



LAWS OF KENYA

ASIAN OFFICERS' FAMILY PENSIONS ACT

CHAPTER 194

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CHAPTER 194

ASIAN OFFICERS' FAMILY PENSIONS ACT

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CHAPTER 194

ASIAN OFFICERS' FAMILY PENSIONS ACT

[Date of commencement: 1st May, 1942.]

An Act of Parliament to make provisions for granting pensions to widows and children of Asian officers who are appointed to the service of the Government on or after the commencement of this Act

[Act No. 10 of 1942, Cap. 75 of 1948, Act No. 64 of 1951, G.N. 1450/1955, L.N. 242/1956, Act No. 17 of 1958, L.N. 222/1959, Act No. 9 of 1961, Act No. 21 of 1961, L.N. 535/1961, L.N. 240/1962, Act No. 28 of 1963, Act No. 18 of 1964, L.N. 123/1964, Act No. 21 of 1966, Act No. 9 of 1967, Act No. 10 of 1969, Act No. 11 of 1971.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Asian Officers' Family Pensions Act.

2. Interpretation

(1) In this Act, except where the context otherwise requires—

“**actuary**” means a Fellow of the Institute of Actuaries or the Faculty of Actuaries in Scotland;

“**approved scheme**” means a scheme or fund for the granting of pensions to the widows and children of officers in the public service, which has been declared by the President to be an approved scheme for the purposes of this Act;

“**Asian officer**” means—

(a) any male officer appointed to the service of the Government on terms ordinarily applicable to Asians; and

(b) any person, not otherwise eligible for membership of the Fund, who the President may, subject to the provisions of section 13 of this Act and subject also to such conditions as he may determine, admit to membership of the Fund;

“**beneficiary**” means—

(a) the widow of a member;

(b) the child of pensionable age of a member, by his marriage with any wife who has died or whose marriage is not deemed to be a valid marriage under this Act:

Provided that when there are two or more such children of one marriage, such children shall constitute one beneficiary;

“**Bombay Agents**” means the Agents in India for the Government;

“**Karachi Agents**” means the Agents in Pakistan for the Government;

“member” means any Asian officer who is contributing to the Fund and, save as otherwise provided in this Act, includes a person who has ceased to contribute or who is exempted from contributing under subsection (2) of section 13 of this Act;

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

“pension” means any pension granted to a beneficiary under this Act, except when the context implies that a pension granted to a member himself is meant;

“public service” means—

- (a) service in a civil capacity under the Government or under the government of any other country or territory in the Commonwealth;
- (b) service under the High Commission, the Organization, the Community, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration, the East African Railways Corporation, the East African Harbours Corporation or the East African Posts and Telecommunications Corporation;
- (c) 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;
- (d) any other service that the President determines to be public service for the purposes of this Act;

“salary” means the gross salary attached to the office of which the officer is substantive holder and includes overseas addition or personal inducement allowance but does not include any other allowance or other emolument or the value of any other advantage which the officer may receive or enjoy;

“service under the Community” does not include service in the service of a Corporation of the Community or of the Bank of the Community;

“the Board” means the Board established by section 3 of this Act;

“the Fund” means the Fund established under section 5 of this Act.

(2) A child shall be of pensionable age for the purposes of this Act, in the case of a male, if he is under the age of twenty-one years, and, in the case of a female, if she is under the age of twenty-one years and has not married:

Provided that a child who has ceased to be of pensionable age and is, in the opinion of the Board, by reason of infirmity of mind or body, incapable of earning a livelihood and without sufficient means of support shall be deemed for the purposes of this Act to continue to be of pensionable age for such period as the Board may determine.

(3) A child who has been legitimated by marriage according to the law of the country of the father's domicile at the date of the marriage shall, for the purposes of this Act, be deemed to be a child of that marriage.

(4) In the case of a member who is a Mohammedan or a member of any other religion under the tenets of which polygamy is lawful—

- (a) if he is unmarried at the date upon which he becomes a member, then only the first marriage contracted after that date;

- (b) if he is married at that date to one wife only who is alive at the said date, then only that marriage;
- (c) if he is married at the said date to more than one wife both or all of whom are alive at the said date, then only the earliest in time of such marriages,

shall be deemed to be a valid marriage for the purposes of this Act:

Provided that, on the dissolution of any marriage which is under this section deemed to be a valid marriage for the purposes of this Act, by reason of the death of the wife of that marriage or by reason of a divorce or annulment, then for the purposes of this Act—

- (i) if the member was married at the date of such death, divorce or annulment to more than one wife, both or all of whom were alive at the said date, the next in time of such marriages shall be deemed to be a valid marriage;
- (ii) if the member was married at the aforesaid date to one wife only, the first marriage after such death, divorce or annulment shall be deemed to be a valid marriage.

(5) Subject to the provisions of subsection (4) of this section, when the marriage of any member has been annulled or dissolved according to the law applicable to the member, the female party to such marriage shall, for the purposes of this Act, be deemed to have died, and the member shall be deemed to have become a widower, from the date of such annulment or dissolution.

[Act No. 64 of 1951, s. 2, Act No. 9 of 1961, s. 2, Act No. 28 of 1963, s. 2, L.N. 123/1964, Act No. 11 of 1971, s. 2.]

PART II – ESTABLISHMENT OF BOARD AND FUND AND MANAGEMENT

3. Establishment of Board

(1) There is hereby established a Board, to be known as the Asian Officers' Family Pensions Board, which shall consist of—

- (a) the Deputy Permanent Secretary to the Treasury; and
- (b) four public officers appointed by the Minister.

(2) The Deputy Secretary, Establishment Division of the Treasury shall be the chairman of the Board.

(3) Members of the Board appointed under paragraph (b) of subsection (1) of this section shall hold office for a period of three years from the date of appointment:

Provided that, on the death, inability to act, resignation or absence from Kenya for more than three months of any such member, the Minister may appoint a public officer to the vacancy, who shall act in the place of such member until he returns to the Board, or until the period of his appointment expires, as the case may be.

(4) All appointments and determinations of appointments shall be notified in the *Gazette*.

(5) The chairman and two other members shall form a quorum.

(6) The chairman shall have a casting vote in addition to his deliberative vote.

(7) The Board shall from time to time appoint an officer to be secretary, and may replace at its pleasure any officer so appointed.

[Act No. 64 of 1951, s. 3, G.N. 1450/1955, L.N. 535/1961, L.N. 240/1962, Act No. 21 of 1966, First Sch., Act No. 9 of 1967, Sch., Act No. 10 of 1969, Sch.]

4. Duties and powers of Board

The duties and powers of the Board shall be as follows—

- (a) to make rules regulating its own proceedings;
- (b) to consider, and advise the President on, all questions arising on the interpretation of this Act;
- (c) to supervise and control all financial transactions;
- (d) generally to do any other act or perform any other duty reasonably necessary for the carrying out of the provisions of this Act.

5. Fund

(1) A Fund, to be known as the Asian Officers' Family Pensions Fund, shall be established for providing pensions for the widows and orphans of members of the Fund.

(2) All pensions and repayments of contributions (including interest, if any) authorised by this Act and all expenses incurred in the administration of the Fund, including the obtaining of actuarial advice, shall be paid out of the Fund.

(3) All contributions made by members, all contributions made from moneys provided by Parliament to the credit of members, all interest on investments of the Fund and all sums paid under section 8 of this Act shall be credited to the Fund.

(4) All moneys belonging to the Fund shall be deposited with the Deputy Permanent Secretary to the Treasury, and, except as regards such part thereof as the Board considers it expedient to retain for making payment out of the Fund under this Act, shall, so far as practicable, be invested on behalf of the Fund in such securities, or employed at interest, in such manner, as may be approved by the Board; and such investment may be at any time changed into securities so approved, and any sums required for making payments out of the Fund under this Act may be raised by the sale or realisation of any investments of the Fund.

(5) Annual accounts of the transactions of the Fund during the year ended the preceding 31st December, and a statement of the assets of the Fund at that date, shall be prepared by the Deputy Permanent Secretary to the Treasury, and shall be audited and certified every year by the Controller and Auditor-General, and shall thereafter, together with a report by the Board on the working of the Fund, be published in the *Gazette* as soon as may be after the ensuing 31st March.

[L.N. 222/1959, L.N. 123/1964.]

6. Registers of members to be kept

Registers shall be kept, in which shall be entered the date of the birth of every member, and of every wife and child who may become, or shall be, entitled to pension under this Act, and particulars of all contributions paid into the Fund by

or on behalf of each member, and the pension or pensions for the time being payable in respect of each member in the event of his death, and all other dates and particulars respecting members and their families material to be recorded for the purposes of this Act.

7. Information to be furnished by members and widows

(1) Every member shall within three months of his first becoming a member notify to the Board in writing the date of his birth and, if he is then married or a widower with children of pensionable age, the dates of his marriage and of the births of his wife and children (if any).

(2) Every member who marries while a member shall within three months after his marriage notify to the Board in writing the fact and date of his marriage and the date of the birth of his wife.

(3) Every member shall notify to the Board in writing within three months from the date of the event—

- (a) the birth of any child born to him and the date thereof or the adoption by him of a child of pensionable age and the date thereof;
- (b) the marriage of any female child of his under the age of twenty-one years;
- (c) the death of his wife and the death or adoption of any of his children of pensionable age, occurring while he is a member;
- (d) the annulment or dissolution of his marriage and the date thereof.

(4) After the death of any married member, the widow of such member shall notify to the Board or to the Bombay Agents or Karachi Agents, as the case may be, in writing, within three months of the date of the event—

- (a) the date of the death of such member, if he was not at the time in the service of the Government;
- (b) the birth of any posthumous child of such member and the date thereof;
- (c) the marriage of any female child of such member under the age of twenty-one years;
- (d) the death or adoption of any child of such member while of pensionable age;
- (e) her own remarriage or bankruptcy.

(5) Any such statement or notice shall, if the Board so requires, be verified by the production of birth, death or marriage certificate, or by affidavit, or otherwise, to the satisfaction of the Board.

(6) This section shall not apply to any marriages to which subsection (1) of section 33 of this Act applies, or to the wife, widow or child of any such marriage.

[Act No. 64 of 1951, s. 4, Act No. 9 of 1961, s. 3.]

8. Penalty for non-compliance or false statement

(1) A member or widow who fails or neglects to comply with any of the requirements of section 7 of this Act shall for each default be liable, at the

discretion of the Board, to pay to the Board a sum not exceeding forty shillings, which may be deducted from his or her salary or pension, as the case may be.

(2) If a member or widow of a member at any time wilfully makes any false statement respecting any of the particulars required by this Act or any regulations made thereunder to be furnished, all or any part of the rights under the Fund of the member or the widow or any child of the member shall be liable to be forfeited at the discretion of the Board, and the Board may give directions for increasing the pension payable to any child of the member in consequence of forfeiture under this section of the rights of any child or the widow of the member, and such pension shall be increased accordingly.

(3) Nothing in this section shall prejudice any right of the Board to recover any sum paid out of the Fund which would not have been paid but for such failure, neglect or false statement as aforesaid.

9. Valuation of Fund

The Fund shall be valued at intervals of not more than ten years by an actuary approved by the President, who shall make a report to the President in which shall be set out the methods by which in his opinion any surplus in the Fund may appropriately be dealt with or any deficit may appropriately be made good, whether by way of adjustment of contributions or benefits or otherwise, and, if the President approves of any such method which would not necessitate amendment of this Act, regulations under this Act may be made for giving effect thereto.

[Act No. 9 of 1961, s. 4, Act No. 21 of 1966, Second Sch.]

PART III – CONTRIBUTORS AND CONTRIBUTIONS

10. Who shall be members of the Fund

Subject to sections 13 and 13A of this Act, every Asian officer appointed on or before the 31st March, 1964, permanently or temporarily to a post in the service of the Government shall become a member of the Fund:

Provided that an Asian officer in the service of the Government who before the 1st June, 1949, was employed in the service of the Government on a letter of probationary appointment or on agreement, shall not be compelled to become a member of the Fund in respect of any period before the said 1st June, 1949, during which he was so employed on a letter of probationary appointment or on agreement.

[Act No. 64 of 1951, s. 5, Act No. 18 of 1964, s. 2.]

11. Option to members of old fund

(1) Any Asian officer who, at the date of the coming into force of this Act, is a contributor to the fund established under the Asiatic Widows' and Orphans' Pension Act (Cap. 193), upon passing a medical examination to the satisfaction of the Board and upon payment of the arrears as herein defined, may within ninety days after the commencement of this Act elect to become a member of the Fund.

(2) For the purposes of this section, arrears means the difference between the total amount of his contributions to the first-mentioned fund and the contributions which he would have paid to the Fund if this Act had been in force at the time he began to contribute to the first-mentioned fund, plus three and one-half per centum interest compounded annually.

12. Transfer of accounts from old fund

Where an Asian officer elects under section 11 of this Act to become a member of the Fund, he shall, on the day that he becomes a member thereof, cease to be a contributor to the Asiatic Widows' and Orphans' Fund as defined in the Asiatic Widows' and Orphans' Pension Act (Cap. 193), and his account in the latter fund shall be closed and the amount standing to his credit therein, together with the interest due, shall be transferred to the Fund.

[Act No. 64 of 1951, s. 6, Act No. 9 of 1961, s. 5.]

12A. Equalization of funds for past members

Where an Asian officer who ceases to have this Act applied to him as a result of his election that the Widows' and Children's Pensions Act (Cap. 195) shall apply to him has made contributions which are not repayable to him under the provisions of this Act, there shall be transferred from the Fund to the Consolidated Fund a capital sum which in the opinion of an actuary approved by the President is actuarially attributable to the contributions retained by the Fund in respect of such officer.

[Act No. 11 of 1971, s. 3.]

13. Who are not eligible to contribute

(1) The following persons shall not be eligible to become members—

- (a) Asian officers whose salaries are less than one hundred and twenty pounds per annum;
- (b) Asian officers who are unmarried and are at the time of employment under the age of twenty-one years:

Provided that, if they are otherwise liable to contribute, they shall on becoming married or on reaching the age of twenty-one years forthwith become members;

- (c) Asian officers who have attained their fifty-fourth birthday;
- (d) subject to the provisions of section 11 of this Act, Asian officers who are contributors to the fund established under the Asiatic Widows' and Orphans' Pension Act;
- (e) Asian officers in the service of the Government as learners and apprentices;
- (f) Asian officers whose engagement, not being for a specified period, is terminable at one month's notice or less;
- (g) any other class of persons whom the President may by order declare to be ineligible to contribute on the grounds that it is impossible or inexpedient to apply the provisions of this Act to such class;
- (h) any Asian officer serving under a written agreement expressed to continue for a specified period or periods, if—
 - (i) such officer is appointed on or after a day determined by the President, by notice in the *Gazette*, for the purposes of this paragraph, unless the terms of his appointment provide that he shall be eligible to be a member; or

- (ii) such officer was appointed before the day determined under subparagraph (i) of this paragraph, and elects, by written notice addressed to the accounting officer of his Ministry or Department and, unless the President is of the opinion that in the particular circumstances of the case the notice should be accepted at a later date, received by the accounting officer within three months of the day so determined, not to continue to contribute, in which case that officer shall cease to be a member (in so far as that expression means an officer who is contributing to the Fund) with effect from the first day of the month after that in which such notice is received by the accounting officer;
- (i) Asian officers appointed on or after the 1st April, 1964.
- (a) Subject to the provisions of this subsection, if the Board is satisfied that an officer who is required by this Act to become a member is a contributor under an approved scheme, the Board may, on the application of such officer, direct that he shall, so long as he continues to be a contributor under such approved scheme, be exempt from contributing unless at any time the contributions which, in the absence of this subsection, he would from time to time be required to pay under this Act exceed his contributions under such approved scheme, and, so long as the exemption remains in force and the officer continues to be a contributor under such scheme, he shall not contribute to the Fund more than the amount (if any) of such excess.
- (b) The Board may require any member who has been granted an exemption under this subsection, from time to time, to produce the receipts for his contributions or other evidence of his continuing to be a contributor under such approved scheme, and if he fails to do so the Board may cancel the exemption.
- (c) No application for exemption under this subsection shall be valid unless it is made in writing and reaches the Board not later than three months after the date from which the officer commences to draw salary from the funds of Kenya or such later date as the Board may in any special case determine.
- (d) Where an Asian officer is, by virtue of an exemption under this subsection, making no contributions to the Fund, he shall nevertheless be deemed, for the purposes of this Act, to cease or continue to contribute, as the case may be, in any circumstances in which he would so cease or continue if such exemption had not been granted, and all rights of election under Part V of this Act may be exercised by him accordingly.

[G.N. 1450/1955, Sch., L. N. 242/1956, Sch.,
Act No. 9 of 1961, s. 6, Act No. 28 of 1963, s. 3,
Act No. 18 of 1964, s. 3, L.N. 123/1964, Act No. 21 of 1966, Second Sch.]

13A. Option to members of Fund

Any Asian officer, who before the 1st April, 1964, was a member of the Fund, may elect by written notice addressed to the accounting officer of his Ministry or Department and, unless the President is of the opinion that in the particular circumstances of the case the notice should be accepted at a later date, received by the accounting officer within three months of the 1st April, 1964, not to continue

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to contribute, in which case he shall cease to be a member (in so far as that expression means an officer who is contributing to the Fund) with effect from the first day of the month in which such notice is received by the accounting officer.

[Act No. 18 of 1964, s. 4, Act No. 21 of 1966, Second Sch.]

14. Contributions of members

(1) Save as otherwise provided in this Act, every member shall contribute to the Fund at the rate of four and one-half per centum per annum of his annual salary or pension for the time being:

Provided that no member shall be required to contribute at a higher rate than £60 a year.

(2) If a member is on leave on part salary or without salary, or is under interdiction, he shall contribute at the ordinary rate.

(3) Contributions under this section shall accrue daily, and shall be deducted monthly in arrear from the salary or pension, as the case may be, of each member, and, if during a period of leave without salary a member does not pay his contributions, the amount of his contributions in arrear shall be deducted from the salary payable to him subsequent to such leave in such instalments as the Board may in each case determine.

(4) A member may, within three months after the date of his first payment of contribution under this Act or within three months after marrying, by written notice to the Board elect to make an additional annual contribution of two and one-quarter per centum of his annual salary:

Provided that a member who has not so elected within the time prescribed by this section may, with the approval of the Board and subject to passing a medical examination to the satisfaction of the Board, be permitted so to elect at any time during the term of his contributions.

(5) Any member who elects to make an additional annual contribution shall make it accordingly as from the date on which he first became a member, or as from the first day of the month next after that upon which his notice was received by the Board, or as from the first day of the month next after that upon which the Board's approval was given to his subsequent election, as the case may be.

(6) No member shall be allowed to make more than one additional annual contribution under this Act.

(7) No member shall after attaining the age of fifty-four years contribute at a higher rate than that at which he was contributing immediately before attaining that age.

(8) Any election to make an additional contribution under this section may be revoked by notification to the Permanent Secretary to the Treasury to discontinue such additional contribution as from the beginning of the month next after that in which the notification of his revocation is received by the Permanent Secretary to the Treasury.

[Act No. 21 of 1961, Sch.]

15. Contributions to Fund from public moneys

(1) Upon the commencement of this section, there shall be paid to the Fund from moneys provided by Parliament to the credit of each member a sum equal to the total amounts which would have been paid to his credit if contributions had been made from such moneys at the rate of two and one-half per centum of his annual salary or pension for the time being from the commencement of this Act, plus three and one-half per centum interest compounded annually.

(2) From and after the commencement of this section, there shall be paid to the Fund from moneys provided by Parliament to the credit of each member a contribution at the rate of two and one-half per centum of his annual salary or pension as the case may be:

Provided that no contribution shall be paid from such moneys in the case of a member—

- (a) who is transferred from the service of the Government to other public service and the provisions of section 21 or section 22 of this Act apply;
- (b) whose contributions to the Fund have ceased under this Act.

(3) Notwithstanding the provisions of subsection (2) of this section, where any person is, pursuant to paragraph (b) of the definition of “**Asian officer**” in section 2 of this Act, approved for membership of the Fund by the President and is permitted to pay arrears of contributions to the Fund, the contribution payable under subsection (2) of this section shall not be paid in respect of any period before such person was so approved for membership unless the President otherwise directs.

(4) All contributions payable to the Fund from moneys provided by Parliament to the credit of any member under this section shall be paid on the last day of each calendar month, and shall accrue daily.

(5) Deleted by Act No. 18 of 1964, s. 5.

(6) Deleted by Act No. 18 of 1964, s. 5.

[Act No. 18 of 1964, s. 5.]

16. Cessation of contributions

The contributions to the Fund of any member shall cease—

- (a) if he attains the age of fifty-five years; or
- (b) if he dies; or
- (c) save as otherwise provided in section 23 of this Act, if he leaves the public service; or
- (d) save as otherwise provided in Part V of this Act, if he is transferred from the service of Kenya to other public service; or
- (e) if, in the circumstances specified in subparagraph (ii) of section 13(1) (h) of this Act, he elects, in accordance with that subparagraph, not to continue to contribute; or
- (f) if, in the circumstances specified in section 13A of this Act, he elects, in accordance with that section, not to continue to contribute,

and not otherwise.

[Act No. 18 of 1964, s. 6.]

17. Contributions may continue in full if salary reduced

If the salary of a member is reduced, he may, upon giving notice in writing to the Board of his desire to do so, continue to make contributions computed by reference to his salary immediately before the reduction.

18. Contributions by members on reappointment

Where a member having left the service of Kenya is reappointed thereto, and immediately before the date of his reappointment is making contribution to the Fund under Part V of this Act, he shall, as from the date of such reappointment, contribute at the rate at which he would have contributed if he had not been a member before that date:

Provided that, if and so long as that rate is less than the rate at which he was contributing before the said date, he may, if he so elects by notice in writing addressed to the Board, continue to contribute at the last-mentioned rate; and he may at any time revoke such election.

[Act No. 21 of 1961, Sch.]

PART IV – REPAYMENT OF CONTRIBUTIONS**19. Contributions not normally to be repaid**

Save as otherwise expressly provided in this Act, no contributions made by a member and no contributions paid from moneys provided by Parliament to the credit of a member shall be repaid.

[Act No. 64 of 1951, s. 8, L.N. 123/1964.]

20. Repayment to bachelor or widower without pensionable children

(1) Subject to the provisions of Part V of this Act, if a member, being a bachelor or a widower without children of pensionable age, ceases to contribute to the Fund, he shall thereupon cease to be a member for the purposes of this Act, and there shall be paid out of the Fund to him, or to his legal personal representative, the following amount, less any debt due to the Government, that is to say—

- (a) in the case of a bachelor, the amount of the contributions paid by him with compound interest thereon; and
- (b) in the case of a widower, the amount of the contributions paid by him during the period from the death of his last wife or the ceasing to be of pensionable age of his last child, whichever event last happens, with compound interest thereon:

Provided that, where such member is dismissed from the public service for misconduct, the contributions shall be repaid as aforesaid without interest.

(2) For the purposes of this section, interest shall be calculated at two and a half per centum per annum, with annual rests at the 31st December in each year, the interest beginning to accrue in respect of each contribution on the first day of the month following the day upon which the contribution is due and ceasing on the last day of the month preceding the day upon which payment under this section is due.

PART V – PROVISION FOR OFFICERS LEAVING THE SERVICE**21. Transfer of member to another service which has provision for widows' and orphans' pensions**

If a member is transferred from the service of the Government to other public service for which there is established an approved scheme, the following provisions shall have effect—

- (a) if the member is a bachelor or a widower without children of pensionable age—

- (i) he shall, if he so elects by notice in writing addressed to the Board not later than three months after the date of transfer, remain a member for the purposes of this Act without making further contributions;
 - (ii) section 20 of this Act shall not apply before the expiration of the said three months or his earlier death, but shall then apply as from the date of transfer if he shall not have elected as provided in subparagraph (i) of this paragraph and not otherwise;
 - (iii) if, having elected as aforesaid, he subsequently leaves the public service or dies without having married or remarried, as the case may be, the provisions of the said section 20 shall apply;
 - (iv) if, having elected as aforesaid, he subsequently marries without having left the public service, the last-mentioned provisions shall cease to apply in his case;
- (b) if the member is married or a widower with children of pensionable age—
- (i) he shall, if he so elects by notice in writing addressed to the Board not later than three months after the date of transfer, continue to contribute to the Fund at the rate at which he was contributing at that date;
 - (ii) if he does not so elect he shall cease to contribute as from the date of transfer.

22. Transfer of member to another service which has no provision for widows' and orphans' pensions

If a member is transferred from the service of the Government to other public service for which there is not established an approved scheme the following provisions shall have effect—

- (a) if the member is a bachelor or widower without children of pensionable age—
- (i) he may, if he so elects by notice in writing addressed to the Board not later than three months after the date of transfer, continue to contribute to the Fund at the rate at which he was contributing at that date;
 - (ii) section 20 of this Act shall not apply before the expiration of the said three months or his earlier death, but shall then apply as from the date of transfer if he has not elected as provided in subparagraph (i) of this paragraph and not otherwise;
 - (iii) if, having elected as aforesaid, he further elects, by notice in writing addressed to the Board at any time, to cease to contribute, he shall cease accordingly as from the first day of the month in which such notice is so addressed; and, subject to the provisions of this Act, if, being at the time a bachelor or widower without children of pensionable age, he so ceases while in the public service or leaves the public service or dies, the provisions of the said section 20 shall apply;

- (b) if the member is married or a widower with children of pensionable age—
 - (i) he may, at his election, continue to contribute, and thereafter cease to contribute in the manner prescribed by paragraph (a) of this section;
 - (ii) if he does not so elect to continue to contribute, he shall cease to contribute as from the date of transfer.

23. Continuance of contributions of married member or widower with pensionable children after retirement on pension

(1) If a member who is married or is a widower with children of pensionable age retires from the public service before attaining the age of fifty-five years and is granted a pension from the funds of Kenya, he shall continue to contribute at the rate at which he was contributing immediately before his retirement, unless and until, by notice in writing addressed to the Board, he elects—

- (a) to contribute at a rate appropriate to the amount of such pension; or
- (b) to cease to contribute as from the first day of the month in which such notice is so addressed,

if he so elects, his contributions shall be reduced or shall cease accordingly; a member may elect under this subsection to cease to contribute notwithstanding that he has previously elected to contribute as provided in paragraph (a) of this subsection.

(2) Notwithstanding the provisions of section 27 of this Act, if such a member retires on the ground of ill-health and his death occurs—

- (a) if at the date of his death he is contributing as provided in paragraph (a) of subsection (1) of this section, not later than three years after the date of his retirement;
- (b) if at the date of his death he has ceased to contribute, not later than two years after the date of his retirement,

any pension payable in respect of him shall be computed as if he had died on the day preceding the date of his retirement.

(3) If such a member continues to contribute under subsection (1) of this section and subsequently his wife dies and his children, if any, cease to be of pensionable age or die, he shall cease to contribute.

(4) Where an officer has elected or been compelled to receive a reduced pension and gratuity, *in lieu* of a pension which he might have received but for such election or compulsion, his pension shall, for the purpose of calculating his contributions under paragraph (a) of subsection (1) of this section, be deemed to be the amount of the unreduced pension which he might have so received.

24. Provisions regarding election

(1) Except as otherwise expressly provided, an election under any of sections 13(1)(h)(ii), 13A, 21, 22 and 23 of this Act, shall be irrevocable.

(2) If the whole or any part of a monthly contribution of a member who may elect to cease to contribute remains unpaid for a period of three months, he shall be deemed to have so elected on the first day of the month in respect of which such contribution was payable:

Provided that, if in any special case the Board so directs, this subsection shall have effect as if for the reference to three months there was substituted a reference to such longer period as the Board may determine.

[Act No. 18 of 1964, s. 7.]

25. Retirement for ill-health without pension

If a member who is married or a widower with children of pensionable age retires from the public service on the ground of ill-health and is not granted a pension from the funds of Kenya, any pension payable on his death shall, if such death occurs not later than two years after the date of his retirement, be computed as if he had died on the day preceding that date.

[Act No. 64 of 1951, s. 9.]

PART VI – CALCULATION AND PAYMENT OF PENSIONS

26. Calculation of pensions

(1) Pensions under this Act shall be calculated in accordance with the Pensions Tables and Instructions set forth in the Schedules to this Act, and the Permanent Secretary to the Treasury shall pay the pensions, or cause them to be paid by the Bombay Agents or the Karachi Agents, as the case may be, as they become due.

(2) All pensions payable under this Act shall, subject to the provisions of this Act, commence upon the day after the death of the member in respect of whom they are payable, shall accrue daily and shall be payable monthly in arrear:

Provided that a pension may be paid quarterly instead of monthly if the person to whom it is payable so desires.

[Act No. 64 of 1951, s. 9.]

27. Effect of increases and reductions in contributions

(1) If the total monthly contributions payable by and on behalf of a member who is married or a widower with children of pensionable age are increased, any pension payable in respect of that member shall be increased by an amount corresponding to the pension which would become payable by virtue of a contribution equivalent to the increase if the member were to commence to contribute to the Fund at the date of the increase.

(2) If such contributions are reduced, any pension payable in respect of him shall be reduced by the amount by which it would have been increased had such contributions been increased instead of reduced.

(3) When contributions cease to be payable otherwise than in the cases mentioned in paragraphs (a) and (b) of section 16 of this Act, the cessation thereof shall be deemed to be a reduction for the purposes of subsection (2) of this section.

28. Rights of individual beneficiaries

Subject to the provisions of this Act—

- (a) on the death of a member leaving one or more beneficiaries, the beneficiary, or each of such beneficiaries, as the case may be, shall receive a pension in accordance with the provisions of this Act;

- (b) if pensions are payable to more than one beneficiary, each beneficiary shall receive such a proportion of the pension which such beneficiary would have received if sole beneficiary, as unity bears to the total number of beneficiaries;
- (c) where there are two or more beneficiaries receiving pensions in respect of the same member and the pension payable to one of such beneficiaries lapses under this Act, the other beneficiary or beneficiaries shall, as from the date of such lapse, receive the pension or pensions which they would have received if such first-mentioned beneficiary had not been in existence at the death of such contributor.

29. Pensions to children

(1) Where there is only one child of a member by any marriage entitled to pension, the pension shall be at the same rate as the pension which his or her mother received or would have received if it had been payable to her, and shall lapse when such child ceases to be of pensionable age or dies.

(2) Where there are two or more children of a member by any marriage entitled to pension, the pension shall be at the same rate as the pension which their mother received or would have received if it had become payable to her, and shall be paid to such children in equal shares; when any of such children ceases to be of pensionable age or dies his or her share of such pension shall be paid to the remaining child of the same marriage of pensionable age, or, if there are two or more such children, to those children in equal shares.

[Act No. 64 of 1951, s. 10.]

30. Pensions to adopted children

(1) A child adopted by a member while he is married shall, for the purposes of this Act, be deemed to be the child of the member by that marriage if—

- (a) the member adopted the child before he retired from the public service; and
- (b) the member was under the age of fifty-five years at the time of the adoption; and
- (c) the adoption was in accordance with the law of the place where the member was resident at the time of the adoption.

(2) The child of a member who is adopted by any other person—

- (a) in the lifetime of the member or while a pension is being paid under this Act to the mother of such child, shall be deemed, for the purposes of this Act, to have died at the date of the adoption;
- (b) after the death of the member shall, if such child is being paid a pension or a share of a pension under this Act, continue to be paid such pension or such share.

(3) Nothing in this section shall entitle an adopted child to be paid any pension or a share in any pension where the payment to him of such pension or share would diminish the pension or the share of any pension immediately payable or being paid at the date on which this section comes into operation to the widow or to any child or children by marriage of the member.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary in the law relating to adoption now in force, or hereafter enacted, in Kenya.

31. Death or remarriage of widow

(1) Where a beneficiary is the widow of a member, the pension shall cease to be payable to her on her remarriage.

(2) When such pension ceases as aforesaid or by reason of the death of the widow or is forfeited under subsection (2) of section 8 of this Act, if there are no children of the marriage of the widow with the member living and of pensionable age, the pension shall lapse; and if there are such children the pension shall be paid to such children in accordance with the provisions of this Act.

(3) A widow whose pension has on her remarriage lapsed or become payable to the children of her marriage with the member who are living and of pensionable age—

- (a) may, if her husband dies in her lifetime, be paid the pension which was payable to her before her remarriage—
 - (i) as from the date of the death of her husband; or
 - (ii) as from the date when such children cease to be of pensionable age;whichever is the later; and
- (b) may, if she becomes entitled on the death of her husband, being a member, to be paid a pension, be paid such pension till such children cease to be of pensionable age; and may then, without prejudice to any rights under this Act of the children of her marriage with her husband, be paid *in lieu* the pension which was payable to her before her remarriage, if that would be to her advantage.

(4) In subsection (3) of this section, references to the husband of a widow are references to her husband by any remarriage.

[Act No. 28 of 1963, s. 5.]

32. Bankruptcy of widow

Where a beneficiary, being a widow of a member, is adjudged bankrupt or declared insolvent by any competent court, the pension shall thereupon cease to be payable to her, and, if the Board so directs, shall lapse:

Provided that, if and so long as the Board has not directed that the pension shall lapse, the Board may during the remainder of her life, or during such shorter period or periods, either continuous or discontinuous, as they think fit, from time to time pay an allowance at a rate not exceeding the rate of such pension to such widow or to any child or children of her marriage with the member, or in part to the widow and in part to any such child or children; and where the amount of the allowance so paid is less than the amount of the pension the President may give directions for increasing, in consequence of the reduction under this section of the amount payable out of the Fund, the pension payable to any child of any other marriage of the member, and such pension shall be increased accordingly.

33. Certain persons not entitled to pension

(1) No widow of a member whose marriage with him is contracted after he has either attained the age of fifty-five years or left the public service and no issue of such marriage shall constitute a beneficiary for the purposes of this Act or become entitled to pension.

(2) Where a member dies within twelve months of his marriage and there is no issue of such marriage, his widow shall not constitute a beneficiary for the purposes of, or become entitled to any pension under, this Act:

Provided that the Board may direct that all or any part of the pension to which such widow would have been entitled but for the provisions of this subsection (in this section called the hypothetical pension) shall be paid to her; and where the Board so directs the widow shall be entitled to payment accordingly and shall constitute a beneficiary for the purposes of this Act; and, if by virtue of the direction of the Board part only of the hypothetical pension becomes payable to such widow, the pension payable to any other beneficiary shall be increased by an amount which shall bear to the difference between the pension which would have been payable to that beneficiary if the Board had directed payment of the whole of the hypothetical pension to the said widow and the pension which would have been payable to that beneficiary if the Board had not given any direction under this subsection, the same proportion as the part of the hypothetical pension not directed to be paid bears to the whole thereof.

34. Failure to maintain child

If the Board is satisfied that the widow of a member while in receipt of a pension has deserted or abandoned or has failed or is failing to maintain or assist, so far as her means allow, a child of her marriage with the member whom she is bound by law to maintain and who is of pensionable age, the Board may, in its uncontrolled discretion, while such child remains of pensionable age, pay or cause to be paid to such child such portion of the pension as they may think fit and the widow shall have no further claim in respect of any portion of the pension so paid.

35. Payment of minors' pensions and widows' allowances

Any pension or part of a pension or any allowance payable under or by virtue of this Act to a minor, and any allowance payable by virtue of this Act to a widow, may, as the Board may in its uncontrolled discretion from time to time determine, be paid either—

- (a) to such minor or widow; or
- (b) to such person or persons as the Board may think fit, for, or to be applied for, the maintenance, support, or benefit of the minor or widow.

36. Proof of claim to pension

The Board may require such proof as it considers desirable that any person who claims to be entitled to pension, or on behalf of whom such claim is made, is alive and entitled to pension, and the payment of any pension may be refused until such proof is furnished to the satisfaction of the Board.

PART VII – MISCELLANEOUS

37. Pension not to be assigned or levied upon

Except as expressly provided in this Act no pension payable, and no rights of any member, under this Act shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever:

Provided that any contribution or other sum due to the Fund or any debt due to the Government from a member or deceased member may be deducted from any amount payable out of the Fund to or in respect of such member; and any sum due to the Fund or any debt due to the Government from a widow or child of a member may be deducted from any pension or allowance payable to or on behalf of such widow or child by virtue of this Act.

38. Rates of exchange

For the payment of contributions, pensions and all other sums under this Act, the rate or rates of exchange in all cases where conversion is necessary, shall be such as may be determined from time to time by the President for the purpose.

39. Questions to be decided by the President

All questions and disputes as to who is entitled to be regarded as a member, or as to the right of a widow or child to a pension, or as to the amount of such pension, or as to the rights or liabilities of any person under this Act, shall be referred by the Board to the President, and the President's decision shall be binding and conclusive on all parties, shall be final to all intents and purposes, and shall not be subject to appeal or be called in question by or before any court.

40. Regulations

The president may make regulations for the carrying out of the provisions of this Act.

[L.N. 123/1964, s. 3, Act No. 21 of 1966, Second Sch.]

SCHEDULE A
(Act No. 11 of 1971, ss. 4 and 26)
PENSION TABLES

TABLE A – THE YEARLY PENSION, PAYABLE BY MONTHLY INSTALLMENTS, WHICH A SINGLE PAYMENT OF 1, WILL SECURE

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
20	.431	.491	.559	.670	.799	.862						
21	.412	.466	.543	.640	.765	.823						
22	.394	.447	.517	.610	.730	.784						
23	.376	.426	.492	.580	.695	.744						
24	.359	.405	.468	.551	.661	.704						
25	.343	.386	.445	.523	.628	.765	.844					
26	.327	.366	.423	.497	.596	.727	.800					
27	.312	.350	.403	.471	.565	.690	.756					
28	.298	.333	.381	.445	.535	.653	.712					
29	.285	.317	.362	.423	.506	.618	.670					
30	.272	.302	.343	.400	.478	.584	.628	.921				
31	.259	.286	.326	.379	.451	.551	.587	.872				
32	.246	.271	.309	.356	.426	.520	.548	.824				

Asian Officers' Family Pensions

SCHEDULE A, TABLE A—Continued

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
33	237	261	294	339	402	489	610	777				
34	226	248	279	321	380	461	574	732				
35	216	237	265	304	358	434	540	699	896			
36	207	226	252	288	338	409	506	648	844			
37	198	215	239	273	319	385	477	608	794			
38	189	205	228	259	301	362	448	571	746			
39	181	196	217	245	285	341	421	535	699			
40	173	187	206	232	269	321	395	501	655	878		
41	166	179	196	220	254	302	370	469	612	822		
42	159	171	187	209	240	284	347	439	572	769		
43	152	163	178	199	227	268	326	410	535	719		
44	146	156	170	189	215	253	306	384	500	672		
45	140	150	162	180	204	238	288	360	468	629	872	
46	135	143	155	171	194	225	271	338	438	588	817	
47	129	138	148	163	184	213	255	317	410	550	768	
48	125	132	142	156	175	202	241	296	384	515	719	
49	120	127	136	149	167	192	228	281	361	484	676	

Asian Officers' Family Pensions

SCHEDULE A, TABLE A—continued

Age of Husband Last Birthday	Age of Wife Last Birthday											
	18	20	25	30	35	40	45	50	55	60	65	70
50	.118	.122	.131	.143	.159	.182	.216	.265	.339	.454	.635	.927
51	.112	.118	.128	.137	.152	.174	.205	.250	.320	.427	.598	.877
52	.108	.113	.121	.131	.148	.169	.194	.237	.301	.402	.564	.831
53	.104	.109	.117	.126	.140	.158	.185	.224	.286	.379	.532	.788
54	.101	.106	.112	.121	.134	.151	.176	.213	.269	.358	.503	.749

TABLE B — THE YEARLY PENSION, PAYABLE BY MONTHLY INSTALMENTS, WHICH A YEARLY CONTRIBUTION OF 1, PAYABLE BY MONTHLY INSTALMENTS, WILL SECURE

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
20	7.88	8.97	10.40	12.25	14.61	17.58						
21	7.43	8.44	9.78	11.53	13.78	16.54						
22	6.99	7.93	9.18	10.83	12.96	15.69						
23	6.57	7.44	8.60	10.14	12.16	14.76						
24	6.17	6.97	8.05	9.48	11.37	13.83						
25	5.79	6.53	7.52	8.86	10.62	12.84	15.96					
26	5.43	6.10	7.02	8.25	9.89	12.07	14.93					
27	5.08	5.70	6.53	7.67	9.19	11.23	13.92					

Asian Officers' Family Pensions

SCHEDULE A, TABLE B—continued

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
28	4.75	6.32	6.08	7.12	8.62	10.42	12.06					
29	4.44	4.95	6.65	6.60	7.89	9.85	12.01					
30	4.14	4.60	5.23	6.10	7.28	8.90	11.09	14.03				
31	3.85	4.27	4.85	5.63	6.71	8.19	10.22	12.66				
32	3.58	3.96	4.48	5.19	6.17	7.52	9.38	11.92				
33	3.33	3.67	4.12	4.77	5.66	6.88	8.59	10.93				
34	3.08	3.39	3.81	4.38	5.18	6.29	7.84	9.99				
35	2.85	3.13	3.50	4.01	4.73	5.73	7.13	9.10	11.83			
36	2.63	2.88	3.21	3.67	4.31	5.21	6.47	8.28	10.76			
37	2.42	2.64	2.94	3.35	3.92	4.72	5.86	7.48	9.74			
38	2.23	2.42	2.68	3.05	3.55	4.26	5.28	6.72	8.78			
39	2.04	2.21	2.44	2.76	3.21	3.84	4.74	6.03	7.88			
40	1.86	2.01	2.21	2.48	2.95	3.44	4.23	5.38	7.03	9.42		
41	1.69	1.82	2.00	2.24	2.69	3.07	3.76	4.77	6.23	8.36		
42	1.52	1.64	1.79	2.01	2.30	2.73	3.33	4.21	5.46	7.38		
43	1.37	1.47	1.60	1.79	2.04	2.41	2.93	3.69	4.81	6.46		
44	1.22	1.31	1.42	1.58	1.80	2.11	2.56	3.21	4.18	5.62		

Asian Officers' Family Pensions

SCHEDULE A, TABLE B—continued

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
45	1.09	1.15	1.25	1.39	1.57	1.84	2.22	2.78	3.61	4.85	6.73	
46	0.95	1.01	1.09	1.21	1.36	1.59	1.91	2.38	3.08	4.14	5.76	
47	0.82	0.87	0.94	1.03	1.17	1.35	1.62	2.01	2.60	3.48	4.86	
48	0.70	0.74	0.80	0.87	0.98	1.13	1.36	1.67	2.15	2.89	4.03	
49	0.58	0.61	0.66	0.72	0.81	0.93	1.10	1.38	1.76	2.34	3.27	
50	0.47	0.49	0.53	0.58	0.64	0.74	0.87	1.07	1.37	1.84	2.57	3.75
51	0.36	0.38	0.40	0.44	0.49	0.56	0.66	0.80	1.03	1.37	1.92	2.82
52	0.25	0.27	0.29	0.31	0.34	0.39	0.46	0.56	0.71	0.94	1.32	1.95
53	0.15	0.16	0.17	0.18	0.20	0.23	0.27	0.32	0.41	0.56	0.77	1.13
54	0.05	0.05	0.05	0.06	0.07	0.07	0.09	0.10	0.13	0.17	0.25	0.37

TABLE C—THE SINGLE PAYMENT WHICH WILL SECURE A YEARLY PENSION OF 1, PAYABLE BY MONTHLY INSTALMENTS

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
20	2.32	2.04	1.76	1.49	1.25	1.04						
21	2.43	2.14	1.84	1.56	1.31	1.06						
22	2.54	2.24	1.93	1.64	1.37	1.13						

Asian Officers' Family Pensions

SCHEDULE A, TABLE C—continued

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
23	2.86	2.35	2.03	1.72	1.44	1.19						
24	2.79	2.47	2.14	1.81	1.51	1.24						
25	2.92	2.59	2.25	1.91	1.59	1.31	1.06					
26	3.08	2.72	2.37	2.01	1.68	1.37	1.11					
27	3.20	2.86	2.49	2.12	1.77	1.45	1.17					
28	3.36	3.00	2.62	2.24	1.87	1.53	1.23					
29	3.51	3.15	2.76	2.37	1.98	1.62	1.30					
30	3.68	3.31	2.91	2.50	2.09	1.71	1.37	1.09				
31	3.86	3.48	3.07	2.64	2.22	1.81	1.46	1.15				
32	4.04	3.65	3.23	2.79	2.35	1.92	1.54	1.21				
33	4.23	3.83	3.40	2.95	2.49	2.04	1.64	1.29				
34	4.42	4.03	3.58	3.11	2.63	2.17	1.74	1.37				
35	4.63	4.23	3.77	3.29	2.79	2.30	1.85	1.46	1.12			
36	4.84	4.43	3.97	3.47	2.96	2.45	1.97	1.54	1.18			
37	5.06	4.64	4.18	3.67	3.13	2.60	2.10	1.64	1.26			
38	5.29	4.87	4.39	3.87	3.32	2.76	2.23	1.75	1.34			
39	5.53	5.10	4.61	4.08	3.51	2.94	2.38	1.87	1.43			

Asian Officers' Family Pensions

SCHEDULE A, TABLE C—continued

Age of Husband Last Birthday	Age of Wife Last Birthday											
	15	20	25	30	35	40	45	50	55	60	65	70
40	6.77	6.34	4.86	4.30	3.72	3.12	2.53	2.00	1.63	1.14		
41	6.03	5.59	5.09	4.54	3.93	3.31	2.70	2.13	1.63	1.22		
42	6.29	5.86	5.36	4.76	4.16	3.52	2.89	2.30	1.76	1.30		
43	6.67	6.12	5.61	5.03	4.40	3.73	3.07	2.44	1.87	1.39		
44	6.85	6.40	5.88	5.29	4.64	3.96	3.27	2.60	2.00	1.49		
45	7.13	6.68	6.16	5.56	4.90	4.19	3.47	2.78	2.14	1.69	1.15	
46	7.43	6.97	6.44	5.84	5.16	4.44	3.69	2.96	2.29	1.70	1.22	
47	7.73	7.27	6.74	6.12	5.43	4.69	3.91	3.15	2.44	1.82	1.30	
48	8.03	7.57	7.03	6.41	5.71	4.95	4.15	3.35	2.60	1.94	1.39	
49	8.34	7.88	7.33	6.70	5.99	5.21	4.39	3.56	2.77	2.07	1.48	
50	8.65	8.19	7.64	7.00	6.28	5.48	4.63	3.77	2.95	2.20	1.57	1.08
51	8.96	8.50	7.95	7.31	6.57	5.76	4.88	3.99	3.13	2.34	1.67	1.14
52	9.28	8.82	8.26	7.61	6.87	6.04	5.14	4.22	3.32	2.49	1.77	1.20
53	9.60	9.14	8.58	7.92	7.17	6.32	5.41	4.45	3.51	2.64	1.88	1.27
54	9.92	9.46	8.90	8.24	7.47	6.61	5.68	4.69	3.71	2.79	1.99	1.34

SCHEDULE B

[Act No. 64 of 1951, s. 11, Act No. 18 of 1964, s. 8, Act No. 11 of 1971, ss. 4 and 26.]

INSTRUCTIONS FOR RECOMPUTING AND INCREASING
REGISTERED PENSIONS OF OFFICERS WHO
WERE CONTRIBUTORS ON 31ST MARCH, 1966

N.B.—*In these tables, wherever the word “contribution” or “contributions” appears, the reference is both to the members’ contribution or contributions and to the contribution or contributions from public moneys to the credit of each member.*

1. The pension as at the 31st day of March, 1966 (“the original pension”) computed on the tables and instructions in force on that date and registered in respect of each married or widowed officer who began to contribute before, and was still contributing on, the 1st day of April, 1966, shall be recomputed, and increased, as follows—

- (a) The original pension shall be divided into two parts—
 - X —the part purchased by contributions which fell due on or before the 31st day of March, 1966; and
 - Y —the part to be purchased by contributions falling due on or after the 1st day of April, 1966.
- (b) Part Y shall be recomputed by applying to Table B in Schedule A the amount of the annual contribution as at the 31st day of March, 1966.
- (c) If Part Y so recomputed is greater than Part Y computed on the tables in force on the 31st day of March, 1966, it shall be added to Part X; otherwise the amount of the original pension shall be retained.
- (d) Each pension so recomputed shall, whether or not the amount of the original pension is retained, be increased by the addition of 40 per cent of Part X.

[For example of recomputation see Section C.]

2. The pension as at the 31st day of March, 1966, computed on the tables in force on that date and registered in respect of each married or widowed officer who had ceased to contribute on or before that date, but was still alive and ranking for benefit on that date, shall be increased by the addition of 40 per cent of its amount.

Instructions for the Use of the Pension Tables

3. The tables in Schedule A shall apply—

- (a) to all pensions registered in respect of officers who were contributing on the 1st day of April, 1966, for the purpose of computing variations when their rates of contribution rise or fall on or after that date;
- (b) to all pensions registered on marriage in respect of bachelors who marry on or after the 1st day of April, 1966, in relation to contributions paid both before and after marriage; and

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(c) to all pensions registered in respect of widowers for the purpose of computing variations if they remarry on or after the 1st day of April, 1966.

4. Registered pensions shall be calculated to the nearest shilling.

A – Contributor who is a Bachelor on 31st March, 1966

I. – First Wives' Prospective Pension

The registered pension to be recorded on marriage is found by adding together the two amounts calculated in accordance with the following rules I(a) and I(b)—

(a) Pension bought by the contributions paid during bachelorhood

Rule I(a)—Accumulate the contributions at 4 per cent compound interest with yearly rests at each 31st December, and multiply the result by the quantity found from Table A corresponding to the ages last birthday of the husband and wife at the date of marriage.

(b) Pension bought by the annual contribution at the date of marriage

Rule I(b)—Multiply the amount of the annual contribution by the quantity found from Table B corresponding to the ages last birthday of the husband and wife at the date of marriage.

Example—

Officer born on 4th May, 1940.

Officer began to contribute on 1st August, 1963.

Officer marries on 30th September, 1966.

Wife born on 5th September, 1944.

Officer's age last birthday at date of marriage – 26.

Wife's age last birthday at date of marriage – 22.

Annual contributions (officer plus government)—

	Sh.
1st August, 1963 to 31st December, 1963	420
1st January, 1964 to 31st December, 1964	450
1st January, 1965 to 31st December, 1965	500
1st January, 1966 to date of marriage	540
Accumulation of contributions during bachelorhood—	
Rule I(a)	Sh.
Contributions from 1st August, 1963 to 31st December, 1963	175
Contributions during 1964	450
One years' interest at 4 per cent on Sh. 175	7
	632

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SCHEDULE B—*continued*

	Sh.
Contributions during 1965	500
One years' interest at 4 per cent on Sh. 632	25
	1,157
Contributions from 1st January, 1966 to date of marriage	405
Three-quarters of a years' interest at 4 per cent on Sh. 1,157	35
Total accumulations	1,597
Quantity found from Table A—	
Husband aged 26 last birthday	}
Wife aged 22 last birthday	
	.390*
Pension bought by contributions paid during bachelorhood = Sh. 1,597 × 390 = Sh. 623.	
Rule I(b)	
Annual contribution at date of marriage – Sh. 540.	
Quantity found from Table B—	
Husband aged 26 last birthday	}
Wife aged 22 last birthday	
	6.47*
Pension bought by the annual contribution at marriage =	
Sh. 540 × 6.47 = Sh. 3,494.	
Total registered pension recorded on marriage of the bachelor—	
	Sh.
By Rule I(a)	623
By Rule I(b)	3,494
Total	4,117

(c) *Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is married to his first wife*

Rule I(c)—Multiply the amount of the increment to, or the decrement from, the annual contribution by the quantity found from Table B corresponding to the ages last birthday of the husband and wife at the date of the variation of the contribution.

* See D which gives the method of calculation of quantities not immediately available from the tables.

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The product gives the amount to be added to the registered pension consequent on the increment to the annual contribution, or, as the case may be, the amount to be deducted from the registered pension consequent on the decrement from, the annual contribution.

The cessation of the contribution from any cause, except death, before the completion of the full period of contribution must be regarded as a decrement from the annual contribution equal to the amount of such annual contribution.

Example—

Assume particulars as in the example subjoined to Rules I(a) and I(b).

Annual contribution increased on 1st June, 1969, from Sh. 540 to Sh. 600.

Annual contribution increased on 1st February, 1973, from Sh. 600 to Sh. 700.

Annual contribution ceased on 31st March, 1991, owing to withdrawal from service.

1st June, 1969 – Increment to annual contribution Sh. 60.

Quantity found from Table B—

Husband aged 29 last birthday }
 Wife aged 24 last birthday } 5.51*

Amount to be added to registered pension = Sh. 60 × 5.51 = Sh. 331.

	Sh.
Registered pension at date of marriage	4,117
Add pension purchased by increment of Sh. 60	331
Registered pension at 1st June, 1969	4,448

1st February, 1973 – Increment to annual contribution Sh. 100.

Quantity found from Table B—

Husband aged 32 last birthday }
 Wife aged 28 last birthday } 4.91*

Amount to be added to registered pension = Sh. 100 × 4.91 = Sh. 491.

	Sh.
Registered pension at 1st June, 1969	4,448
Add pension purchased by increment of Sh. 100	491
Registered pension at 1st February, 1973	4,939

* See D which gives the method of calculation of quantities not immediately available from the tables.

Asian Officers' Family Pensions

SCHEDULE B—continued

31st March, 1991 – Decrement from annual contribution due to cessation of contribution of Sh. 700.

Quantity found from Table B—

Husband aged 50 last birthday	}	.91*
Wife aged 46 last birthday		

Amount to be deducted from registered pension =
 Sh. 700 × .91 = Sh. 637.

Registered pension at 1st February, 1973	Sh. 4,939
Deduct pension in respect of cessation of contribution of Sh. 700	637
Registered pension at 31st March, 1991	4,302

II. – Second or Subsequent Wife's Prospective Pension

(a) Variations of pension consequent on increments to, or decrements from, the annual contribution while the contributor is a widower

Rule II(a)—Assume that the contributors' last preceding wife was alive at the date of the variation of the contribution and proceed in accordance with Rule I(c).

Example of the application of Rule II(a)—

If the particulars are as in the example subjoined to Rule I(c) except that the first wife, who was born on 5th September, 1994, died on 7th July, 1969, it will be assumed that the contributor was, at the date of each of the three variations of the contribution, married to a wife who was born on 5th September, 1944. The calculations will then be identical with those given in the example subjoined to Rule I(c).

(b) Variations of pension consequent on the remarriage of the contributor

If the second or subsequent wife was, at the date of the remarriage of the same age last birthday as the last preceding wife would have been had she survived, the registered pension remains the same.

Rule II(b)—If the second or subsequent wife is younger or older than the last preceding wife would have been had she survived, multiply the amount of the pension already registered by the quantity found in Table C corresponding to the age last birthday of the husband at the date of remarriage, and the age last birthday which the last preceding wife would have attained had she survived to that date; multiply the product so obtained by the quantity found from Table A corresponding to the ages last birthday of the husband and of the second or subsequent wife at the date of the remarriage.

* See D which gives the method of calculation of quantities not immediately available from the tables.

Asian Officers' Family Pensions

SCHEDULE B—*continued*

Example—

Assume particulars as in the example subjoined to Rule I(c).

First wife dies on – 7th July, 1969.

Contributor remarries on – 11th January 1981.

Contributors' age last birthday at date of remarriage – 40.

Second wife born on – 30th April, 1950.

Second wife's age last birthday at date of remarriage – 30.

Age last birthday which the first wife would have attained had she survived to the date of the remarriage – 36.

The second wife being younger than the first wife would have been had she survived, the registered pension of Sh. 4,939 [see Example subjoined to Rule I(c)] has to be recalculated.

Quantity found from Table C—

Husband aged 40 last birthday	}	3.60*
Wife aged 36 last birthday		

Quantity found from Table A—

Husband aged 40 last birthday	}	.232*
Wife aged 30 last birthday		

Registered pension at 11th January, 1981 =
Sh. 4,939 × 3.60 × .232 = Sh. 4,125.

(c) *Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is married to his second or subsequent wife*

Rule II(c)—Proceed as in Rule I(c).

B – Contributor with two or more Beneficiaries

Rule III—Where there are children of pensionable age by two or more deceased wives, or where there is a wife and also a child or children of pensionable age by one or more previous marriages, the pension for each beneficiary as found by the above rules must be divided by the total number of beneficiaries then existing to find the registered pension for that beneficiary.

Example—

Assume particulars as in example subjoined to Rules I and II and that on 11th January, 1981, there is a child of pensionable age by the contributor's first marriage. The pensions as found by the above

rules would be Sh. 4,939 for the child and Sh. 4,125 for the second wife if each were the sole beneficiary. But there are two beneficiaries and therefore in accordance with Rule III these amounts are to be divided by two. Thus the registered pension will be Sh. 2,470 for the child and Sh. 2,062 for the second wife.

* See D which gives the method of calculation of quantities not immediately available from the tables.

Asian Officers' Family Pensions

When all the children of the first marriage cease to be of pensionable age, the registered pension for the second wife will be increased to the full amount of Sh. 4,125.

C – Example of Recomputation of the Registered Pension of a Married or Widowed Officer who was Contributing on 31st March, 1966

Officer born on – 4th August, 1930.
 Wife born on – 18th December, 1933.
 Age of officer last birthday on 31st March, 1966 – 35.
 Age of wife last birthday on 31st March, 1966 – 32.
 Annual contribution at 31st March, 1966 – Sh. 720.
 Registered pension on 31st March, 1966 – Sh. 3,000.
 Calculation of Part X [see instruction 1(a)] –
 Quantity from Table B factor in force on 31st March, 1966 for husband aged 35 and wife aged 32 = 3.79*.
 Part of pension which would have been bought by contributions from 1st April, 1966 (Part Y) = Sh. 720 × 3.79 = Sh. 2,729.
 Part of pension bought by contributions up to 31st March, 1966 (Part X) = Sh. 3,000 – Sh. 2,729 = Sh. 271.
 Recomputation of Part Y [see instruction 1(b)] –
 Quantity from Table B in force on 1st April, 1966 for husband aged 35 and wife aged 32 = 4.30*.
 Recomputed part of pension bought by contributions from 1st April, 1966 (recomputed Part Y) = Sh. 720 × 4.30 = Sh. 3,096.
 Recomputed registered pension on 1st April, 1966 –

	Sh.
Part X	271
Recomputed Part Y	3,096
Addition of 40 per cent of Part X [see instruction 1(d)]	108
Registered pension at 1st April, 1966	3,475

Notes—
 (i) If the recomputed Part Y is smaller than the original Part Y, the original Part Y is retained. The recomputed registered pension is then the original pension plus 40 per cent of Part X [see instruction 1(c) and 1(d)].

*Asian Officers' Family Pensions*SCHEDULE B—*continued*

(ii) If Part Y before recomputation exceeds the registered pension, the recomputed pension is to be the recomputed Part Y.

D – Calculation of Quantities for Ages not given in the Tables

(i) Ages of husbands and wives younger than the youngest and older than the oldest are to be dealt with as if identical with the youngest and oldest respectively.

(ii) Quantities relating to ages of wives are given at five-yearly intervals. For the intermediate ages the required quantities are obtained by interpolation.

Examples—

- (a) To find the quantity in Table A corresponding to the ages of a husband and wife aged respectively 27 and 26 last birthday.

The quantity for ages 27 and 25 given in Table A is .401.

The quantity for ages 27 and 30 given in Table A is .471.

The addition of five years to the age of the wife results, therefore, in an addition of .070 to the quantity given in the tables for ages 27 and 25.

An addition of one year to the age of the wife accordingly results, by proportion, in an addition of one-fifth of .070, that is .014. This amount added to .401 gives .415 which is, therefore, the required quantity corresponding to ages 27 and 26.

- (b) Similarly, the quantity found from Table B corresponding to the ages of a husband and wife aged respectively 39 and 38 last birthday is three-fifths of .63 added to 3.21 which gives 3.59.

- (c) To find the quantity in Table C corresponding to the ages of a husband and wife aged respectively 35 and 34 last birthday. It must be noted that in Table C an addition to the age of the wife results in a deduction from the quantity given in the table.

The quantity for ages 35 and 30 given in Table C is 3.29.

The quantity for ages 35 and 35 given in Table C is 2.79.

The addition for five years to the age of the wife results, therefore, in a deduction of .50 from the quantity given in the table for ages 35 and 30.

An addition of four years to the age of the wife accordingly results, by proportion, in a deduction of four-fifths of .50, that is .40. This amount deducted from 3.29 leaves 2.89, which is, therefore, the required quantity corresponding to ages 35 and 34.

Asian Officers' Family Pensions

INSTRUCTIONS FOR INCREASING PENSIONS WHICH
HAD BECOME PAYABLE BEFORE THE 1ST APRIL, 1966

Every pension which had become payable before 1st April, 1966, shall be increased by the addition of 40 per cent of its amount with effect from that date and the increased pension shall be calculated to the nearest shilling.
