

1967 No. 1479

ARABIA

**The Aden (Compensation and Retiring
Benefits) Order 1967**

<i>Made - - - -</i>	10th October 1967
<i>Laid before Parliament</i>	16th October 1967
<i>Coming into Operation</i>	17th October 1967

At the Court at Balmoral, the 10th day of October 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts 1887 and 1945(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation
and
commence-
ment.

1.—(1) This Order may be cited as the Aden (Compensation and Retiring Benefits) Order 1967.

(2) This Order shall come into operation on 17th October 1967.

Interpre-
tation.

2.—(1) In this Order—

“ the limited compensation scheme ” means the limited scheme of retirement benefits for pensionable overseas officers who retire in the interests of localisation (Scheme “ A ”) that was published by the Government of Aden on the 30th October 1965, and “ the general compensation scheme ” means the general scheme of retirement benefits for pensionable officers who are designated officers under the Overseas Service (Aden) Agreement 1961 or who are overseas members of Her Majesty's Overseas Civil Service (General Scheme “ A ”) that was published by the Government of Aden on 8th July 1967.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Application
of Schedule.

3. The provisions contained in the Schedule to this Order shall have effect in relation to the public service of Aden.

Transitional
provisions.

4.—(1) Where any officer or authority has before the commencement of this Order in pursuance of any provision of the limited compensation scheme or the general compensation scheme given any permission or consent or prescribed any condition or granted any benefit or made any payment or made any declaration or done any other thing for the purposes of that scheme, that permission, consent,

(a) 1887 c. 54; 1945 (9 & 10 Geo. 6) c. 7.

(b) 1889 c. 63.

condition, benefit, payment, declaration or other thing shall be deemed to have been given, prescribed, granted, made or done, as the case may be, under the corresponding provision of the Schedule to this Order, and the provisions of that Schedule shall have effect accordingly.

(2) Where any officer has before the commencement of this Order in pursuance of any provision in the limited compensation scheme or the general compensation scheme given any undertaking or given or received any notice or retired or received any benefit he shall, provided that any conditions prescribed or deemed to have been prescribed by or under the Schedule to this Order are satisfied, be deemed to have given that undertaking, to have given or received that notice, or to have retired, or to have been granted or received that benefit, as the case may be, under the corresponding provision in that Schedule, and the provisions of that Schedule shall have effect accordingly.

5. If the Government of the United Kingdom and the Government of Aden or any successor thereto agree that, in their application to any officer, the foregoing provisions of this Order and the provisions of the Schedule thereto shall have effect subject to such modifications or exceptions as may be agreed, then those provisions shall have effect accordingly.

Modified application.

N. E. Leigh.

SCHEDULE

COMPENSATION AND RETIREMENT BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICE OF ADEN

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

Interpretation.

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

“entitled officer” means an overseas officer in the public service who on the operative date has not attained the age of fifty-five years or, in the case of a judge of the Supreme Court, sixty-two years and who—

- (a) was before the operative date appointed or selected for appointment to an office in the public service being a pensionable office for the purposes of the appropriate law ;
- (b) was on the operative date the substantive holder of an office that was at that date a pensionable office for the purposes of the appropriate law ;
- (c) is a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, or a designated officer for the purposes of the Overseas Service (Aden) Agreement 1961 ;
- (d) has since the operative date been the substantive holder of an office service in which may during his tenure thereof be taken into account in computing his pension under the appropriate law ; and
- (e) has been confirmed in his appointment, where his appointment is subject to confirmation ;

“Director of Establishments” means the Director of Establishments for Aden and includes any person exercising functions similar to those of the Director of Establishments ;

“General Orders” means the General Orders of the Government and includes rules, regulations and other instruments that regulate terms of service ;

“Government” means the Government of Aden or any successor thereto ;

“operative date” means 9th July 1967 ;

“overseas officer” means an officer in the public service declared by the High Commissioner to be an overseas officer for the purpose of this Schedule ;

“pensionable emoluments” means emoluments that may be taken into account in computing the pension of an officer under the appropriate law ;

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

“public service” means the public service of Aden ;

“substantive holder” in relation to any office does not include a person serving in that office for a specified term under a contract.

(2) For the purposes of this Schedule—

(a) a person shall not be regarded as holding any office on the operative date if on that date he was on leave of absence pending his retirement otherwise than under this Schedule ;

(b) a person whose office has been abolished and who retires in consequence of the abolition of his office shall be deemed to be the substantive holder of that office during the period between the date on which the office was abolished and the date of expiration of any leave of absence granted to him pending his retirement ;

(c) subject to the provisions of head (a) of this sub-paragraph, an officer who, on the operative date, satisfies the conditions specified in heads (a), (b), (c) and (e) of the definition of “entitled officer” in sub-paragraph (1) of this paragraph, and who has, before the date of the commencement of this Order, retired or died, shall be deemed to have become entitled to compensation under paragraph 2 or paragraph 8, as the case may be, of this Schedule and the provisions of this Schedule shall have effect in relation to such officer as if he were an entitled officer immediately before such retirement or death.

(3) For the purposes of calculating the compensation to which an officer is entitled under this Schedule, where the officer is seconded to the service of another government or authority on the date taken for calculation he shall be deemed to have such annual pensionable emoluments on that date as he would have had on that date if he had not been so seconded but had continued until that date to hold the office in the public service that he was holding immediately before his secondment and had been granted all increments and other increases of salary for which he would thus have been eligible.

(4) An officer who retires or is required to retire under this Schedule and who, immediately before retiring or being so required acted for a

period of six months to the satisfaction of the High Commissioner in a pensionable office, which was vacant, the pensionable emoluments of which were higher than those of the office of which he was the substantive holder, shall be deemed to have been confirmed in the pensionable office in which he was acting.

2.—(1) Subject to the provisions of this Schedule, every entitled officer shall, with effect from the operative date become entitled to compensation which shall be assessed in accordance with the provisions of this paragraph and shall be calculated by multiplying the amount of his annual pensionable emoluments on the date taken for calculation by the appropriate factor and the resulting amount, or thirteen thousand two hundred pounds, whichever is the less, shall be the amount to which he is entitled. Entitlement to compensation.

(2) The compensation of each entitled officer under this paragraph which has not already been assessed shall be assessed as soon as is reasonably practicable after the commencement of this Order and for that purpose the date to be taken for calculation shall be such date, not being earlier than the operative date or later than the date on which he ceases to be an entitled officer, as is most advantageous to the officer.

(3) When the compensation of an officer is assessed he (or, in the case of an officer who has died, his personal representative) shall be given a statement showing the amount of compensation to which, in accordance with the assessment, he is entitled.

(4) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table I of the Annex to this Schedule (or, in the case of a judge of the Supreme Court, Table II of that Annex) that is appropriate to the age and pensionable service of that officer on the date taken for calculation reckoned in completed years and months or, if it is more favourable to the officer, reckoned in completed years without regard to parts of a year.

3.—(1) When the compensation of an entitled officer has been assessed under paragraph 2(2) of this Schedule, a payment shall be made to that officer, which— Payment of compensation.

(a) in the case of an entitled officer who has undertaken, otherwise than in relation to his promotion in the Service, to serve if so required in a public service in South Arabia for any period not being less than twenty-four months shall be an amount equal to the amount of the compensation or two thousand five hundred pounds, whichever is the less ;

(b) in any other case, shall be an amount equal to the amount of the compensation as so assessed or, if that amount exceeds one thousand pounds, then one-sixth of the amount of compensation or one thousand pounds, whichever is the greater.

(2) Subject to the provisions of paragraph 12 of this Schedule, a further payment shall be made to every person who has become entitled to compensation under paragraph 2 of this Schedule and who has not already received the whole of that compensation upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of that paragraph, which—

(a) in the case of a payment made upon the first, second, third or fourth anniversary, shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding ; and

(b) in the case of a payment made upon the fifth or any later anniversary, shall be an amount equal to the balance of compensation then outstanding:

Provided that—

- (i) where the balance of compensation outstanding upon the first, second, third or fourth anniversary exceeds five hundred pounds, and, in the case of an officer to whom sub-paragraph (1)(a) of this paragraph applies, where that balance, if added to the amount of compensation already paid under this paragraph, would exceed two thousand five hundred pounds, an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid;
 - (ii) where the balance so outstanding is less than five hundred pounds, or in the case of an officer to whom sub-paragraph (1)(a) of this paragraph applies, where that balance exceeds five hundred pounds but would not, if added to the amount of compensation already paid under this paragraph, exceed two thousand five hundred pounds, an amount equal to that balance shall be paid.
- (3) In this section “the appropriate fraction”—
- (a) in relation to the payment to be made upon the first anniversary, means one-fifth;
 - (b) in relation to the payment to be made upon the second anniversary, means one-quarter;
 - (c) in relation to the payment to be made upon the third anniversary, means one-third; and
 - (d) in relation to the payment to be made upon the fourth anniversary, means one-half.

Retirement. 4.—(1) Subject to the provisions of this paragraph, an entitled officer may, after giving such notice as may be prescribed by the High Commissioner, retire at any time.

(2) An entitled officer who has given notice of his intention to retire under this paragraph on any date may, with the consent of the High Commissioner, withdraw the notice at any time before that date.

(3) No entitled officer shall retire under this paragraph without the permission of the High Commissioner:

Provided that the High Commissioner shall not withhold permission unless disciplinary proceedings are being taken, or are about to be taken, against the officer and those proceedings might lead to his dismissal.

(4) An entitled officer—

- (a) who is permitted to retire by reason of injury or ill health;
- (b) who is required to retire on or after his attainment of any age prescribed by law;
- (c) who is required to retire in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected;
- (d) who is required to retire in the public interest;
- (e) who is required to retire in order to facilitate the localisation of the public service; or

(f) in the case of a woman officer, who is required to retire upon her marriage ;

shall be deemed to have retired under this paragraph.

(5) In the case of an entitled officer who retires under sub-paragraph (1) of this paragraph and—

(a) who is on leave of absence after completing a tour of residential service—

(i) if he returns to Aden for further duty at the requirement of the Government he shall be provided with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when returning to Aden for a tour of duty, and when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(ii) if he returns to Aden to settle his affairs, he will be paid the cost of the passages for himself and his family and of transporting his baggage to Aden (but not exceeding the cost of such passages and baggage facilities as an officer of similar status is entitled to under General Orders when returning to Aden for a tour of duty) and provided with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(iii) if he does not return to Aden, he shall be provided with such baggage facilities as an officer of similar status is entitled to under General Order when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(b) who retires in any other circumstances, he shall be provided with such passages and baggage facilities for himself and his family as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service.

(6) In the case of the retirement of an entitled officer who is required to retire in the circumstances described in sub-paragraph (4)(c) or (e) of this paragraph (except in the case of an officer to whom paragraph 15 of this Schedule applies) and—

(a) who is on leave of absence after completing a tour of residential service—

(i) he shall, if the period of leave on full pensionable emoluments for which he is eligible on the date upon which he is given notice under that section requiring him to retire is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence from that date up to six months ;

(ii) he shall (if he returns to Aden to settle his affairs) be provided with a passage to Aden for his own use as if he were returning to Aden for a further tour of residential service and such passage and such baggage facilities as an officer of similar status is entitled to under General Orders when

retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ; and

(iii) in the case of the retirement of an entitled officer who is required to retire in circumstances described in subparagraph (4)(e) of this paragraph and who returns to Aden to settle his affairs, he shall be paid a subsistence allowance at the rate prescribed by General Orders for the period (but not exceeding twenty-one days) of his stay in Aden ;

(b) who retires in any other circumstances—

(i) he shall not be required to depart from Aden on leave of absence pending his retirement until the expiration of a period of six months, or such shorter period as may be agreed between the High Commissioner and the officer, from the date upon which he was given notice requiring him to retire ;

(ii) he shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(iii) he shall, if the period of leave on full pensionable emoluments for which he is eligible is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence pending his retirement up to six months.

Special
gratuity on
the death
of certain
officers.

5.—(1) Where an entitled officer, or an officer in relation to whom paragraph 1(2)(c) of this Schedule applies, dies and it is lawful under the provisions of the appropriate law for a gratuity to be granted to his personal representatives, there shall be granted to his personal representatives either that gratuity or a gratuity equal to the maximum gratuity that could have been granted to that officer under the provisions of paragraph 10 of this Schedule if he had retired under this Schedule at the date of his death, whichever is the greater.

(2) The Director of Establishments may direct that instead of being paid to the personal representatives, any gratuity payable under this paragraph shall be paid to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Director of Establishments may think fit.

Transfer to
other public
service.

6.—(1) This paragraph applies to an entitled officer and to an officer to whom paragraph 9 of this Schedule applies who is transferred from the public service—

(a) to the service of a government or authority that is a Scheduled Government for the purposes of Part III of the Pensions Regulations of Aden in circumstances in which he remains eligible for the grant of a pension under the appropriate law upon his eventual retirement ; or

(b) to service in the office of Governor in such circumstances that he is or may become eligible for a pension under the Governors' Pensions Act 1957(a) :

Provided that it does not apply to an officer who transfers to any public service in South Arabia.

(2) An officer to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 or 9 of this Schedule, as the case may be, but if the amount of his annual pensionable emoluments immediately before his transfer exceeds the amount of the annual emoluments payable to him immediately after his transfer (being emoluments that may be taken into account for the purposes of his pension under the law or regulations relating to his service in that other public service) he shall be entitled to compensation equal to—

- (a) the amount of the excess multiplied by the appropriate factor ;
or
- (b) the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule, having retired on the date of his transfer,

whichever is the less.

(3) If the provisions of this paragraph become applicable to any person, his compensation shall forthwith be reassessed, and—

- (a) if the amount of compensation as so reassessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under that paragraph before the reassessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule ; or
- (b) if the amount of compensation which has already been received under that paragraph exceeds the amount of compensation to which he is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.

(4) In this paragraph “the appropriate factor” in relation to an officer means the factor obtained from Table III of the Annex to this Schedule that is appropriate to the age of the officer at the date of his transfer reckoned in completed years and completed months.

7.—(1) If an entitled officer who has given an undertaking for the purposes of paragraph 3(1)(a) of this Schedule ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than with the consent of the government employing him or by reason of his death, his retirement in circumstances beyond his control or his transfer to other public service in the circumstances described in paragraph 6 of this Schedule, then the amount of compensation to which he would otherwise be entitled under paragraph 2 of this Schedule shall be reduced by an amount equal to one-half per centum for each month or part of a month during that period in which he has not served in accordance with the undertaking, or two hundred and fifty pounds, whichever is the less.

Penalty
for breach
of under-
takings.

(2) If any of the provisions of this paragraph become applicable to any entitled officer, his compensation shall be reassessed accordingly and paid in accordance with paragraph 3 of this Schedule and if the amount of compensation he has already received under that paragraph exceeds the amount of compensation to which he is entitled under the reassessment the excess shall forthwith become repayable.

Retirement to facilitate constitutional changes.

8.—(1) This paragraph applies to—

- (a) any overseas officer in the public service who has been declared by the High Commissioner to be an officer required before the operative date to retire in order to facilitate the introduction of constitutional changes ; and
- (b) any entitled officer who is declared by the High Commissioner to be an officer required to retire in order to facilitate the introduction of constitutional changes.

(2) An officer to whom this paragraph applies shall retire at the expiration of the period of leave of absence for which he is eligible :

Provided that if the period of leave of absence on full pensionable emoluments for which he is eligible is less than six months he shall be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence up to six months and shall retire at the expiration of that additional leave of absence.

(3) (a) An officer to whom sub-paragraph (1)(a) of this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 15 of this Schedule applies) be entitled to and shall as soon as reasonably practicable be paid compensation equal to the amount he would be entitled to if he were entitled to compensation under that paragraph ; and

(b) the compensation of an entitled officer to whom sub-paragraph (1)(b) of this paragraph applies and to whom paragraph 15 of this Schedule does not apply shall as soon as reasonably practicable be paid to him :

Provided that, for the purposes of calculating the compensation to which an officer to whom sub-paragraph (1)(a) of this paragraph applies is entitled, the date to be taken for calculation shall be such date (not being earlier than the date on which he was given notice of permission or requirement to retire or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) An officer to whom this paragraph applies shall as soon as reasonably practicable be paid a disturbance grant equal to one-quarter of his annual pensionable emoluments at his retirement.

(5) An officer to whom this paragraph applies shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service.

(6) An officer to whom this paragraph applies shall be deemed to have retired under this Schedule.

Voluntary retirement on permission given before operative date.

9.—(1) This paragraph applies to an overseas officer who has before the operative date been given permission to retire from the public service by—

- (a) the High Commissioner on the ground that his retirement will enable a qualified local candidate to be appointed to an office in that public service, or that that officer has been directly superseded for promotion by a local officer in pursuance of the policy of the Government of giving preference to local officers in respect of promotion ;

- (b) by a Secretary of State on the ground that the recommendation for his promotion by the Public Service Commission has not been accepted by the Federal Supreme Council ; or
- (c) by a Secretary of State on the ground that the Secretary of State is satisfied that exceptional circumstances exist which make it unreasonable to require him to serve in the office which he is holding and no alternative office is available for him.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 15 of this Schedule applies) be entitled to compensation equal to the amount he would be entitled to if he were entitled to compensation under paragraph 2 of this Schedule :

Provided that for the purposes of calculating the compensation to which an officer to whom this paragraph applies is entitled, the date to be taken for calculation shall be such date (not being earlier than the date upon which the officer was given permission to retire or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(3) Subject to the provisions of paragraph 12 of this Schedule, the compensation to which an officer to whom this paragraph applies becomes entitled under this paragraph shall be paid to him in the manner following, that is to say—

- (a) a payment to be made at least three months before the date upon which such officer departs from Aden on leave of absence pending retirement, which payment shall be an amount equal to the amount of compensation to which the officer is entitled or if that amount exceeds one thousand pounds then one-sixth of the amount of that compensation or one thousand pounds, whichever is the greater ;
- (b) a second payment to be made to every such officer who has not already received the whole of that compensation, at the expiration of six months from the date upon which his leave of absence pending retirement commenced, and further payments on the first, second, third and fourth anniversaries of the date upon which the second payment was made, which—
 - (i) in the case of the second payment and the payment made on the first, second or third anniversary shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding ; and
 - (ii) in the case of the payment made on the fourth anniversary, shall be equal to the balance of compensation then outstanding :

Provided that—

- (a) where the balance of compensation outstanding at the date when the second payment is due to be made or upon the first, second or third anniversary of that date exceeds five hundred pounds an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid ; and
- (b) where the balance so outstanding is less than five hundred pounds an amount equal to that balance shall be paid.

(4) The provisions of paragraph 4(6)(a)(ii) of this Schedule shall apply in relation to an officer to whom this paragraph applies as if he were an officer to whom that paragraph applied.

(5) An officer to whom this paragraph applies shall be deemed to have retired under this Schedule.

(6) In this paragraph—

(a) “the appropriate factor” has the same meaning as in paragraph 2 of this Schedule ;

(b) “the appropriate fraction”—

(i) in relation to the second payment means one-fifth ;

(ii) in relation to the first anniversary means one-quarter ;

(iii) in relation to the second anniversary means one-third ; and

(iv) in relation to the third anniversary means one-half.

Grant of
pensions
and
gratuities.

10.—(1) Subject to the provisions of paragraphs 15 and 16 of this Schedule, an officer, on his retirement under this Schedule, may be granted at his option (such option to be exercised in accordance with the provisions of regulation 24 of the Pensions Regulations of Aden) either—

(a) a pension of such amount as may be granted under the appropriate law ; or

(b) a reduced pension equal to such fraction as he may desire of the pension that may be granted under the appropriate law not being less than three-quarters of such pension together with a gratuity equal to the annual amount of the remaining fraction of that pension multiplied by the appropriate factor.

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

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

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

(3) Where an officer retires by reason of injury or ill health in circumstances in which he could under the appropriate law be granted an additional pension the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law included references to that additional pension.

(4) Where an officer to whom this paragraph applies retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected in circumstances in which he could under the appropriate law be granted an additional pension, the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law did not include references to that additional pension.

(5) For the purposes of this paragraph the amount of the pension or gratuity that an officer who is required to retire in the circumstances described in paragraph 4(4)(c) or (e) or paragraph 8 or paragraph 9 of this Schedule or on the grounds of age before attaining the age of fifty-five years or, in the case of a judge of the Supreme Court, sixty-two years may be granted under the appropriate law shall be calculated by reference to the full annual pensionable emoluments enjoyed by him on the date immediately prior to his retirement.

(6) If an officer has not exercised the option conferred upon him by sub-paragraph (1) of this paragraph within the period in which it is required to be exercised he shall be deemed to have opted for the grant of a pension of such amount as may be granted under the appropriate law.

(7) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table IV of the Annex to this Schedule that is appropriate to the age of that officer on the date immediately prior to his retirement reckoned in completed years and completed months.

11.—(1) Subject to the provisions of paragraphs 15 and 16 of this Schedule, where an officer to whom Part III of the Pensions Regulations of Aden applies retires under this Schedule and is granted by any government or other authority that is a Scheduled Government for the purposes of that Part both a pension and a gratuity, having elected to receive that pension and that gratuity in lieu of a pension of greater amount, he may be granted (in addition to any gratuity that may be granted to him under paragraph 10 of this Schedule) a gratuity equal to the amount (if any) by which the amount produced by—

Special
gratuity for
certain
officers.

(i) subtracting the annual amount of the pension granted to him by the Scheduled Government from the annual amount of the pension that would have been granted to him by that Government had he not elected to receive the gratuity granted to him by the Scheduled Government; and

(ii) multiplying the resulting amount by the appropriate factor, exceeds the amount of the gratuity granted to him by the Scheduled Government.

(2) In this paragraph "the appropriate factor" has the same meaning as in paragraph 10 of this Schedule.

12.—(1) Whenever—

(a) a person who has become entitled to compensation under paragraph 2 or paragraph 9 of this Schedule but who has not already received the whole of that compensation attains the age of fifty-five years or, in the case of a person who is or was when he retired a judge of the Supreme Court, sixty-two years, or dies before attaining that age;

(b) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 or paragraph 9 of this Schedule retires in any other circumstances before he has attained that age but on or after the fifth anniversary of the operative date,

Special
provisions
as to com-
pensation.

the balance then outstanding of the compensation to which he is entitled shall be paid to that person or, if that person is dead, to his personal representatives.

(2) Whenever an entitled officer is required to retire in order to facilitate the localisation of the public service before attaining the age of fifty-five years, or, in the case of a person who is or was when he retired a judge of the Supreme Court, sixty-two years, the compensation to which he is then entitled under that paragraph shall be paid to him—

(a) if notice requiring him to retire is given to him while he is engaged upon a tour of residential service, before his departure from Aden ; or

(b) if such notice is given to him while on leave of absence after completing a tour of residential service, as soon as reasonably practicable after the date upon which such notice is given to him.

(3) The Director of Establishments may direct that instead of any payment being made to the personal representatives of a deceased person payment shall be made to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Director of Establishments may think fit.

(4) Whenever any payment of compensation becomes due under this Schedule interest at the rate of five per centum per annum shall accrue from day to day—

(a) in cases where the compensation has not been finally assessed, during the period between the date on which the amount of the compensation was last due to be assessed and the date on which the next following assessment is to be made ;

(b) in cases where the compensation has been finally assessed, during the period between the date on which that payment of compensation became due and the date on which the next following payment of compensation will become due,

upon any part of the compensation that did not then become payable and that interest shall become payable at the end of the period during which it accrued :

Provided that for the purposes of calculating interest under this sub-paragraph, the compensation to which an officer is entitled shall be deemed to have been assessed and the first instalment thereof paid—

(a) in the case of an officer to whom paragraph 8(1)(a) or paragraph 9 of this Schedule applies, three months before the officer leaves Aden ;

(b) in the case where such an officer was on leave of absence when given permission to retire, the date on which such permission was given ; and

(c) in any other case, on the operative date.

Proceedings
and
dismissal.

13.—(1) When proceedings are taken, or are about to be taken, against any person who is serving as an entitled officer and those proceedings might lead to his dismissal, the payment of compensation under this Schedule and interest thereon shall be withheld pending the determination of those proceedings.

(2) Where any person who is serving as an entitled officer is dismissed, any compensation that he has not already received may, with the approval of the High Commissioner, be withheld.

14. Any compensation, gratuity, disturbance grant or interest payable under this Schedule to an officer or to his personal representatives or dependants shall be paid, in accordance with any request made from time to time by such officer, his personal representatives or his dependants, as the case may be, in any of the following countries—

Place of payment and rate of exchange.

- (a) in the United Kingdom ;
- (b) in South Arabia ;
- (c) in the country from which the officer was recruited or where he intends to reside ;
- (d) in the case of payment to the personal representatives of an officer or his dependants, in the country in which the personal representatives or the dependants, as the case may be, reside ; or
- (e) in such other country as the officer or his personal representatives or dependants may, with the concurrence of the Director of Establishments, select,

in the currency of the country in which payment is to be made ; and, where payment is to be made in a country other than South Arabia, the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of the payment, the amount in sterling of the compensation, gratuity, disturbance grant or interest as calculated at the official rate of exchange prevailing on the operative date.

15.—(1) An entitled officer or an officer to whom paragraph 8 or paragraph 9 of this Schedule applies who, before he receives his initial payment of compensation, gives notice of retirement under paragraph 4 of this Schedule, or is required to retire under this Schedule may at his option, such option to be exercised within three months of the commencement of this Order, become an officer to whom this paragraph applies.

Right to opt for abolition terms.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under this Schedule or be granted a pension, gratuity or disturbance grant under this Schedule but, subject to the provisions of paragraph 16 of this Schedule may, on his retirement under this Schedule, be granted such benefits as may be granted under the appropriate law to an officer whose office has been abolished.

(3) An officer to whom this paragraph applies shall repay the amount of any compensation that may have been paid to him.

16. The provisions of the appropriate law shall, subject to the provisions of this Schedule, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law :

Application of appropriate law.

Provided that section 10 of the Pensions Ordinance of Aden or any law amending or replacing that section shall not apply in relation to any pension granted under the provisions of this Schedule.

Exemption from tax. 17. Any compensation, gratuity or disturbance grant payable under any of the provisions of this Schedule shall be exempt from tax under any law in force in Aden relating to the taxation of incomes or imposing any other form of taxation.

Exercise of options. 18. Any option exercisable by any person for the purposes of this Schedule—

(a) shall be irrevocable after the end of the period within which it is to be exercised ;

(b) shall be exercised by notice in writing to the High Commissioner ;

(c) shall be deemed to have been exercised on the date on which the notice is received :

Provided that the High Commissioner may, if he thinks fit, generally or in respect of a particular person and subject or not to conditions, extend the period for the exercise of an option.

ANNEX

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE I

I. Read off from the table the factors for officer's age at his last birthday and his—

(a) completed years of service,

(b) completed years of service plus one year.

II. Subtract I(a) from I(b), divide the difference by twelve and multiply the result by the number of completed months of service, if any, in excess of the completed years of service.

III. Add I(a) and II.

IV. Repeat steps to III for the officer's age at his next birthday.

V. Divide the difference between III and IV by twelve and multiply by the number of completed months of age, if any, since the officer's last birthday.

VI. if IV is greater than III, add V to III.

If IV is less than III, subtract V from III.

VI is the factor required.

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE II, III OR IV

I. Read off from the table the factors for the officer's age—

(a) at his last birthday ;

(b) at his next birthday.

II. Divide the difference between I(a) and I(b) by twelve and multiply by the number of completed months of age since the officer's last birthday.

III. If I(b) is greater than I(a), add II to I(a).

If I(b) is less than I(a), subtract II from I(a).

III is the factor required.

In calculating factors by interpolation in respect of Tables I to IV the calculations should be rounded off to two decimal points and where this results in a difference of point nought one in either direction such difference should be ignored.

TABLE II
THE SCHEDULE, PARAGRAPHS 2 AND 8

Age of Judge	Factor	Age of Judge	Factor
40	3·69	55	2·48
41	3·90	56	2·26
42	4·07	57	2·03
43	4·17	58	1·76
44	4·21	59	1·42
45	4·19	60	1·00
46	4·12	61	·50
47	4·01	62	NIL
48	3·88	and above	
49	3·72		
50	3·54		
51	3·35		
52	3·14		
53	2·92		
54	2·70		

NOTE.—These factors apply where the judge has at least ten years service.

TABLE III
THE SCHEDULE, PARAGRAPH 6

AGE	FACTOR
30 and below	5·00
31 ...	5·08
32 ...	5·21
33 ...	5·47
34 ...	5·90
35 ...	6·56
36 ...	7·44
37 ...	8·10
38 ...	8·53
39 ...	8·79
40 ...	8·92
41 ...	9·00
42 ...	8·92
43 ...	8·77
44 ...	8·40
45 ...	7·61
46 ...	6·39
47 ...	5·60
48 ...	5·23
49 ...	5·08
50 and above	5·00

TABLE IV
THE SCHEDULE, PARAGRAPHS 10 AND 11

AGE OF OFFICER	FACTOR	AGE OF OFFICER	FACTOR
25	17·08	40	15·07
26	16·97	41	14·90
27	16·86	42	14·73
28	16·74	43	14·55
29	16·62	44	14·36
30	16·50	45	14·17
31	16·38	46	13·97
32	16·25	47	13·76
33	16·12	48	13·54
34	15·98	49	13·32
35	15·84	50	13·08
36	15·70	51	12·84
37	15·55	52	12·59
38	15·40	53 and above	12·50
39	15·24		

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for compensation and retiring benefits for certain officers in the public service of Aden.