



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3426 OF 10TH MARCH, 1949.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 10 OF 1949.

A LAW TO PROVIDE FOR THE PAYMENT OF PENSIONS,
GRATUITIES AND OTHER ALLOWANCES.

R. E. TURNBULL,]

[9th March, 1949.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering
the Government and Commander-in-Chief of the
Colony of Cyprus as follows:—

1. This Law may be cited as the Pensions Law, 1949. Short title.

Interpreta-
tion.

2.—(1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“expatriation allowance” means an allowance granted to such officers in the service of Cyprus as may be declared by the Governor to be eligible for such allowance ;

“house allowance” means the estimated value of free quarters as defined in regulations under this Law ;

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

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

“pensionable emoluments”—

(a) in respect of service in Cyprus includes salary, personal allowance, expatriation allowance and house allowance, but does not include duty allowance, entertainment allowance or any other emoluments whatever ;

(b) in respect of other public service means emoluments which count for pension in accordance with the law or regulations in force in such service ;

“pensionable office” means—

(a) in respect of service in Cyprus an office which, by virtue of provision for the time being in force in an Order made by the Governor in Council and published in the *Gazette*, is declared to be a pensionable office ; and any such Order may from time to time be amended, added to, or revoked by an Order so made and published ; but 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 ;

(b) in respect of other public service an office which is for the time being a pensionable office under the law or regulations in force in such service ;

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

“public service” means service in a civil capacity under the Government of Cyprus or the Government of any other part of His Majesty’s dominions, or of any British Protected State, Protectorate or territory under British Mandate or of the Anglo-Egyptian Sudan, or under the High Commissioner for Transport in Kenya and Uganda, and service which is pensionable under the Teachers (Superannuation) Act, 1925, or any Act amending or replacing the same, and any such other service as the Secretary of State may determine to be “public service” for the purpose of any provisions of this Law; and, except for the purposes of computation of pension or gratuity and of section 9 of this Law, includes service as a Governor-General, Governor or High Commissioner in any part of His Majesty’s dominions, any British Protected State or Protectorate, any territory under British Mandate or the Anglo-Egyptian Sudan;

“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.

(2) For the avoidance of doubts it is hereby declared that, where an officer has been confirmed in a pensionable office and is thereafter appointed to another pensionable office, then, unless the terms of such appointment otherwise require, such last mentioned office is, for the purposes of this Law, an office in which he has been confirmed.

3.—(1) Pensions, gratuities and other allowances may be granted by the Governor in accordance with the regulations contained in the First Schedule to this Law to officers who have been in the service of Cyprus.

Pension
regulations.
First
Schedule.

The said regulations may from time to time be amended, added to, or revoked by regulations made by the Governor in Council with the sanction of the Secretary of State, and all regulations so made shall be published in the *Gazette*.

Any pension or gratuity granted under this Law shall be computed in accordance with the provisions in force at the actual date of an officer’s retirement.

(2) All regulations made under this section shall have the same force and effect as if they were contained in the First Schedule to this Law, and the expression “this Law” shall, wherever it occurs in this Law, be construed as including a reference to the said Schedule.

(3) Whenever the Governor in Council is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon, or remove a disability attaching to, any person, that regulation may be given retrospective effect for that purpose.

Pensions,
etc., to be
charged on
revenues of
Cyprus.

4. There shall be charged on and paid out of the revenues of Cyprus all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in pursuance of this Law.

Pensions,
etc., not of
right.

5.—(1) No officer shall have an absolute right to compensation for past services or to pension, gratuity or other allowance; nor shall anything in this Law affect the right of the Crown to dismiss any officer at any time and without compensation.

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

Circum-
stances in
which
pension
may be
granted.

6. No pension, gratuity or other allowance shall be granted under this Law to any officer except on his retirement from the public service in one of the following cases:—

- (a) on or after attaining the age of fifty-five years, or in any case in which the Governor, under the provisions of this Law, may require or permit an officer to retire on or after attaining the age of fifty years, on being required or permitted so to retire;
- (b) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;
- (c) on the abolition of his office;
- (d) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected;
- (e) on medical evidence to the satisfaction of the Governor in Council or the Secretary of State that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;

- (f) in the case of removal on the ground of inefficiency as provided in this Law ;
- (g) on retirement, in circumstances, not mentioned in the preceding paragraphs of this section, rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947, or any Act amending or replacing the same :

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Law, who is required or permitted to retire for the reason that she has married, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.

7. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Law, the Governor in Council, may, if he considers it justifiable having regard to all the circumstances of the case, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in paragraph (e) of the preceding section.

Retirement
for
inefficiency.

8.—(1) It shall be lawful for the Governor to require or permit any officer to retire from the service of Cyprus at any time after he has attained the age of fifty years and also in the case of a female officer to require or permit such officer to retire on becoming married or at any time thereafter, and retirement shall be compulsory for every officer on attaining the age of fifty-five years :

Age of
retirement.

Provided that—

- (a) any officer who holds any of the offices set out in sub-section (2) shall not be required or permitted to retire as aforesaid, except with the consent of the Secretary of State ;
 - (b) the Governor may allow any officer to remain in the service of Cyprus for such time, after attaining the age of fifty-five years, as to the Governor may seem fit.
- (2) The offices to which paragraph (a) of the proviso to sub-section (1) refers shall be—
- (a) offices for the time being included in any of the unified branches of the Colonial Service ;
 - (b) other offices the initial pensionable emoluments of which are not less than £600 a year.