means the terms of service which took effect from the 1st January, 1946, as from time to time amended;

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

**“other public service”** means public service not under the Government;

**“pensionable office”** means

- (a) in respect of service in the Gold Coast, an office which has been declared by the Governor by a notification published in the *Gazette* to be pensionable under this Ordinance with effect from such date, whether before or after the date of publication, as may be specified in the notification; and any such notification may from time to time be amended, added to, or revoked, by another notification so made and published:

Provided that where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;15(15)

- (b) in respect of other public service an office which is a pensionable office under the relevant law or Regulations,

**“pensionable emoluments”**

- (a) in respect of service in the Republic, indicated except insofar as may be otherwise provided by the Regulations

- (i) salary,
- (ii) expatriation pay, and
- (iii) personal allowance;

but does not include entertainment allowance or any other emoluments,

- (b) in respect of other public service means emoluments which count for pension in accordance with the law or the Regulations,

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

**“public service”** means public service as defined in article 295 of the Constitution or as defined in the relevant pensions legislation before the commencement of the Constitution;16(16)

**“salary”** means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office;

**“senior civil service”** means the division or branch of the Civil Services of any West African Government which is so designated by such Government;

**“West Africa”** includes the territories administered respectively by the Governments of the Gold Coast, Nigeria, Sierra Leone and Gambia and any adjacent territories administered by any such Governments;

**“West African Government”** means a British West African Government.

(1A) Service with the United Nations Organisation should be deemed to be public service for the purposes of the Act, and paragraph 8 of the Schedule shall be read and construed so as to include the United Nations Organisation as a Scheduled Government in respect of an officer appointed to serve with that organisation on or after the commencement of the year 1946.

(2) Where an officer has been confirmed in a pensionable office and is thereafter appointed to another pensionable office, then unless the terms of the appointment otherwise require, the last mentioned office is, for the purposes of this Act, an office in which the officer has been confirmed.

(3) An officer who, as the holder of a pensionable post in the junior service and who has been confirmed in that office and who is appointed to a pensionable post in the senior service shall, subject to the terms and conditions of the appointment, be deemed to be a confirmed officer in the junior service until the conditions of appointment to the senior service have been fulfilled; in which case the officer shall be deemed to be a confirmed officer in that appointment in the senior service.

---

## **Schedule**

### **REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES AND ALLOWANCES TO OFFICERS IN THE PUBLIC SERVICES**

#### **PART ONE**

##### *Preliminary*

### **1. Short title**

These Regulations may be cited as the Pensions Regulations.

### **2. Interpretation**

In these Regulations, unless the context otherwise requires,

“**Act**” means the Pension Act, 1950;17(17)

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

“**qualifying service**” means public service which may be taken into account in determining whether an officer is eligible by length of service for pension, gratuity or other allowance.

## **PART TWO**

### *Officers without other Public Service*

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

This Part shall not apply in the case of any officer transferred to or from the public service of the Gold Coast from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity, for which the officer would have been eligible, if such services had been wholly in the Gold Coast.

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

Subject to the Act and to these Regulations the pension for an officer who was holding a pensionable post in the public service on the 31st day of December, 1971 shall be at the annual rate of one-four hundred and eightieth part of the pensionable emolument for each completed month of the pensionable service.18(18)

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

(1) Every officer, otherwise qualified for a pension, who has not completed the minimum period of qualification for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 4.

(2) In the case of an officer, other than an expatriate officer, who was first appointed to the public service of the Gold Coast on or before the date of publication of the Ordinance in the *Gazette*, the gratuity which may be granted under this regulation shall be at the rate of three-quarters of a month's pensionable emoluments for each complete six months of service.

### **6. Marriage gratuities**

(1) Where a female officer having been in the public service of the Gold Coast for not less than five years, and having been confirmed in a pensionable office, retires from the public service for the reason that she has married or is about to marry, and is not eligible for the grant of a pension or otherwise eligible for gratuity under regulation 5, she may be granted, on production within six months after her

retirement, or a longer period that the President may in a particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-eighth of a month's pensionable emoluments for each complete month of public service in the Gold Coast.

(2) In the case of a member of the Queen Elizabeth's Colonial Nursing Service who is an expatriate officer, and was appointed before the 1st day of June, 1946, this regulation shall have effect as if the words "for not less than five years" were omitted therefrom.

(3) The maximum gratuity which may be granted under this regulation shall not exceed one year's pensionable emoluments.

### PART THREE

#### *Transferred Officers*

#### **7. Application of Part III**

This Part shall apply only in the case of an officer transferred to or from the public service of the Gold Coast from or to other public service.

#### **8. Interpretation**

In this Part and Part VI—

**"house allowance"** means the estimated value of free quarters as defined by the law or regulations relating to the granting of pensions in force immediately before the commencement of the Act;

**"Scheduled Government"** includes the Government of a territory, or an authority, mentioned in the Schedule to these Regulations, and the Government of Ceylon, in respect of an officer appointed to the service of that Government prior to the 4th February, 1948, and the Government of Palestine, in respect of an officer appointed to the service of that Government prior to the 15th May, 1948;

**"service in the Group"** means service under the Government of the Gold Coast and under a Scheduled Government or Scheduled Governments.

#### **9. Pension for services wholly within the Group**

(1) Where the other public service of an officer to whom this Part applies has been wholly under one or more Scheduled Governments and the aggregate public service would have qualified that officer had it been wholly in the Gold Coast for a pension under the Act the officer may, on retirement from the public service in circumstances in which he is permitted by the law or regulations of the public service in which the officer is last employed to retire on pension or gratuity, be granted in respect of the public service in the Gold Coast a pension of an amount which shall bear the same proportion to the amount of pension for which the officer would have been eligible had the public service been wholly in the Gold Coast, as the aggregate amounts of the pensionable emoluments during the public service in the Gold Coast shall bear to the aggregate amounts of the pensionable emoluments throughout his service in the Group.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if the public service had been wholly in the Gold Coast,

- (a) in the application of regulation 17 the pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by the officer at the date of retirement from the public service or during the three years preceding that date, except that where the officer is not serving under a Scheduled Government at that date, the date on which the

officer was last transferred from the public service of a Scheduled Government shall be deemed to be the date of the retirement for the purposes of this paragraph;

- (b) regard shall not be had to an additional pension under regulation 23, 24 or 25;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the officer's highest pensionable emoluments;
- (d) a period of other public service under a Scheduled Government in respect of which no pension or gratuity is granted to the officer shall not 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 the officer would have received or enjoyed had the officer been on duty on full pay in the substantive office or offices throughout the period of service in the Group subsequent to the attainment of the age of twenty years.

(4) For the purposes of subregulation (3),

- (a) in calculating the aggregate amount of the pensionable emoluments, account shall not be taken of public service under a Scheduled Government in respect of which a pension or gratuity is not granted to the officer;
- (b) where under regulation 18 one-half only of a service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, one-half only of the officer's aggregate pensionable emoluments during that service shall be taken into account for the calculation.

(5) In determining for the purposes of this regulation the aggregate amount of an officer's pensionable emoluments during public service in the Gold Coast, the pensionable emoluments shall include house allowance in respect of that service prior to the 1st day of January, 1946, or prior to the date on which the officer began to receive salary under the new conditions of service, whichever is later.

(6) Where an expatriate officer entered the public service prior to the 1st day of January, 1930, the pension in respect of the public service in the Gold Coast may be calculated as though a Scheduled Government under which the officer has served had not been included in Schedule I to these Regulations, if this should be to the advantage of the officer.

(7) For the purposes of this regulation the service hereinafter referred to in this paragraph shall be deemed to be public service under a Scheduled Government, namely,

- (a) service under a Town Council established under the provisions of the Kumasi Town Council Ordinance, 1943, the Accra Town Council Ordinance, 1943, the Cape Coast Town Council Ordinance, 1944 or the Sekondi-Takoradi Town Council Ordinance, 1945; and
- (b) service under a District, Urban or Local Council established under the Local Government Ordinance which may be taken into account as pensionable service under a scheme for the payment of pensions and gratuities to officers and persons who have been employed by the Council and to the legal personal representatives, estate or dependants, of those officers and persons who die while so employed, when that scheme is declared by Order to be an approved scheme for the purposes of this Act.19(19)

## **10. Pension where other public service not within the Group**

(1) Where the other public service of an officer to whom this Part applies has not included service under any of the Scheduled Governments, and the aggregate service would have qualified the officer, had it been wholly in the Gold Coast, for a pension under these Regulations, the officer may, on retirement

from the public service in circumstances permitted by the law or regulations of the public service in which that officer is last employed to retire on a pension or gratuity, be granted in respect of the public service in the Gold Coast a pension,

- (a) in the case of an expatriate officer, at the annual rate of one six-hundredth part of the pensionable emoluments for each complete month of the pensionable service in the Gold Coast;
- (b) in the case of any other officer,
  - (i) in respect of public service prior to the 1st day of January, 1946, at the annual rate of one seven-hundredth and twentieth part;
  - (ii) in respect of public service subsequent to the 31st day of December, 1945, at the rate of one six-hundredth part;

of the pensionable emoluments for each complete month of the pensionable service in the Gold Coast.

(2) Where the officer is not in the public service of the Gold Coast at the time of the retirement, the pensionable emoluments for the purposes of subregulation (1) shall be those which would have been taken for the purpose of computing the pension if the officer had retired from the public service and been granted a pension at the date of the last transfer from the public service of the Gold Coast.

### **11. Pension when other public service both within and not within the Group**

Where a part only of the other public service of an officer to whom this Part applies has been under one or more of the Scheduled Governments, the provisions of regulation 9 shall apply; but in calculating the amount of pension, regard shall be had only to service in the Group.

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

Where an officer to whom this Part applies retires from the public service in circumstances permitted by the law or regulations of the public service in which the officer is last employed to retire on pension or gratuity, but has not completed the minimum period of public service qualifying for a pension, the officer may be granted in respect of the public service in the Gold Coast a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted under regulation 9, 10 or 11.

### **13. Marriage gratuities**

(1) A female officer to whom this Part applies who retires for the reason that she has married, or is about to marry, and

- (a) if the whole of her public service had been in the Gold Coast, would have been eligible for a gratuity under regulation 6; and
- (b) if she is at the date of her retirement from other public service, eligible for a gratuity under the law or regulations of the public service in which she is last employed;

may, if she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, be granted a gratuity which bears to the gratuity for which she would be eligible if the whole of her public service had been in the public service in which she is last employed the proportion which her public service in the Gold Coast bears to her total public services.

(2) For the purpose of computing that officer's total public service under this regulation, no regard shall be had to a public service under a Government which does not grant a gratuity to her in consequence

of her retirement.

(3) The maximum gratuity which may be granted under this regulation shall not exceed one year's pensionable emoluments.

## PART FOUR

### *General*

#### **14. General rules as to qualifying service**

(1) Subject to these Regulations, qualifying service shall be the inclusive period between the date on which an officer begins to draw half or full salary in respect of public service and the date of leaving the public service without deduction of a period during which the officer has been absent on leave.

(2) A period during which an officer was not in public service shall not be taken into account as qualifying service.

(3) A period which is not qualifying service by virtue of the foregoing paragraphs shall not be taken into account as pensionable service.

#### **15. Continuity of public service**

(1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service.

(2) A break in public service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purposes of subregulation (1).

(3) An officer

- (a) whose pension has been suspended under section 9 of the Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service, or
- (b) who has retired from the public service without pension on account of ill-health, abolition of office, or re-organisation designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service, or
- (c) who has left pensionable service under the Teachers (Superannuation) Act, 1925, with a view to entering public service not being service pensionable under that Act and has, not later than three months after leaving the first mentioned service, received a salary in respect of employment in public service not so pensionable,

may, if the President thinks fit, be granted the pension or gratuity for which this officer would have been eligible if a break in the public service immediately prior to the suspension, re-employment or employment had not occurred, the pension to be in lieu of

- (i) a pension previously granted to the officer from the funds of the Gold Coast; and
- (ii) a gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation,

but additional to a gratuity so granted which is not required to be refunded as aforesaid.

#### **15A. Service interrupted on certain occasions deemed to be continuous service**

(1) Despite the provisions of regulation 15,

- (a) where an officer has been absent from duty without leave during the period from the seventh day of January, 1950, to and including the nineteenth day of January, 1950, and
  - (i) was not dismissed from the public service of the Gold Coast, or
  - (ii) was dismissed from the public service of the Gold Coast in consequence thereof and made application for re-engagement in the public service before the 31st day of July, 1951, and has been re-engaged in the public service of the Gold Coast, and
- (b) where an officer has been absent from duty without leave on the 5th October, 1949, and
  - (i) was not dismissed from the public service of the Gold Coast, or
  - (ii) was dismissed from the public service of the Gold Coast in consequence thereof and made application for re-engagement in the public service before the 31st day of July, 1951, and has been re-engaged in the public service of the Gold Coast,

the service of that officer shall be deemed to be continuous service for the purpose of determining the eligibility of the officer for a grant of pension, gratuity or other allowance.

(2) The period of absence shall not be taken into account as qualifying service or in computing the amount of that grant.<sup>20(20)</sup>

#### **16. Leave without salary**

A period during which an officer shall have been absent from duty on leave without salary shall not be taken into account as pensionable service unless the leave shall have been granted on grounds of public policy with the approval of the Governor or the Secretary of State.

#### **17. Emoluments to be taken for computation of pensions, etc.**

For the purpose of computing the amount of an officer's pension or gratuity

- (a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of retirement, the annual pensionable emoluments enjoyed at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during that period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of the transfer or transfers, the annual pensionable emoluments enjoyed at the date of the retirement in respect of the office then held shall be taken;
- (c) in the case of an officer who has been transferred on promotion to or promoted within the public service in West Africa, within a period of three years prior to the date of retirement and who retires during the period beginning on the 1st day of January, 1946, and ending on the 31st day of December, 1948, the pensionable emoluments enjoyed at the date of the retirement shall be taken;
- (cc) in the case of an officer who has been transferred on promotion to or promoted within the public service in the Gold Coast, within a period of three years prior to the date of his retirement and who retires during the period beginning on the 1st day of April, 1952, and ending on the 31st day of March, 1955, the pensionable emoluments enjoyed at the date of his retirement shall be taken;
- (d) in the case of an officer retired on the ground of ill-health, the annual pensionable

emoluments enjoyed at the date of the retirement in respect of the office then held by the officer shall be taken, unless it would be more favourable to the officer to take the pensionable emoluments which would have been taken but for this paragraph, when the last-mentioned emoluments shall be taken; but this paragraph shall not apply,

- (i) in the case of an expatriate officer appointed or re-appointed to the public service of the Gold Coast on or after the 1st day of August, 1943; or
  - (ii) in the case of any other officer appointed or re-appointed to the public service of the Gold Coast on or after the 1st day of January, 1946;
- (e) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of the public service during the three years of the public service immediately preceding the date of the retirement shall be taken; but
- (i) if the one-third is less than the highest annual pensionable emoluments enjoyed at the date of a transfer within the period of three years those pensionable emoluments shall be taken;
  - (ii) if the one-third is less than the annual pensionable emoluments which would have been enjoyed at the date of the retirement, if he had continued to hold any office from which the officer has been transferred at any time during the period of three years, and had received all increments which, in the opinion of the Governor, would have been granted the annual pensionable emoluments which would have been so enjoyed shall be taken;
  - (iii) for the purpose of calculating pensionable emoluments under this paragraph the officer shall, subject to the provisions of regulation 18, be deemed to have been on duty on full pensionable emoluments throughout the said three years.

## **18. Public service in a non-pensionable office**

(1) Subject to the provisions of these Regulations, only service in a pensionable office shall be taken into account as pensionable service.

(2) For the purposes of subregulation (1)

- (a) where a period of public service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the officer is confirmed therein, one-half of the period may, with the approval of the President, be so taken into account;
- (aa) despite the provisions of paragraph (a) where a period of public service in a civil capacity in a non-pensionable office, under a contract for a specified period, whether renewable or otherwise on terms that implied that on conversion to pensionable terms the whole of the service under the contract would be regarded as pensionable service, is immediately followed by service in a pensionable office, and the officer is confirmed therein and renounces the right to the gratuity under the contract, the whole of the period of service in a non-pensionable office may be taken into account;
- (b) a break in public service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining for the purposes of paragraph (a) whether one period of public service immediately follows another period of such service;
- (c) where an officer has been transferred from a pensionable office in which that officer has been confirmed to a non-pensionable office and subsequently retires either from a pensionable office or a non-pensionable office, the service in the non-pensionable office may, with the approval of the President be taken into account as though it were service in the

pensionable office held immediately prior to the transfer, and at the pensionable emoluments which were payable at the date of transfer;

- (d) where a period of public service in a non-pensionable office is taken into account under this regulation, the officer shall, during that period, be deemed for the purposes of regulations 6, 23 and 24 of these Regulations to be holding a pensionable office, and where that period is taken into account under the preceding proviso, to have been confirmed therein.

### **19. Option given to officer**

Despite anything contained in regulation 18, it is advantageous to that pension of an officer in the public service of the Gold Coast or in other public service on the 24th day of August, 1940, who shall before that date have served in a civil capacity otherwise than in a pensionable office, may be calculated on the following conditions, namely,

- (a) where service in a pensionable office has been immediately preceded by an unbroken period of public service in a civil capacity in an appointment other than a pensionable office, or of public service in a civil capacity paid for out of an open vote, the period, or any part of the period, may be taken into account in computing pension or gratuity;
- (b) of the period of public service paid for out of an open vote only two-thirds shall be counted for the purpose of these Regulations.

### **20. Acting service in a pensionable office**

Acting service in a pensionable office may, when continuous with permanent employment, be allowed to count as service qualifying for pension or gratuity, provided that the period of the acting service has not been taken into account as part of the public service of the previous holder of the office or as part of the officer's other public service.

### **21. Public service not qualifying for pension**

(1) Save as otherwise provided in these Regulations, there shall not be taken into account as pensionable service

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

but break of the service which may be disregarded under the provisions of regulation 15 may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of public service.

(2) Service, whether in a pensionable office or a non-pensionable office, under a contract the terms of which provide for the payment of a gratuity shall, despite regulation 18 of these Regulations, be taken into account as pensionable service as to the whole or part thereof, only if a gratuity paid under the contract is refunded.<sup>23(21)</sup>

### **22. Incomplete months of public service**

(1) Where under these Regulations a pension is computed in two parts in relation to two separate periods of an officer's public service, and the number of odd days not constituting a complete month in both periods amounts to thirty or more, one month shall for the purpose of computing his pension be

added to the period containing the greater number of odd days.

(2) Where in these circumstances the numbers of odd days of both periods are the same, one month shall be so added to one period the other according to which course is to the officer's advantage.

## PART FIVE

### *Supplementary*

#### **23. Abolition of office and re-organisation**

(1) If an officer holding a pensionable office retires from the public service in consequence of the abolition of office or for the purpose of facilitating improvements in the organisation of the department to which the officer belongs, by which greater efficiency or economy may be effected,

- (a) the officer, having been in the public service for less than ten years, may be granted in lieu of a gratuity under regulation 5 or regulation 12 a pension under regulations 4, 9, 10 or 11, as if the words "for ten years or more" were omitted from regulation 4;
  - (b) if the officer retires from the public service of the Republic, he may be granted an additional pension at the annual rate of one-sixtieth of the pensionable emoluments for each complete period of three years' pensionable service.
- (2) For the purposes of subregulation (1),
- (a) the addition shall not exceed ten-sixtieths; and
  - (b) the addition together with the remainder of the officer's pension shall not exceed the pension for which the officer would have been eligible if the officer had continued to hold office until attaining the age of fifty-five years, having received all increments for which the officer would have been eligible at that date.

(3) For the purposes of subregulation (1), in the case of female European officers other than members of Queen Elizabeth's Colonial Nursing Service, who were appointed to the public service after the 1st day of June, 1946, members of Queen Elizabeth's Colonial Nursing Service whenever they were appointed to the public service, and female non-European officers who were appointed to the public service on or after the 27th day of December, 1939, the addition together with the remainder of the officer's pension shall not exceed the pension for which she would have been eligible if she had continued to hold her office until she attained the age of forty-five years, having received all increments for which she would have been eligible at that date.

#### **24. Officers retiring on account of injuries**

(1) If an officer holding a pensionable office in which the officer has been confirmed is permanently injured

- (a) in the actual discharge of duty, and
- (b) without the officer's own default, and
- (c) on account of circumstances specifically attributable to the nature of the duty;
- (d) the officer may if the retirement is thereby necessitated or materially accelerated and the officer has not completed the minimum period of public service qualifying for a pension, be granted, in lieu of a gratuity under regulation 5 or regulation 12, a pension under regulations 4, 9, 10 or 11, as the case may be, as if the words "for ten years or more" were omitted from

regulation 4;

- (e) if so injured while in the public service be granted on retirement an additional pension at the annual rate of the proportion of the actual pensionable emoluments at the date of the officer's injury appropriate to the case as shown in the following table:

where the capacity to contribute to the officer's own support is:

slightly impaired .....	five-sixtieths;
impaired .....	ten-sixtieths;
materially impaired .....	fifteen-sixtieths;
totally destroyed .....	twenty-sixtieths;

(2) The amount of the additional pension may be reduced to the extent that the President thinks reasonable where the injury is not the sole cause of retirement.

(3) The annual value of the total pension shall not exceed fifty-sixtieths of the pensionable emoluments at the date of the injury.

(4) An officer so injured while in the public service of the Republic, not holding a pensionable office, or holding a pensionable office in which the officer has not been confirmed, may be granted on retirement a pension of the same amount as the additional pension which might be granted under subregulation (1) of this regulation if the office were a pensionable office and the officer had been confirmed therein.

(5) The provisions of regulation 26 shall not apply to an additional pension granted under subregulation (1) or to a pension granted under subregulation (2) of this regulation.

(6) If an officer proceeding by a route approved by the President to or from Ghana at the commencement or termination of the public service, or of a period of leave therefrom, is permanently injured as the result of damage to the vessel, aircraft or vehicle in which the officer is travelling or of any act of violence directed against the vessel, aircraft or vehicle and the President is satisfied that the damage or act is attributable to circumstances arising out of war in which the Republic may be engaged, the officer shall be deemed for the purposes of this regulation to have been injured in the circumstances described in subregulation (1) of this regulation.

(7) An officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in paragraphs (a) and (c) of subregulation (1) of this regulation; but in such a case, and if paragraph (b) of that subregulation is also satisfied, the rates of pension prescribed in that subregulation shall be seven and a half-sixtieths; fifteen-sixtieths; twenty-two and a half-sixtieths, and thirty-sixtieths respectively.

(8) Neither subregulation (1) nor subregulation (4) of this regulation shall apply in the case of an officer selected for appointment to the public service of the Gold Coast on or after the 1st day of July, 1942, who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Ordinance, or an enactment replacing that Ordinance.

## **25. Expatriate officers retiring an account of ill-health**

(1) An expatriate officer, to whom Part VI does not apply, and who retires from the public service of the Gold Coast in the circumstances set out in paragraph (2) of subsection (1) of section 5 of the Act and at the date of retirement has completed not more than twenty years public service may be granted, in addition to the pension which the officer may be granted under these Regulations, a pension at the rate of one six-hundredth part of the pensionable emoluments on retirement for each period of three months by

which the public service at the date of retirement falls short of twenty years, or by which the age at the date falls short of fifty years, or of forty-five years in the case of a member of the Queen Elizabeth's Colonial Nursing Service, whichever is less.

(2) An addition under subregulation (1) shall not be granted in the case of an officer to whom an award on account of injuries is made in accordance with regulation 24, and regard shall not be had to any addition under this regulation in computing for the purposes of regulation 5, the pension which might have been granted to an officer if there were no minimum period of service qualifying him for a pension.

## **26. Gratuity and reduced pension**

(1) An officer to whom a pension is granted under the Act may, at the option exercisable on or before the date of the retirement, be paid in lieu of the pension a pension at the rate of three-fourths of the pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

(2) The President may, in equitable circumstances allow the officer to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under the Act.

(3) Subject to the provisions of subregulation (1) of this regulation, if an officer has exercised the option, the decision shall be irrevocable.

(4) Where an officer dies after final retirement and has failed, owing to circumstances outside the officer's control, to exercise the option under this regulation, it shall be lawful for the President to grant a reduced pension and a gratuity, as if the officer before the death had elected therefore under this regulation.

## **PART SIX**

### *Application of Old Pension Conditions*

## **27. Application of Part VI**

This Part applies in the case of every expatriate officer first appointed to the public service in West Africa prior to the 12th day of August, 1935, to whom neither regulation 2 nor regulation 3 of the Pensions (European Officers) (Amendment) Regulations, 1937, applied on the 31st day of December, 1945, and who at the date of his retirement from the public service held a pensionable office in the Gold Coast or had been transferred from the public service of the Gold Coast to other public service.

[No. 7 of 1937.]

## **28. Computation of pension or gratuity**

(1) For the purpose of computing the pension or gratuity to be awarded to an officer to whom this Part applies, the provisions of subregulation (2) shall have effect

- (a) in the case of an officer who has accepted the new conditions of service in exercise of his option thereunder, in respect of public service prior to the 1st day of January, 1946;
- (b) in the case of an officer who has not exercised his option thereunder if he has been promoted to or within West Africa after the 31st day of December, 1945, in respect of public service prior to the date of the promotion.

(2) Regulations 4, 9, 10, 11 and 24 shall have effect as if in regulations 4 and 10 for the expression

“one six-hundredth” were substituted the expression “one four-hundred and eightieth.”

(3) For the purpose of computing the pension or gratuity to be awarded to an officer, regard shall not be had to subregulation (2)

- (a) in the case of an officer to whom subregulation (1) (a) of this regulation applies, in respect of public service after the 31st day of December, 1945;
- (b) in the case of an officer to whom subregulation (1) (b) of this regulation applies, in respect of public service on and after the date of his said promotion.

(4) In the case of an officer who had been transferred from the public service of the Gold Coast to other public service prior to the 1st day of January, 1946, and was subsequently re-appointed to the public service of the Gold Coast on the new conditions of service, the pension in respect of the two periods of public service in the Gold Coast shall be separately computed, and in either computation the other period of public service in the Gold Coast shall be treated for the purposes of Part III as though it had been public service under another Scheduled Government.

(5) In computing the pension in respect of the first period of service the provisions of subregulation (2) of this regulation shall have effect.

## PART SEVEN

### *Military Service*

#### **29. War Service to count for pension purposes**

(1) Where an officer has served with Her Majesty's Forces in time of war, and before so serving shall have been employed in the public service, the following provisions shall have effect:

- (a) during the period of the service in Her Majesty's Forces, including a period after the termination of the war (in this section referred to as “military service”) the officer shall be deemed, for the purposes of these Regulations, to have been on leave on full salary from the public service in which the officer was last employed, and to have held the substantive office last held in that service, prior to military service;
- (b) during a period between leaving the public service for the purpose of serving in Her Majesty's Forces and the date of commencing military service, the officer shall, for the purposes of these Regulations, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which the officer was last employed, and to have held the substantive office last held in that service prior to military service; and during a period between the termination of the military service and the date of re-entering the public service the officer shall, be deemed to be on leave without pay from the public service, and to have held the substantive office, in which the officer is re-employed.

(2) For the purpose of paragraph (b) of subregulation (1)

- (a) this regulation shall not apply when either period mentioned in paragraph (b) of subregulation (1) exceeds three months, or a longer period, that the President may in a special case determine: or if the officer fails, after serving with Her Majesty's Forces, to re-enter the public service otherwise than in circumstances in which the officer would be permitted under the law applicable to the public service in which the officer is last employed prior to military service, to retire on pension or gratuity, the circumstances arising on or before the expiration of three months, or on a longer period as determined by the President

- after the termination of the military service;
- (b) if during a period mentioned in paragraph (a) of subregulation (1) the officer shall in respect of the military service, have qualified for pension, or received emoluments in lieu of pension rights, paragraph (a) 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”;
  - (c) if during the military service the officer is injured the officer shall not for the purposes of regulation 24 be deemed to have been injured in the discharge of duty;
  - (d) the provisions of this regulation which require that the officer shall be deemed to have held a specified office and to have been on leave from a specified service shall not apply in respect of a period during which the officer actually held any other substantive office and have been on leave from a public service;
  - (e) except where in a particular case the President otherwise directs, this regulation shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.

### **30. Service in Her Majesty’s Forces**

Where an officer, during some period of 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 the Gold Coast or of any Scheduled Government and have not been refunded, that period shall not be taken into account as pensionable service.

## **PART EIGHT**

### *Police Force and Preventive Service*

### **31. Application of Part Eight**

This Part shall apply to members serving in the Police Force and the Preventive Service respectively on the 31st day of March, 1947, and to members appointed after that date.

### **32. Interpretation**

In this Part,

“**member**” means and includes an officer of the Police Force not above the rank of Inspector holding a pensionable office in such Force and a member of the Preventive Service not above the rank of First Class Superintendent holding a pensionable office in such Service;

“**Police Force**” means the Gold Coast Police Force;

“**Preventive Service**” means the Gold Coast Customs Preventive Service.

### **33. Receipt of gratuity under Cap. 37 or Regs. No. 25 of 1923**

(1) Where a member is at the date of retirement eligible for a pension under these Regulations, but has received one or more gratuities under section 18 of the Police Force Ordinance or the Customs Regulations in force prior to the commencement of the Customs Ordinance, the following provisions shall apply:

[Cap 167.]

- (a) if the amount so received by way of gratuity is greater than the amount of the gratuity for which the member would ordinarily be eligible if the member exercised the option under regulation 26, the member may be granted, in lieu of the full pension for which the member would ordinarily be eligible, a pension of the annual value of the pension reduced by a one-tenth part of the amount so received by way of gratuity, and is the member eligible for any further gratuity;
  - (b) if the amount so received by way of gratuity is less than the amount of the gratuity for which the member would ordinarily be eligible on exercising the option under regulation 26, the member may be granted a gratuity equivalent to the difference between these two amounts, together with a pension of three-quarters of the full pension for which the member would ordinarily be eligible;
  - (c) in neither of the above cases shall the member be eligible for an unreduced pension.
- (2) Where a member dies while serving in the Police Force or in the Preventive Service,
- (a) an amount so received by way of gratuity, if less than the gratuity which might ordinarily be granted under subsection (2) of section 16 of the Ordinance to relatives nominated by the member, shall be deducted from the last-mentioned gratuity;
  - (b) if the amount so received by the member by way of gratuity is greater than the gratuity which might ordinarily have been granted under subsection (2) of section 16 of the Ordinance a gratuity shall not be paid thereunder.

#### **34. Absence of proof of age**

Where there is no proof of the age of a member, the member shall after twenty years of service in the Police Force or in the Preventive Service, for the purposes of section 7 and section 9 of the Ordinance, be deemed to have attained the age of forty-five years.

### PART NINE

#### *Annual Allowances*

#### **35. Annual allowances**

(1) In special cases where an officer whose service has been wholly in a civil capacity otherwise than in a pensionable office, or where an officer has not held a pensionable office in which the officer is confirmed, if the officer has served continuously in the Gold Coast for not less than ten years, the officer may on retirement be granted an annual allowance, calculated at the rate of one eight-hundredth part of the aggregate annual emoluments on retirement for each complete month of service, but not exceeding the pension which the officer might have been granted had he been employed in a pensionable office.

(2) In special cases where a period of service in a civil capacity otherwise than in a pensionable office is followed by service in a pensionable office in which the officer is confirmed, and has served continuously in the Gold Coast for not less than ten years, the officer may on retirement from a pensionable office, if it is advantageous to the officer be granted an annual allowance, calculated at the rate of one eight-hundredth part of the aggregate annual emoluments on retirement for each complete month of service, but in lieu of the pension for which the officer would be eligible under these Regulations.

## SCHEDULE TO REGULATIONS

[Regulation 8.]

Aden.

Bahamas.

Barbados.

Basutoland.

Bechuanaland Protectorate.

Bermuda.

British Guiana.

British Honduras.

British Solomon Islands Protectorate.

Cayman Islands.

Colonial Audit Department (Home Establishment).

Crown Agents for the Colonies.

Cyprus.

Dominica.

East African-High Commission.

East African Railways and Harbours Administration.

Falkland Islands.

Federated Malay States.

Federation of Malaya.

Fiji.

Gambia.

Gibraltar.

Gilbert and Ellice Islands Colony.

Grenada.

Hong Kong.

Jamaica.

Kenya.

Kenya and Uganda Railways and Harbour.

Leeward Islands.

Malayan Establishment.

Malayan Union.

Malta.  
Mauritius.  
New Hebrides.  
Nigeria.  
North Borneo.  
Northern Rhodesia.  
Nyasaland.  
St. Helena.  
St. Lucia.  
St. Vincent.  
Sarawak.  
Seychelles.  
Sierra Leone.  
Singapore.  
Somaliland Protectorate.  
Straits Settlements.  
Swaziland.  
Tanganyika Territory.  
Tonga.  
Trinidad.  
Turks and Caicos Islands.  
Uganda.  
United Kingdom of Great Britain and Northern Island.  
Zanzibar.

---

## Endnotes

### 1 (Popup - Footnote)

1. The Act was enacted as the Pensions Ordinance, 1950 (No 42 of 1950), as was [Cap. 30](#) of the 1951 Edition of the Laws of the Gold Coast. It came into force on the 1st day January, 1946.

### 2 (Popup - Footnote)

2. The Public Services are set out in [article 190](#) of [the Constitution](#). This Act does not apply to all the Services.

### 3 (Popup - Footnote)

3. The proviso to this subsection which deals with retrospectivity and approval of Parliament has been omitted in view of [article 107](#) of [the Constitution](#).

### 4 (Popup - Footnote)

4. *But see* for example, [articles 199](#) and [150](#) of [the Constitution](#).

### 5 (Popup - Footnote)

5. The reference to “servant of a Native Authority” has been omitted as not now applicable.

### 6 (Popup - Footnote)

6. Amended by [section 3](#) of the Pensions (Amendment) Ordinance, 1956.

### 7 (Popup - Footnote)

7. It states that,

“Provided further that members of Queen Elizabeth’s Colonial Nursing Service, who were appointed after the 1st day of June, 1928 and prior to the 12th day of August, 1935 shall be regarded as having attained the age of forty-five years if their aggregate public service in West Africa at the date of retirement amounts to fifteen years of which not less than ten have been residential.”

### 8 (Popup - Footnote)

8. Section 5 of the Pensions (Amendment) Decree, 1972 (N.R.C.D. 74) repealed section 10 of the Ordinance and the Pensions (Amendment) Decree, 1978 (S.M.C.D. 166) inserted the present [section 8](#).

### 9 (Popup - Footnote)

9. The subsection provided that,

“where, prior to the 6th day of April, 1940, an officer has been granted a pension under any Gold Coast Ordinance providing for the granting of pensions, and has subsequently been re-appointed to the public service of the Gold Coast, he may be granted on his final retirement, in lieu of his previous pension, a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the public service of the Gold Coast, whichever are greater.”

### 10 (Popup - Footnote)

10. Amended by [section 2](#) of the Pensions (Amendment) Act, 1958 (No. 48 of 1958). That Act provided that the amendment shall have effect as respects persons dying after the passing of the Persons (Amendment) Act, 1958.

### 11 (Popup - Footnote)

11. [P.N.D.C.L. 187](#).

### 12 (Popup - Footnote)

12. Now dealt with under the 1992 Constitution.

The section reads,

#### “16A. Special provisions relating to Judges

(1) The provisions of [sections 8](#) and [9](#) of this Ordinance shall not apply to any Judge of the Supreme Court appointed after the fourth day of May, 1954.

(2) This Ordinance shall have effect in relation to a Judge of the Supreme Court, as if—

(a) there were substituted for paragraph (1) of [section 7](#) of this Ordinance the following paragraph—

“(1) On or after attaining the age of sixty-two years.”;

(b) there were added after the word “permanent”, in paragraph (6) of [section 7](#), the word “or on removal from office on the ground of infirmity of body or mind”;

(c) there were inserted in [section 7](#), immediately after paragraph (9), the following paragraph—

“(10) on retirement from the office of a Judge of the Supreme Court in order to take up

another office in the public service, if the Governor is satisfied that the retirement is desirable on grounds of public policy.”;

- (d) there were substituted for the provisions of the Ordinance which require a minimum of ten years public service in a civil capacity as a prerequisite to the grant of a pension the prerequisite that there should be a minimum of seven years’ service as a Judge of the Supreme Court;
- (e) on retirement on or after attaining the age of sixty-two years, or on retirement or removal from office in circumstances to which paragraph (c) or (g) of this subsection refers, each of the first seven years of service as a Judge of the Supreme Court were two years public service;
- (f) service only as a Judge of the Supreme Court counted for the purpose of computation of pension; and
- (g) for the provisions which enable the grant of a gratuity on retirement on the grounds of permanent infirmity of body or mind there were substituted provisions enabling the Governor to grant to a Judge of the Supreme Court, on such retirement or on removal from office on the ground of infirmity of body or mind irrespective of whether he has completed seven years’ service as a Judge of the Supreme Court, a pension in accordance with the other provisions of this Ordinance:

Provided that a Judge of the Supreme Court who immediately before his appointment as a Judge, or if appointed a Judge after such a break in public service as may be disregarded for the purpose of determining whether such public service is continuous, immediately before such break, held an office in the public service may at his option expressed at the time of retirement or removal from office be granted a pension or gratuity as if the foregoing provisions of this subsection were inapplicable to him and, in the case of a Judge appointed after the fourth day of May, 1954, as if there were substituted for paragraph (1) of [section 7](#) of the Ordinance the following paragraph—

“(1) On or after attaining the age of fifty years.”

(3) The provisions of subsections (1) and (2) of this section shall not apply to the President or Justices of Appeal of the West African Court of Appeal.”

### **13 (Popup - Footnote)**

13. The section reads,

“For the purposes of this Ordinance a person holding office in the public service of the Government of Palestine immediately before the 15th day of May, 1948, shall be deemed to continue in his office until either he is appointed to the public service elsewhere, or, if he is not so appointed, he retires or is removed from office.”

### **14 (Popup - Footnote)**

14. The section reads,

#### **“20. Saving of rights**

For the avoidance of doubts it is hereby declared that the repeal of the Pensions (European Officers) Ordinance, the Pensions (Non-European Officers) Ordinance, the Pensions (European Officers’ War Service) Ordinance, 1940 and the Pensions (Non-European Officers’ War Service) Ordinance, 1940, has not affected the application of such Ordinances and the Regulations thereunder to those officers who, by the provisions of [section 18](#) of this Ordinance, are excluded from the application of this Ordinance, and nothing herein contained shall be deemed to affect the existing rights of any such officers.”

[Cap 29 and Cap 30 of 1936 Edition of the Laws. No. 36 of 1940 No. 37 of 1940.]

3. Extension of pension rights of certain public officers

Where by reason of the provisions of [section 18](#) of the Pensions Ordinance a public officer is excluded from the application of that Ordinance and in consequence his rights under the provisions of the Pensions (European Officers) Ordinance are preserved, the Regulations contained in Schedule 1 to the Pensions (European Officers) Ordinance prior to its repeal shall be construed as if—

[Cap 30 Cap 29 of 1936 Edition of the Laws.]

- (a) for the word “ten”, where it occurs in regulations 19, 30 and 31, there were substituted, with effect from 20th day of May, 1954, the words “twelve and a half”;
- (b) there were included in [the Schedule](#) to those Regulations all such additional territories or authorities as are for the time being included in [the Schedule](#) to the Pensions Regulations, with

effect in each case from the date when such territory or authority was or hereafter shall be included in [the Schedule](#) to the Pensions Regulations.

4. Provision for future extension of pension rights under repealed Ordinance

[Cap 30 Schedule Cap 29 and Cap 30 of 1936 edition of the Laws.]

Where after the commencement of this Ordinance the Pensions Regulations are amended, the Governor may, by Order, provide that the Regulations in the First Schedule to the Pensions (European Officers) Ordinance and in [the Schedule](#) to the Pensions (Non-European) Officers Ordinance, or either of them, shall, in so far as they continue to have effect, be construed as if an amendment to effect a corresponding alteration therein were included, in such terms as may be specified in the Order, in such Regulations or in either of them, as the case may be; and an amendment effected by any such Order may, for the purpose of conferring a benefit upon or removing a disability attaching to any person, be given retrospective effect to any date not earlier than the date of commencement of the corresponding amendment to the Pensions Regulations.”

**15 (Popup - Footnote)**

15. Substituted by [section 2](#) of the Pensions (Amendment) Ordinance, 1953.

**16 (Popup - Footnote)**

16. See also [section 2](#) of the Pensions (Amendment) Ordinance, 1956 (No. 38 1956).

**17 (Popup - Footnote)**

17. Cap 30 of the 1951 Edition of the Laws of the Gold Coast.

**18 (Popup - Footnote)**

18. Substituted by section 1 of the Pensions (Amendment) Decree, 1972 (N.R.C.D. 74) and further amended by section 12 (1) of the Pensions and Social Security (Amendment) Decree, 1975 ([S.M.C.D. 8](#)).

**19 (Popup - Footnote)**

19. Added by section 4A the Pensions (Amendment) Ordinance, 1953.

**20 (Popup - Footnote)**

20. Amended by section 4A of the Pensions (Amendment) Ordinance, 1953.

**21 (Popup - Footnote)**

23. Added by [section 4](#) of the Pensions (Amendment) Ordinance, 1953.