

**CHAPTER 173.****PENSIONS.****ARRANGEMENT OF SECTIONS.****SECTION.**

1. Short title and commencement.
2. Interpretation.
3. Pension Rules.
4. Law applicable to grant of pension or gratuity.
5. Pensions, etc., to be charged on revenues of Sierra Leone.
6. Pensions, etc., not of right.
7. Circumstances in which pension may be granted.
8. Retirement for inefficiency.
9. Compulsory retirement.
10. Maximum pension.
11. Suspension of pension on re-employment.
12. Pensions, etc., not to be assignable.
13. Pensions, etc., to cease on bankruptcy.
14. Pensions, etc., may cease on sentence to term of imprisonment.
15. Pensions, etc., may cease on accepting certain appointments.
16. Gratuity where an officer dies in the service or shortly after retirement.
17. Pensions to dependants when an officer is killed on duty.
18. Application of Ordinance.
19. Repeal.
20. Palestine service to be deemed to continue until appointment elsewhere, etc.

**FIRST SCHEDULE.\***

Rules for the granting of pensions, Gratuities and other allowances to Officers.

**SECOND SCHEDULE.**

List of Ordinances repealed.

\* The First Schedule is printed in the volume containing the subsidiary legislation of this Chapter.

## CHAPTER 173.

## PENSIONS.

**An Ordinance to Prescribe the Pensions, Gratuities and Allowances payable to Officers in the Service of the Government of Sierra Leone.**

2 of 1950.  
27 of 1954.  
27 of 1956.  
3 of 1958.  
15 of 1959.

[1ST JANUARY, 1946.]

1. This Ordinance may be cited as the Pensions Ordinance, and it shall apply to the Colony and Protectorate, and shall be deemed to have come into operation on the 1st day of January, 1946, which date is hereinafter in this Ordinance referred to as the commencement of this Ordinance.

Short title  
and com-  
mencement

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

Interpreta-  
tion.

“expatriate officer” means an officer who draws expatriation pay.

“expatriation pay” means such additions as may from time to time be attached to the salary of an office where the holder of such office for the time being has been declared by the Government of Sierra Leone to be an “expatriate officer”.

“new conditions of service” means the terms of service which took effect in West Africa 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 of Sierra Leone.

“pensionable emoluments”—

(a) in respect of public service in Sierra Leone includes (except in so far as may be otherwise provided by rules under this Ordinance):—

- (i) Salary,
- (ii) Expatriation pay, and
- (iii) Personal allowance; but does not include 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 rules in force in such public service.

“ pensionable office ” means—

27 of 1954.

(a) in respect of public service in Sierra Leone, 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; any such Order made and published as aforesaid, other than an Order which has the effect of causing an office to cease to be a pensionable office, may be given retrospective effect, and the Pensions (Declaration of Pensionable Offices) Order in Council, shall be deemed to be such an Order made and published under this section with effect from the commencement of this Ordinance;

(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 public 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 Sierra Leone or the Government of any part of Her Majesty’s Dominions or of any British Protectorate, Protected State or Mandated or Trust Territory administered by the Government of any part of Her Majesty’s Dominions or of the New Hebrides or the Anglo-Egyptian Sudan, or service which is pensionable under the Teachers’ Superannuation Act, 1925, or any Act amending or replacing the same, or under the Colonial Superannuation Scheme, or under the Freetown Municipality Officers Superannuation Ordinance or in a Colonial University College or pensionable employment under a Local Authority in the United Kingdom, or of such other service as the Secretary of State may determine to be “ public service ” for the purpose of any provision of this

15 and 16  
Geo. 5 c. 59.

Cap. 71.

\* This Order in Council, which was published in P.N. 116 of 1955, is printed in the Volume containing the subsidiary legislation of this Chapter.

Ordinance, and, except for the purposes of computation of pension and gratuity and of section 10 of this Ordinance, includes service as a Governor-General, Governor or High Commissioner in any part of Her Majesty's Dominions, any British Protected State or Protectorate, any Mandated or Trust Territory administered by the Government of any part of Her Majesty's Dominions or the Anglo-Egyptian Sudan.

“ salary ” means the salary attached to a pensionable office or, where provision is made for taking public 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 Service of any West African Government which is so designated by such Government.

“ West Africa ” includes the territories administered respectively by the Governments of Ghana, Nigeria, Sierra Leone and Gambia, and any adjacent territories administered by any such Governments.

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

**3. (1)** Pensions, gratuities and other allowances may be granted by the Governor in Council in accordance with the rules contained in Schedule I to officers who have been in the public service of Sierra Leone. Pension  
Rules.

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

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

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

Provided that no such rule shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

Law applica-  
ble to grant  
of pension or  
gratuity.

4. Any pension or gratuity granted under this Ordinance shall be computed in accordance with the law or rules in force at the actual date of an officer's retirement.

Pensions,  
etc., to be  
charged on  
revenues of  
Sierra Leone.

5. There shall be charged on and paid out of the revenues of Sierra Leone 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 Ordinance.

Pensions,  
etc., not of  
right.

6. (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 Ordinance 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.

Circumstan-  
ces in which  
pension may  
be granted.

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

(1) on or after attaining the age of forty-five years, subject, unless the officer has attained the age of fifty, to six months notice in writing of his desire to retire having been given by the officer to the Governor, unless he sees fit to waive this condition;

(2) on compulsory retirement under the provisions of section 9;

(3) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the law or rules of the public service in which he is last employed to retire on pension or gratuity:

Provided that if he retires from such other public service under the Federated Superannuation System for Universities or a similar insurance scheme before attaining the age of forty-five years, he does so on one of the grounds mentioned in paragraphs (4), (5), (6) and (7) of this section;

(4) on the abolition of his office;

(5) on compulsory retirement for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency or economy may be effected;

(6) on medical evidence to the satisfaction of the Governor 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;

(7) in the case of removal on the ground of inefficiency as provided in this Ordinance;

(8) on retirement in order to become a Chief or the servant of a Native Authority, if the Governor in Council is satisfied that the retirement is desirable on grounds of public policy;

(9) on retirement in circumstances, not mentioned in the preceding paragraphs, rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947, or any Act amending or replacing those Acts;

(10) in the case of a Court Messenger, on compulsory retirement on the completion of any period of enlistment as provided under the provisions of section 10 and 12 of the Court Messengers Ordinance;

(11) in the case of any police officer of or below the rank of Sergeant Major on compulsory retirement on the completion of any term of enlistment as provided under the provisions of sections 10 and 12 of the Police Ordinance:

Cap. 150.

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Ordinance, who retires for the reason that she has married or is about to marry, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance:

Provided further that a female officer who retires for the reason that she has married shall retire within six months of her marriage.

3 of 1953.

8. 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 Ordinance, 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 (6) of the preceding section.

Retirement  
for  
inefficiency.

\* The Court Messengers Ordinance was Chapter 49 of the 1946 Edition. It was repealed by No. 28 of 1953.

Compulsory  
retirement.

9. (1) It shall be lawful for the Governor in Council to require an officer to retire from the public service of Sierra Leone at any time after he attains the age of forty-five years, subject to six months notice in writing of such requirement being given to the officer:

Provided that no officer in the Senior Civil Service of Sierra Leone may be retired under this sub-section without the approval of the Secretary of State.

(2) It shall be lawful for the Governor to require a female officer to retire from the public service of Sierra Leone on marriage.

Maximum  
pension.

10. (1) Except in cases provided for by sub-section (2) a pension granted to an officer under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service in Sierra Leone.

(2) An officer who shall have been granted a pension in respect of other public service shall not at any time draw from the funds of Sierra Leone an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service:

27 of 1956.

Provided that where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of such pension shall be deemed for the purpose of this sub-section to be what it would have been if part of it had not been commuted or, in the case of a pension granted under the Superannuation Acts of the United Kingdom, to be four-thirds of its actual amount.

(3) Where the limitation prescribed by the preceding sub-section operates, the amount of the pension to be drawn from the funds of Sierra Leone shall be subject to the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service.

(4) For the purposes of the preceding sub-sections an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension under this Ordinance, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

11. (1) If an officer to whom a pension has been granted under this Ordinance is appointed to another office in the public service the payment of his pension may with his consent, if the Governor thinks fit, be suspended during the period of his re-employment.

Suspension of pension on re-employment.

(2) Where, prior to the 2nd day of July, 1942, an officer has been granted a pension under any Sierra Leone Ordinance providing for the granting of pensions, and has subsequently been reappointed to the public service of Sierra Leone, he may be granted on his final retirement, in lieu of his previous pension, a pension computed as if the periods of his public service have been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the public service of Sierra Leone, whichever are greater.

12. A pension, gratuity or other allowance granted under this Ordinance shall not be assignable or transferable except for the purpose of satisfying—

Pensions, etc., not to be assignable.

(i) a debt due to the Government; or

(ii) an Order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension, gratuity or other allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

13. (1) If any person, to whom a pension or other allowance has been granted under this Ordinance or under any previous law or rules, is adjudicated bankrupt or is declared insolvent by judgment of any competent Court, then such pension or allowance shall forthwith cease.

Pensions, etc., to cease on bankruptcy.

(2) If any person is adjudicated bankrupt or declared insolvent as aforesaid either—

(a) after retirement in circumstances in which he is eligible for pension or allowance under this Ordinance but before the pension or allowance is granted, or

(b) before such retirement, and he shall not have obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case any pension or allowance eventually granted to him shall cease as from the date of adjudication or declaration as the case may be 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 allowance ceases by reason of this section, it shall be lawful for the Secretary of State, or if the person in question is resident in Sierra Leone, the Governor, from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or the Governor, as the case may be, shall think fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance, had he not become bankrupt or insolvent, to be paid to, or applied for the maintenance, or benefit of all or any to the exclusion of the other or others, of the following, that is to say, such person and any wife, child or children of his, in such proportions and manner as the Secretary of State or the Governor, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly.

(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 his benefit.

(5) When a person whose pension or allowance has so ceased obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Secretary of State or, if such person is resident in Sierra Leone, the Governor to direct that the pension or allowance shall be restored as from the date of such discharge or any later date, and the pension or allowance shall be restored accordingly.

Pensions,  
etc., may  
cease on  
sentence to  
term of im-  
prisonment.

14. (1) If any person to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of imprisonment by any competent Court for any offence, such pension or allowance shall, if the Secretary of State, or, if such person is resident in Sierra Leone, the Governor, so directs, cease as from such date as the Secretary of State or the Governor, as the case may be, determines.

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under this Ordinance but before the pension or allowance is granted, then the provisions of the foregoing sub-section shall apply as respects any pension or allowance which may be granted to him.

(3) Where a pension or allowance ceases by reason of this section it shall be lawful for the Secretary of State or the Governor, as the case may be, to direct all or any part of the

moneys to which such person would have been entitled by way of pension or allowance had he not been sentenced as aforesaid to be paid, or applied, in the same manner in all respects as prescribed in the preceding section, and such moneys shall be paid or applied accordingly.

(4) If such 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 such pension or allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the preceding sub-section.

15. If any person to whom a pension or other allowance has been granted under this Ordinance otherwise than under section 17 or under any previous law or rules becomes either a director of any company the principal part of whose business is in any way directly concerned with Sierra Leone, or an officer or servant employed in Sierra Leone by any such company, without the prior permission of the Governor in writing, such pension or allowance shall cease if the Governor so directs:

Pensions, etc., may cease on accepting certain appointments.

Provided that it shall be lawful for the Governor, on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of such company or to be employed as an officer or servant of such company in Sierra Leone, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if he shall see fit, to such a date as he shall specify, and the pension or allowance shall be restored in accordance with any such directions.

16. (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the public service of Sierra Leone, it shall be lawful for the Governor in Council to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity if any, whichever is the greater, less the amount of any debt due to the Government by such officer at the time of his death.

Gratuity to dependants where an officer dies in the service or shortly after retirement.  
15 of 1959.\*

(2) Where any such officer to whom a pension, gratuity or other allowance has been granted under this Ordinance dies after retirement from the public service of Sierra Leone, and the

\* This Section 16 is deemed to have come into operation on the 1st day of April, 1957 (Sec. 1 of Ordinance 15 of 1959).

sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any public service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, it shall be lawful for the Governor in Council to grant to his legal personal representative a gratuity equal to the deficiency.

(3) Where such an officer is not an expatriate officer it shall be lawful for the Governor in Council to direct that any gratuity granted under this section less the amount of any debt due to the Government by such officer at the time of his death be paid to, or applied for the maintenance and personal support or benefit of all, or any to the exclusion of the other or others, of the following persons namely, any wife, child, children, relative or dependant of the officer, in such proportions and manner as the Governor in Council may think proper, and such gratuity shall be paid or applied accordingly.

(4) For the purposes of this section—

“ annual pensionable emoluments ” means the emoluments which would be taken for the purposes of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (6) of section 7 of this Ordinance:

“ commuted pension gratuity ” means the gratuity, if any, which might have been granted to the officer under rule 26 of the Pension Rules, if his public service has been wholly in Sierra Leone and if he had retired at the date of his death in the circumstances described in paragraph (6) of section 7 of this Ordinance and had elected to receive a gratuity and reduced pension.

Pensions to dependants when an officer is killed on duty.

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

(a) in the actual discharge of his duty, and

(b) without his own default, and

(c) on account of circumstances specifically attributable to the nature of his duty,

while in the public service of Sierra Leone, it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made under the provisions of section 16—

(i) 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 his annual pensionable emoluments at the date of the injury or fifteen pounds a year, whichever is the greater;

(ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph;

(iii) if the deceased officer leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of twenty-one years, of double the amount prescribed by the preceding paragraph;

(iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years, of double the amount prescribed in paragraph (ii);

(v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

(a) pension shall not be payable under this sub-section at any time in respect of more than six children; and

(b) in the case of a pension granted under paragraph (v), if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of remarriage; and if it appears to the Secretary of State, or if the mother is resident in Sierra Leone, the Governor in Council, at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State or the Governor, as the case may be, may determine;

(c) a pension granted to a female child under this section shall cease upon the marriage of such 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 upon him 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 preceding provisions of this sub-section, the Governor in Council 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 the said provisions, to such widows, children or dependants:

Provided further that 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 said provisions.

(2) In the case of an officer not holding a pensionable office, the expression "pensionable emoluments" in the preceding sub-section means the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) For the purposes of this section the word "widow" save where it occurs in proviso (d) to sub-section (1), means a sole widow.

(4) For the purposes of this section the word "child" includes—

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the injuries and wholly or mainly dependent upon the deceased officer for support, and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injuries and dependent as aforesaid.

(5) If an officer proceeding by a route approved by the Governor to or from Sierra Leone at the commencement or termination of his public service therein, or of a period of leave therefrom, dies as the result or damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which Her Majesty may be engaged such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in sub-section (1).

(6) 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 sub-section (1) of this section: provided that in such a case and if paragraph (b) of the said sub-section is also satisfied the rates of pension prescribed in paragraphs (i) and (ii)

of that sub-section shall be fifteen-sixtieths and one-sixth respectively.

(7) This section shall not apply in the case of the death of any officer selected for appointment to the public service of Sierra Leone on or after the 1st day of April, 1941, if his "dependants", as defined in the Workmen's Compensation Ordinance, or any Ordinance replacing that Ordinance, are entitled to compensation thereunder. Cap. 219.

**18.** The provisions of this Ordinance shall apply—

Application  
of  
Ordinance.

(i) to every officer first appointed or transferred under the new conditions of service to the public service of Sierra Leone on or after the 1st day of January, 1946;

(ii) to officers appointed to the public service of Sierra Leone on or after the 1st day of January, 1946, who have exercised the option to accept the new conditions of service;

(iii) to officers serving in the public service of Sierra Leone on the 1st day of January, 1946, who have exercised the option to accept the new conditions of service; and

(iv) to any officer serving in Sierra Leone who, having elected not to accept such new conditions of service, has, after the date of such election, accepted promotion within the public service in West Africa.

**19.** The Ordinances set out in the Second Schedule hereto are hereby repealed: Repeal.

Provided that such repeal shall not affect the application of those Ordinances and the Rules thereunder to those officers who, by the provisions of section 18, are excluded from the application of this Ordinance; and subject to the provisions of sections 13 and 15, nothing herein contained shall be deemed to affect the existing rights of any such officers. \*

**20.** For the purposes of this Ordinance any 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. Palestine  
service to  
be deemed  
to continue  
until  
appointment  
elsewhere,  
etc.

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\* See the Pensions (Old Conditions of Service) (Extension of Rights) Ordinance, Chapter 292.

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**FIRST SCHEDULE.\***

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**SECOND SCHEDULE.**

Pensions (European Officers) Ordinance.  
(Chapter 164 of the 1946 Edition of the Laws.)

Pensions (Non-European Officers). Ordinance.  
(Chapter 166 of the 1946 Edition of the Laws.)

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\* The First Schedule is printed in the Volume containing the subsidiary legislation of this Chapter.