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PENSIONS AND PROVIDENT FUNDS

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CHAPTER 107

PENSIONS

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CHAPTER 107

PENSIONS

AN ACT REGULATING PENSIONS, GRATUITIES AND OTHER ALLOWANCES TO BE GRANTED
IN RESPECT OF OFFICES HELD IN HER MAJESTY'S CIVIL SERVICE OF SOLOMON
ISLANDS

[20th February 1942]

Ordinance No
2 of 1942
2 of 1944
6 of 1945
8 of 1946
5 of 1949
10 of 1951
7 of 1952
7 of 1953
24 of 1954
10 of 1955
11 of 1957
16 of 1960
12 of 1964
8 of 1965
7 of 1966
9 of 1967
3 of 1968
12 of 1976
22 of 1978

1. This Act may be cited as the Pensions Act.

Short title

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

Interpretation
12 of 1976, s. 2
22 of 1978, s. 2

"house allowance" means the estimated value of free quarters as defined in rules under this Act or the allowance paid in lieu thereof to which an officer is entitled;

"month" means a calendar month;

"non-pensionable office" means an office which is not a pensionable office;

"other public service" means public service not under the Government of Solomon Islands;

"pensionable emoluments" includes-

(a) in respect of public service of non-designated officers under the Government-

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

but does not include any other emoluments or allowances whatever;

(b) in respect of public service of designated officers under the Government of Solomon Islands includes-

- (i) equivalent United Kingdom salary; and
- (ii) inducement element,

but does not include any other emoluments or allowances whatever;

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

"pensionable office" means-

in respect of service under the Government of Solomon Islands an office set out in the first column of the First Schedule or the Second Schedule to this Act with effect from the respective date set out in relation thereto in the second column of the said Schedules;

"permanent non-pensionable appointment" means an appointment for employment in a non-pension earning capacity which service shall not be taken into account in computing the amount of any pension, gratuity or other allowance under this Act;

"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-

(a) service in a civil capacity under the Government of Solomon Islands, including service at the same time partly under the Government of Solomon Islands and partly not under the Government of Solomon Islands, or under the Government of any other country or territory in the Commonwealth;

(b) any other service which the Secretary of State has determined to be public service for the purposes of this Act;

(c) except for the purposes of computation of a pension or gratuity and of section 13, service in respect of which a pension may be granted under the Governor's Pensions Act, 1957;

"revised conditions of service" means the conditions relating to the employment of officers in service under the Government of Solomon Islands, as revised and as approved by the Secretary of State in 1951;

"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:

"service under the Government" includes part service of officers normally stationed outside Solomon Islands, a portion of whose pensionable emoluments are or have been paid from the funds of Solomon Islands.

(2) For the avoidance of doubt 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 Act, an office in which he has been confirmed.

Pensions in the case of
two holders of same
pensionable office
7 of 1953, s. 2

(3) Where the substantive holder of any office declared pensionable under the provisions of section 2 is on leave of absence pending relinquishment of his office and another person is appointed substantively to the same office the service of both officers in the same post during the same period will be reckoned as pensionable under the provisions of this Act.

3.-(1) The Governor-General may by order add any office to or delete any office from the First Schedule or the Second Schedule to this Act:

Governor-General may
amend First or Second
Schedule
22 of 1978, 63 & s. 12

Provided that the deletion of an office from the First Schedule or Second Schedule shall not affect rights existing at the date of such deletion, and, subject to the provisions of section 7, so long as any person holding that office at the time of the deletion continues to hold it, such office shall as respects that person continue to be a

pensionable office in the First or Second Schedule as the case may be.

(2) The Governor-General may in adding an office to either the First Schedule or the Second Schedule specify the date, whether before or after the making of the order or the coming into force of this Act, from which any office included therein shall be deemed to have been pensionable.

4.-(1) Pensions, gratuities and other allowances may be granted by the Governor-General in accordance with the rules contained in the Third Schedule to this Act to officers who have been in service under the Government of Solomon Islands.

Pension Rules
Third Schedule
11 of 1957, s. 3
12 of 1964, s. 4
22 of 1978, s. 12

The said rules may from time to time be amended, added to, or revoked by rules made by the Governor-General, and all rules so made shall be published in the Gazette.

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

(3) Whenever the Governor-General is satisfied that it is equitable that any rule made 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.

(4) Any pension or gratuity granted under this Act shall be computed in accordance with the provisions applicable or which are deemed to have been applicable at the actual date of an officer's retirement.

5. There shall be charged on and paid out of the Consolidated Fund 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 Act.

Pensions, etc., to be
charged on Consolidated
Fund
22 of 1978, s. 12

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 Act affect the right of the Crown to dismiss any officer at any time and without compensation.

Pensions, etc., not of
right
22 of 1978, s. 12

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

7. For the purposes of this Act no employment on or after 1st January 1976 in a permanent non-pensionable appointment, regardless of office to which the officer may be appointed shall be taken into account in computing the pension payable to such officer.

Service in permanent non-pensionable post
22 of 1978, s. 4

8.-(1) No pension, gratuity or other allowance shall be granted under this Act to any officer except on his retirement from the public service in one of the following cases-

Circumstances in which pension may be granted
12 of 1964, s. 5
3 of 1965, s. 2

(a) if he retires from public service under the Government of Solomon Islands-

(i) on or after he attains the age of fifty-five years or, in special cases with the approval of the Secretary of State, fifty years;

22 of 1978, s. 12

(ii) where the officer is serving in accordance with the revised conditions of service, on or after attaining the age of forty-five years or, in the case of an officer appointed to the public service of Solomon Islands on or after the 1st January, 1968, fifty years; subject to the officer having given to the Governor-General notice in writing of his intention to retire not less than six months prior to the date upon which such retirement is to take effect:

Provided that the Governor-General may in his discretion in any case waive the requirement to give notice;

(iii) on the abolition of his office;

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

(v) on medical evidence to the satisfaction of the Governor-General 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;

(vi) in the case of termination of employment in the public interest as provided in this Act;

(b) if, having been transferred to other public service-

(i) he retires after he attains the age at which he is permitted by the law or regulations of the public service in which he is last employed to retire on pension or gratuity or, if no age is prescribed by the said law or

regulations, he retires after he attains the age of fifty; or

(ii) he retires in any other circumstances in which he is permitted by the said law or regulations to retire on pension or gratuity:

Provided that sub-paragraph (ii) of this paragraph shall not apply in the case of a female officer who retires for the reason that she has married or is about to marry.

(2) Notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance, a gratuity may be granted to a female officer, in accordance with the provisions of this Act, who retires from the public service for the reason that she has married or is about to marry.

9. Notwithstanding the provisions of section 8, any officer, with the prior consent in writing of the Governor-General acting in his discretion may opt to retire without fulfilling the requirements of that section, but only in any one of the following circumstances:-

Retirement in special
circumstances
12 of 1976, s. 3
22 of 1978, s. 5 & s. 12

(a) in order to take up employment not being employment under the Government;

(b) in order to convert his employment under the Government in a pensionable office to employment under the Government in a non-pensionable office and thereby become an employee within the meaning of that expression in the Solomon Islands National Provident Fund Act; or

Cap. 109

(c) in order to become a candidate for Parliament.

10.-(1) Notwithstanding any other provision of this Act, the provisions of this section shall have effect in relation to any officer in the service of the Government of Solomon Islands after 5th July 1976.

Preservation of pension
on voluntary retirement
22 of 1978, s. 6

(2) If, after 5th July 1976 an officer in accordance with section 9 resigns his pensionable office with five or more years pensionable service under the Government of Solomon Islands, he may be awarded a preserved pension, gratuity or other allowance, which will be brought into payment when any of the conditions for the grant of a pension under section 8 is satisfied, and will be calculated in accordance with the provisions of this Act:

Provided that if an officer who has been awarded a preserved pension, gratuity or other allowance falls ill before he attains the age at which he is permitted to retire under

the preceding section the pension, gratuity or other allowance may be brought into payment immediately if it is established that his illness would have led to retirement on medical grounds as provided for in sub-paragraph (v) of paragraph (a) of subsection (1) of section 8.

11. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Act, the Governor-General, may if he thinks fit, 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 sub-paragraph (v) of paragraph (a) of subsection (1) of section. 8.

Termination of
appointment in public
interest
24 of 1954, s. 3
12 of 1964, s. 6
22 of 1978, s. 7 & s. 12

12. It shall be lawful for the Governor-General to require an officer to retire from service under the Government of Solomon Islands-

Compulsory retirement
10 of 1951, s. 4
22 of 1978, s. 12

(a) at any time after such officer attains the age of fifty-five years; or

(b) in special cases, with the approval of the Secretary of State, at any time after such officer attains the age of fifty years; or

(c) where such officer is serving in accordance with the revised conditions of service, at any time after the officer attains the age of forty-five years:

Provided that no officer under the age of fifty-five years shall be retired under the provisions of paragraph (c) hereof unless he has been given notice in writing of the intention to retire him not less than six months before the date upon which such retirement is to take effect:

And provided further that the provisions of this section shall not apply to a Judge of the High Court of the Western Pacific.

13.-(1) Except in cases provided for by subsection (2), a pension granted to an officer under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service under the Government of Solomon Islands.

Maximum pension
11 of 1957 s. 4
9 of 1967, s. 3

(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 Solomon Islands 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:

Provided that-

(a) 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 subsection to be-

(i) where the right to commute any part of a pension in return for the payment of a gratuity has been exercised or deemed to have been exercised, the amount as if that right had not been exercised or deemed to have been exercised, as the case may be; or

(ii) in all other cases, four-thirds of its actual amount;

(b) no regard shall be had to any pension granted in respect of public service which has not been taken into account in determining the amount of the pension payable to an officer under this Act.

(3) Where the limitation prescribed by the preceding subsection operates, the amount of the pension to be drawn from the funds of Solomon Islands shall be subject to the approval of the Governor-General, 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 subsections-

9 of 1967, s. 3

(a) an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such additional pension under this Act, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of the highest pensionable emoluments enjoyed by him at any time during his pensionable service; and

(b) any increase in or allowance to pension granted to or in respect of any pension drawn in respect of public service and the increase of allowance granted under the Pensions (Increase) Act, or any Act amending or replacing that Act or any instrument in force in the public service, whether or not such instrument has the force of law, subsequent to the grant of the pension, such increase or allowance shall not be taken into account.

Cap. 111

(5) For the purposes of this section any increase of pension payable under the Pensions (Increase) Act, or any increase of or in respect of any pension or pensions drawn in respect of public service, whether or not such increase is governed by any

12 of 1964, s. 8

instrument having the force of law, shall not be taken into account.

14. If an officer to whom a pension or annual allowance has been granted under this Act or under the European Officers Pensions Regulation 1928 is appointed to another office in the public service or in Crown service the payment of his pension or annual allowance may, with his consent and the approval of the Governor-General, be suspended during the period of his re-employment.

Suspension of pensions
on re-employment
12 of 1964, s. 9
22 of 1978, s. 8 & s. 12>

15. A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purpose of satisfying-

Pensions, etc., not to be
assignable

(a) a debt due to the Government; or

(b) 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.

16.-(1) If any person to whom a pension or other allowance has been granted under this Act 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
22 of 1978, s. 12

(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 Act 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 Governor-General, 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 Governor-General 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 Governor-General 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 Governor-General 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.

(6) For the purposes of this section the word "child" shall include an illegitimate child, a stepchild and an adopted child, adopted in a manner recognised by law, but shall not include a child who has attained the age of eighteen years or, in the case of a female child, has married.

12 of 1964, s. 10

17.-(1) If any person to whom a pension or other allowance has been granted under this Act is sentenced to a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Governor-General so directs, cease as from such date as the Governor-General determines.

Pensions, etc., may
cease on conviction.
12 of 1964, s. 11
22 of 1978, s. 12

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under the Act but before the pension or allowance is granted, then the provisions of the foregoing subsection 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 Governor-General, 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 subsection.

(5) Where any pension or other allowance ceases or a gratuity is not paid by reason of this section it shall be lawful for the Governor-General at any time, and upon such terms and from such date (including any past date) as he thinks fit, to restore, either in whole or in part, such pension or allowance or to direct the payment of such gratuity or any part thereof, but, in determining whether arrears of such pension or allowance are payable and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under sub-section (3).

18. If any person to whom a pension or other allowance has been granted under this Act otherwise than under section 17 becomes either a director of any company the principal part of whose business is in any way directly concerned with Solomon Islands, or an officer or servant employed in Solomon Islands by any such company, without the prior permission of the Governor-General in writing, such pension or allowance shall cease if the Governor-General missioner so directs:

Pensions, etc., may
cease on accepting
certain appointments
22 of 1978, s. 12

Provided that it shall be lawful for the Governor-General, 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 Solomon Islands, 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.

19.-(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 public service under the Government of Solomon Islands, the Governor-General may grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater:

Gratuity where officer
dies in the service or
after retirement
12 of 1964, s. 12
22 of 1978, s. 12

Provided that for the purposes of this section an officer holding a pensionable office on probation who dies in the circumstances mentioned in subsection (1) of section 20 shall be deemed to have been confirmed in his office.

(2) Where an officer dies after retirement from public service under the Government of Solomon Islands having been granted, or having become eligible for, a pension or a preserved pension under this Act and the sums paid or payable to him at the date of his death on account of such pension, including any sum awarded by way of gratuity under rule 26 of the Pensions Rules in the Third Schedule and any pension or gratuity paid or payable in respect of his service under any Scheduled Administration (as defined in rule 8 of the Pensions Rules in the Third Schedule) but excluding any additional pension awarded in accordance with the provisions of sub-paragraph (b) of paragraph (3) of rule 25 of the Pensions Rules in the Third Schedule, are less in total than the amount of his annual pensionable emoluments, the Governor-General may

22 of 1978, s. 9 & s. 12

grant a gratuity equal to the deficiency to his legal personal representative.

(3) The provisions of this section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Oversea Superannuation Scheme in respect of such death.

(4) In this section-

(a) "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer under this Act if on the date of his death he had retired from the public service on the ground of ill-health;

(b) "commuted pension gratuity" means the gratuity, if any, which might have been granted to the officer under rule 26 of the Pensions Rules in the Third Schedule if the pensionable service which would be taken for the purpose of computing any pension or gratuity granted to him under this Act had been wholly under the Government of Solomon Islands and if, in the case of such officer as is described in subsection (1), on the date of his death he had retired from the public service in the circumstances described in sub-paragraph (v) of paragraph (a) of subsection (1) of section 8 and had elected to receive a gratuity and reduced pension or, in the case of such officer as is described in subsection (2) of this section, he had before the date of his retirement elected to receive a gratuity and a reduced pension.

22 of 1978, s. 12

(5) An officer serving in circumstances in which under rule 27 of the Pensions Rules in the Third Schedule, he would upon completion of fifteen years service, be permitted to qualify for an annual allowance shall be deemed to be an officer to whom this section applies and in the case of such an officer any reference to a pension in this section, other than a pension awarded in accordance with the provisions of sub-paragraph (b) of paragraph (3) of rule 25 of the Pensions Rules in the Third Schedule which shall be regarded as a reference to a pension awarded under the provisions of paragraph (4) of the said rule 25, shall be regarded as a reference to an annual allowance.

7 of 1966, s. 2
3 of 1968, s. 3

20.-(1) Where an officer while in public service under the Government of Solomon Islands-

Pensions to dependants
when an officer dies as a
result of injuries received
or disease contracted in
the discharge of his
duties
12 of 1964, s. 13
22 of 1978, s. 12

(a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct;
or

(b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct,

and dies as a direct result thereof, and such death occurs within seven years of the date when he was injured or contracted the disease, the Governor-General may grant, in addition to the grant, if any, made to his legal personal representative under section 19-

(i) if the deceased officer leaves a widow, a pension to her at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or thirty dollars 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 eighteen 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 eighteen 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) of this subsection, 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 eighteen years, of double the amount prescribed in paragraph (ii) of this subsection;

(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 of an amount not exceeding the pension which might have been granted to his widow;

(vi) if the deceased officer does not leave a widow or mother, or if no pension is granted to his widow or mother, and if his father was wholly or mainly dependent on him for his support, a pension to the father of an amount not exceeding the pension which might have been granted to his widow;

(vii) if the deceased officer does not leave a child or children who is or are eligible for a pension under the provisions of this section, and if any brother or sister was wholly or mainly dependent on him for support,

a pension to any brother or sister, until he or she attains the age of eighteen years, of the same amount and subject to the same conditions as the pension which might have been granted under paragraphs (ii), (iii) or (iv) of this subsection, as the case may be:

Provided that-

(a) if in the opinion of the Governor-General there are compassionate grounds for so doing, he may grant to any child of a deceased officer being a child who at the date of the death of the officer was wholly or mainly dependent on him for support and who has attained the age of eighteen years a pension for such period as the Governor-General may determine, of an amount not exceeding the pension which may be granted under paragraphs (ii), (iii) or (iv) of this subsection, as the case may be;

(b) where a deceased officer leaves a child who was incapacitated at the time of the officer's death, the Governor-General may, notwithstanding any pension which may have been granted under paragraphs (ii), (iii) or (iv) of this subsection, grant an additional pension in respect of such child after he has attained the age of eighteen years, and for so long as his incapacity continues, of an amount not exceeding one-half the pension granted under paragraphs (ii), (iii) or (iv), as the case may be; and, for the purposes of this section, a child shall be treated as incapacitated if he is incapable by reason of some specific bodily or mental disability of earning his own living or if it appears that by reason of any specific bodily or mental disability he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so;

(c) where compensation in respect of the death is payable under any law in force in Solomon Islands which provides for the payment of workmen's compensation, or where benefits corresponding to benefits granted under this section are payable under the Oversea Superannuation Scheme or under the law in force in respect of any other public service, in respect of death, the Governor-General may reduce or withhold any pension which may be payable under this section in such manner as he may consider reasonable;

(d) no pension shall be payable under this subsection at any time in respect of more than six children, and where there are more than six children, in respect of whom, but for this proviso, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age;

(e) in the case of a pension granted under paragraphs (v), (vi), or (vii) of this subsection if it appears to the Governor-General at any time that

the mother or father, or any brother or sister, is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

(2) No pension shall be granted to the widow of the deceased officer if she was not married to him at the date of injury, or when the disease was contracted, as the case may be.

(3) No pension shall be payable to the widow of the deceased officer or to any other female if-

(a) in the case of the widow, she was at the time of death cohabitating with a person other than the deceased officer or after the death she marries or cohabits with any person;

(b) in the case of a female who is not the widow of the deceased officer, she was at the time of his death married to or cohabiting with any person or after the death she marries or cohabits with any person;

and if, after the grant of a pension to the widow or other female, she marries or cohabits with any person, the pension shall cease from the date of the marriage or the commencement of the cohabitation:

Provided that where-

(i) a pension is withheld or ceases under this subsection; and

(ii) the Governor-General is satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of the pension notwithstanding the marriage;

the Governor-General may, if he thinks fit, grant or regrant the pension as from that date.

(4) In the case of an officer not holding a pensionable office or serving in a permanent non-pensionable appointment the expression "pensionable emoluments" in subsection (1) shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

22 of 1978, s. 10

(5) If an officer proceeding by a route approved by the Governor-General to or from Solomon Islands at the commencement or termination of his public service under the Government of Solomon Islands or of a period of secondment, duty leave or leave

therefrom, dies as a result of 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-General 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 as a result of the circumstances described in paragraph (a) of subsection (1).

(6) An officer who dies as a result of an injury received while travelling in pursuance of official instructions by air, or within the limits of the area of jurisdiction of the Western Pacific High Commission by sea, which injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed for the purposes of this section to have died in the circumstances described in paragraph (a) of subsection (1):

Provided that in such a case the rates of pension prescribed in paragraphs (i) and (ii) of subsection (1) shall be fifteen-sixtieths and one-sixth respectively.

(7) (a) Where he is satisfied that damages have been or will be recovered in respect of the death for which a pension may be granted under subsection (1) the Governor-General may take these damages into account against such pension in such manner and to such extent as he may think fit and may withhold or reduce the pension accordingly.

(b) For the purposes of this subsection an officer shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of a court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

(8) For the purposes of this section, the following words have, in relation to an officer, the meanings hereby respectively assigned to them-

(a) "brother" includes every male child of his father or of his mother;

(b) "child" includes-

(i) a posthumous child;

(ii) a stepchild or illegitimate child born before the date of the injury or contracting the disease, and wholly or mainly dependent upon him for support; and

(iii) an adopted child, adopted in a manner recognised by law, before the date of the injury or contracting the disease, and dependent as aforesaid;

(c) "father" includes his stepfather and a male person by whom he has been adopted;

(d) "mother" includes his stepmother and a female person by whom he has been adopted;

(e) "sister" includes every female child of his father or of his mother.

21. Where an officer shall have served with Her Majesty's Forces in time of war, with the approval of the Governor-General or of the Governor of the territory in the service of which he was last employed before so serving, the following provisions shall have effect-

War service to count for
pension purposes
22 of 1978, s. 12

(i) during the period of such service in Her Majesty's Forces, including any period after the termination of the war (in this section referred to as "military service"), he shall be deemed, for the purposes of this Act, to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service;

(ii) during any period between his leaving the public service for the purpose of serving in Her Majesty's Forces and the date of his commencing military service, he shall, for the purposes of this Act, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service; and during any period between the termination of his military service and the date of his re-entering the public service he shall, for the said purposes, be deemed to be on leave as aforesaid from the service, and to have held the substantive office, in which he is reemployed:

Provided that-

(a) this section shall not apply when either period mentioned in paragraph (ii) of this section exceeds three months, or such longer period as the Governor-General, may in any special case determine; or if the officer fails, after serving with Her Majesty's Forces, to re-enter the public service otherwise than in circumstances in which he would be permitted under the law applicable to the public service in which he was last employed prior to military service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military service;

(b) if during any period mentioned in paragraph (i) of this section the officer shall have qualified for pension, or received emoluments in lieu of pension rights,

actually in respect of military service, paragraph (i) of this section shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";

(c) if during his military service the officer shall be injured or killed, he shall not, for the purposes of section 20 of this Act and rule 25 in the Third Schedule to this Act, be deemed to have been injured or killed in the discharge of his duty;

12 of 1964, s. 14
Third Schedule

(d) the provisions of this section which require that the officer shall be deemed to have held a specified office and to have been on leave from a specified service shall not apply in respect of any period during which he shall actually have held any other substantive office and have been on leave from any public service;

(e) save where in any particular case the Governor-General otherwise directs, this section shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.

22.-(1) The provisions of this Act shall apply-

Application of Act
11 of 1957, s. 7
22 of 1978, s. 12

(a) to every officer first appointed to the public service under the Government of Solomon Islands-

(i) after the commencement of this Act; or

(ii) before the commencement of this Act, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law of Solomon Islands; and

(b) to every other officer serving under the Government of Solomon Islands at the commencement of this Act, or transferred from Solomon Islands to any other public service before the date of such commencement and still in the public service on that date, unless not later than twelve months after such commencement or within such further period as the Governor-General may in any special case allow, he gives notice in writing to the Governor-General of his desire that the provisions of the European Officers Pensions Regulation, 1928, and of the Rules made thereunder shall apply to him, in which case such provisions shall continue to apply accordingly:

11 of 1957, s. 7
22 of 1978, s. 12

Provided that notwithstanding the provisions of the European Officers Pensions Regulation, 1928 and of the Rules made thereunder, the provisions of sub-paragraph (ii) of paragraph (a) of subsection (1) of section 8 and of paragraph (c) of section 12 shall apply to an officer who has given such notice in writing and who is serving in accordance with the revised conditions of service.

7 of 1953, s. 3
12 of 1964, s. 15

(2) Any officer who has given notice as provided by sub-paragraph (b) of subsection (1) may cancel such notice by notifying the Governor-General to that effect, in writing, within twelve months after the date of commencement of the Pensions (Amendment) Rules 1944: 22 of 1978, s. 12

Provided that the Governor-General may, at his discretion, extend the said period of twelve months in any particular case where he is satisfied that notification to him within that period was for any reason impracticable.

(3) If any officer who shall have given notice under paragraph (b) of subsection (1) is reappointed to service under the Government of Solomon Islands after the commencement of this Act the provisions of this Act shall apply to him in respect of his service after such reappointment. 11 of 1957, s. 8

FIRST SCHEDULE

12 of 1964, s.17

(Sections 2 & 3)

PENSIONABLE OFFICES

					<i>Date from which</i>
<i>Office</i>					<i>pensionable</i>
<i>Agriculture-</i>					
LN 41/1973					
Agricultural Officer	...	...	...	...	1/1/54
Deputy Director of Agriculture	...	...	...	...	28/1/63
Director of Agriculture	...	...	...	...	28/1/63
Field Officer	...	...	...	...	1/1/72
Senior Agricultural Officer	...	...	...	...	1/1/65
<i>Audit-</i>					
LN 40/1972 LN 17/1971					

Auditor	...	...	...	...	...	1/1/58	
Deputy Director of Audit	...	...	...	...	...	1.1.71	
Director of Audit	...	...	...	...	...	1/1/71	
<i>Common Cadre</i>							LN 27/1989
(PUBLIC SERVICE)							
Senior Accountant	...	...	...	...	...	3/1/77	
<i>Co-operative Development-</i>							LN 10/1985 LN 10/1985
Co-operative Societies Officer	...	...	...	...	...	1/1/60	
Principal Co-operative Societies Officer	...	...	...	...	...	1/8/78	
Senior Business Advisory Officer	...	...	...	...	...	1/4/74	
Registrar of Co-operative Societies	...	...	...	...	...	1/4/60	
<i>Customs & Excise-</i>							LN 98/1967 LN 98/1967 LN 41/1973 LN 77/1978
Assistant Comptroller of Customs and Excise	...	...	...	...	...	1/5/67	
Comptroller of Customs and Excise	...	...	...	...	...	1/5/67	
Inspector/Instructor	...	...	...	...	...	1/2/71	
Senior Collector	...	...	...	...	...	1/4/74	
<i>District Administration-</i>							
Administrative Officer Class A	...	...	...	...	...	1/1/54	
Administrative Officer Class B	...	...	...	...	...	1/1/54	
<i>Education-</i>							LN 98/1967 LN 98/1967 LN 41/1973 LN 41/1973 LN 41/1973 LN 9/1977
Deputy Director of Education...	...	...	...	...	...	1/4/67	
Director of Education	...	...	...	...	...	1/4/67	

Education Officer ...	...	...	...	...	1/1/54	
Headmaster, King George VI School	...	...			1/1/54	
Lecturer ...	...	...	...	...	1/1/71	
Master ...	...	...	...	...	1/10/62	
Principal, British Solomons Training College	...				11/4/61	
Senior Education Officer	...	...	...	...	1/1/71	
Teacher Grade I ...	...	...	...	...	1/1/71	
Warden/Master, Social Studies	...	...	...		1/4/74	
<i>Forestry-</i>						LN 64/1966 LN 64/1966
Conservator of Forests	...	...	...	...	1/6/66	
Deputy Conservator of Forests	...	...	...		1/6/66	
Forestry Officer ...	...	...	...	...	1/1/54	
<i>Geological Survey-</i>						LN 98/1967 LN 98/1967
Deputy Director of Geological Survey	...	...			1/4/67	
Director of Geological Survey	...	...	...		1/4/67	
Geologist ...	...	...	...	...	5/11/53	
					<i>Date from which</i>	LN 41/1973
<i>Office</i>					<i>pensionable</i>	
<i>Information and Broadcasting-</i>						
Broadcasting Officer	...	...	...	...	1/1/57	
Director of Information and Broadcasting	...	...			1/1/72	
<i>Inland Revenue-</i>						LN 16/1969
Commissioner of Income Tax	...	...	...		1/6/66	

Judicial-

Chief Justice ... 9/4/62

Registrar ... 1/1/61

Labour-

Commissioner of Labour ... 1/1/59

Lands and Surveys-

LN 41/1973
LN 16/1969
LN 98/1967

Chief Surveyor ... 1/1/70

Commissioner of Lands and Surveys ... 28/1/63

Deputy Commissioner of Lands ... 1/1/69

Lands Officer ... 1/7/65

Registrar of Titles ... 1/1/60

Surveyor ... 1/1/54

Legal-

LN 98/1967
LN 64/1966

Attorney-General ... 1/1/52

Crown Counsel ... 1/6/67

Solicitor-General ... 1/6/66

Marine-

LN 41/1973

Deputy Superintendent of Marine ... 28/1/63

Marine Engineer ... 17/7/52

Marine Officer ... 1/1/57

Senior Workshop Foreman ... 6/5/70

Superintendent of Marine ... 21/10/58

Medical-

LN 41/1973
LN 16/1969

LN 16/1969
LN 64/1966
LN 64/1966
LN 64/1966
LN 98/1967
LN 77/1978
LN 26/1969
LN 85/1975
LN 41/1973

Assistant Medical Officer Grade A	...	...	...	1/1/61
Director of Medical Services	...	...	...	28/1/63
Deputy Director of Medical Services	...	...	...	1/1/69
Chief Health Inspector	...	...	...	1/1/69
Matron	...	...	...	1/4/54
Medical Officer Class I	...	...	...	1/6/66
Medical Officer Class II	...	...	...	1/6/66
Medical Officer Class IIIA	...	...	...	1/6/66
Medical Superintendent	...	...	...	1/6/65
Principal Medical Officer	...	...	...	1/4/74
Senior Health Education Officer	...	...	...	1/4/62
Senior Medical Officer	...	...	...	1.4.74
Sister Tutor	...	...	...	1.1.72

Police-

LN 41/1973
LN 41/1973
LN 8/1977
LN 40/1972

Assistant Superintendent of Police	...	...	...	1/1/59
Commissioner of Police	...	...	...	1/7/71
Deputy Commissioner of Police	...	...	...	1.7.71
Senior Superintendent	...	...	...	1/1/75
Superintendent of Police	...	...	...	1/1/71

Posts and Telecommunications-

LN 77/1978

Comptroller of Posts and Telecommunications	...	3/3/57	
		<i>Date from which</i>	
	<i>Office</i>	<i>pensionable</i>	
Senior Postal Officer	... ..	1/4/74	
<i>Public Works-</i>			LN 41/1973 LN 41/1973
Architect	... ..	1/1/60	
Deputy Director of Public Works	... ..	28/1/63	
Director of Public Works	... ..	28/1/63	
Executive Engineer	... ..	1/1/60	
Inspector of Works	... ..	30/6/58	
Mechanical Engineer	... ..	1/1/54	
Principal Executive Engineer...	... ..	1/1/73	
Senior Executive Engineer	... ..	6/12/71	
<i>Stores-</i>			
Government Storekeeper	... ..	1/1/57	
<i>Treasury-</i>			LN 98/1967
Accountant-General	... ..	3/2/60	
Deputy Accountant-General	... ..	1/10/65	
<i>Western Pacific High Commission Secretariat-</i>			LN 17/1971 LN 93/1969
Assistant Secretary	... ..	1/1/54	
Chief Secretary	... ..	1/1/54	
Deputy Chief Secretary	... ..	1/1/71	
Deputy Financial Secretary	... ..	1/10/62	

Establishments Secretary	...	...	...	...	1/10/62
Financial Secretary	...	...	...	...	1/1/54
Legal Adviser	...	...	...	...	1/1/52
Principal Assistant Secretary...	...	...	...	1/1/69	
Senior Assistant Secretary	...	...	...	...	1/1/54
Superintendent of Civil Aviation	...	...	...	...	1/1/61
<i>Common to two or more departments-</i>					
Accountant	...	...	...	...	1.1.61
Chief Executive Officer	...	...	...	...	1/1/70

LN 41/1973
LN 41/1973

SECOND SCHEDULE

(Sections 2 & 3)

Common to two or more departments-

LN 41/1973
LN 41/1973
LN 42/1975
LN 24/1976
LN 83/1976
LN 72/1976
LN 83/1976
LN 41/1973

Agricultural Assistant	...	...	...	...	1/1/56
Assistant Produce Officer	...	...	...	...	1/1/65
Chargehand Carpenter	...	...	...	...	1/1/71
Chargehand Electrician	...	...	...	...	1/1/71
Clerk I	...	...	...	...	1/4/74
Clerk II	...	...	...	...	1/4/74
Draughtsman II	...	...	...	...	1/4/76
Electrician I	...	...	...	...	1/4/74
Printer II	...	...	...	...	1/4/76
Produce Officer	...	...	...	...	28/1/63

Senior Typist	...	...	...	...	...	1/1/70	
<i>Agriculture-</i>							LN 41/1973 LN 17/1971 LN 44/1977 LN 24/1976 LN 5/1976 LN 56/1965 LN 56/1965
Assistant Field Officer	...	...	...	...	...	1/1/72	
Field Assistant	...	...	...	...	...	1/1/71	
Field Assistant I	...	...	...	...	...	1/4/74	
Field Assistant II	...	...	...	...	...	1/4/74	
						<i>Date from which</i>	
						<i>pensionable</i>	
Produce Inspector	...	...	...	...	...	1/3/63	
Senior Field Assistant	...	...	...	...	...	1/10/62	
Senior Produce Inspector	...	...	...	...	...	1/10/62	
<i>Audit-</i>							LN 56/1965
Assistant Examiner of Accounts	...	...	...	...	...	1/1/64	
Examiner of Accounts	...	...	...	...	...	1/1/62	
Senior Examiner of Accounts	...	...	...	...	...	1/10/62	
<i>Co-operative Development-</i>							LN 41/1973 LN 72/1976 LN 56/1965
Assistant Co-operative Societies Officer	...	...	...	...	...	1/7/66	
Business Advisory Assistant II	...	...	...	...	...	1/4/74	
Chief Co-operative Societies Inspector	...	...	...	...	...	28/1/63	
Senior Co-operative Societies Inspector	...	...	...	...	...	1/10/62	
<i>Customs and Excise-</i>							LN 56/1965 LN 16/1969 LN 56/1965 LN 56/1965

LN 56/1965

Chief Preventive Officer	...	...	...	...	1/10/62
Collector of Customs & Excise Class II	...	...	...	...	1/1/69
Junior Examining Officer	...	...	...	...	1/1/65
Junior Preventive Officer	...	...	...	...	1/10/62
Senior Examining Officer	...	...	...	...	28/1/63
Senior Preventive Officer	...	...	...	...	1/10/62

District Administration-

LN 16/1969

Social Welfare Officer	...	...	...	...	1/10/68
Township Officer	...	...	...	...	1/1/55

Education-

LN 41/1973
LN 41/1973
LN 17/1971
LN 16/1969
LN 16/1969
LN 72/1976
LN 16/1969
LN 85/1975
LN 56/1965
LN 17/1971
LN 16/1969

Assistant Education Officer	...	...	...	...	1/1/64
Assistant Education Officer Grade I	...	...	...	...	1.1.72
Assistant Education Officer Grade II...	...	...	...	...	1.1.72
Assistant Lecturer	...	...	...	...	1/1/71
Assistant Master	...	...	...	...	1/1/69
Bursar	...	...	...	...	1/1/69
Class Teacher	...	...	...	...	1.4.74
Matron	...	...	...	...	1/1/69
Senior Library Assistant	...	...	...	...	1.8.72
Senior Teacher Grade III	...	...	...	...	1/1/65

Teacher Grade II ...	...	...	...	...	1/1/55	
Teacher Grade III ...	...	...	...	1/1/71		
Technician	...	...	...	...	1/1/69	
<i>Forestry-</i>						LN 41/1973 LN 56/1965
Forester ...	...	...	...	...	1/1/71	
Forest Ranger ...	...	...	...	...	1/1/58	
Senior Forest Ranger	...	...	...	...	1/1/55	
<i>Geological Survey-</i>						LN 16/1969 LN 98/1967 LN 40/1972 LN 41/1973 LN 41/1973 LN 41/1973 LN 56/1965 LN 32/1968
Assistant Cartographer	...	...	...	...	11/2/68	
Assistant Driller ...	...	...	...	...	1/11/66	
Assistant Geologist		...	...	...	1/4/71	
Senior Assistant Driller	...	...	...	...	1/1/71	
Senior Assistant Geologist	...	...	...	...	1/1/71	
Senior Assistant Seismological Observer	...		...	...	1/1/72	
Senior Geological Assistant		...	...	...	1/1/63	
Seismological Observer	...	...	...	...	1/6/67	
					<i>Date from which</i>	LN 98/1967 LN 16/1969 LN 41/1973 LN 16/1969 LN 98/1967 LN 18/1978 LN 18/1978 LN 41/1973
<i>Office</i>					<i>pensionable</i>	
<i>Information and Broadcasting-</i>						
Assistant Broadcasting Officer	...	...	...	...	1/1/57	

Assistant Information Officer ...	...	...	...	1/6/67	
Assistant Producer	...	...	...	...	1/1/69
Curator ...	...	...	...	...	1/1/72
Information Assistant	...	...	...	...	1/1/69
Information Officer	...	...	...	...	1/1/53
Junior Producer ...	...	...	...	...	1/9/65
Production Assistant I	...	...	...	...	1/1/72
Production Assistant II	...	...	...	...	1/1/72
Production Assistant Grade I...	...	...	...	1/1/72	
<i>Inland Revenue-</i>					LN 41/1973 LN 17/1971
Assistant Assessor	...	...	...	...	1/1/71
Junior Assessor ...	...	...	...	...	1/1/69
<i>Judicial-</i>					LN 41/1973
Assistant Registrar	...	...	...	...	1/1/72
<i>Labour-</i>					LN 17/1971 LN 98/1967
Assistant Labour Inspector	...	...	...	...	1/1/71
Labour Inspector ...	...	...	...	...	1/1/66
<i>Lands and Surveys-</i>					LN 41/1973 LN 16/1969 LN 41/1973 LN 56/1965 LN 40/1972
Assistant Cartographer	...	...	...	...	1/1/70
Assistant Lands Officer	...	...	...	...	1/1/69
Assistant Surveyor	...	...	...	...	1.1.66
Computer ...	...	...	...	...	1/1/65

Senior Assistant Surveyor ... 1/1/71

Marine-

LN 9/1979
LN 72/1976
LN 77/1978
LN 56/1965
LN 56/1965
LN 98/1967
LN 98/1967
LN 17/1971
LN 98/1967
LN 9/77
LN 98/1967
LN 98/1967
LN 56/1965
LN 56/1965
LN 98/1967
LN 56/1965
LN 98/1967
LN 17/1971
LN 98/1967
LN 56/1965
LN 98/1967
LN 17/1971
LN 98/1967
LN 98/1967

Assistant Marine Engineer ... 1/4/74

Assistant Marine Officer ... 1/4/74

Assistant Shipwright ... 1/1/55

Boat Builder II ... 1/4/74

Bosun ... 1/1/59

Cook ... 1/1/61

Deck Hand ... 1/10/65

Deck Officer ... 1/10/65

Engineer Foreman ... 1/1/70

Engine Room Hand ... 1/10/65

Foreman Engineering ... 1/4/74

Foreman Shipwright ... 1/1/59

Junior Deck Officer ... 1/10/65

Junior Marine Engineer ... 1/10/65

Leading Cook ... 1/1/64

Leading Fitter	...	...	...	...	...	1/10/62
Leading Mechanic		...	...	...	...	1/10/65
Leading Rigger	...	...	...	...	...	1/10/62
Leading Seaman	...	...	...	...	...	1/10/65
Leading Steward	...	...	...	...	...	1/10/68
Mechanic	...	...	...	...	...	1/10/65
Seaman	...	...	...	...	...	1/1/59
Senior Deck Officer		...	...	...	...	1/10/65

Date from which

Office

pensionable

Senior Electrician	...	...	...	...	1/1/70
Senior Fitter	...	...	...	...	1/1/62
Senior Marine Engineer	...	...	...	...	1/10/65
Senior Mechanic	...	...	...	...	1/10/65
Senior Rigger	...	...	...	...	1/10/62
Workshop Foreman		...	...	...	1/1/55

Medical-

LN 17/1971
LN 56/1965
LN 56/1965
LN 17/1971
LN 64/1966
LN 17/1971
LN 16/1969
LN 17/1971
LN 56/1965
LN 17/1971
LN 64/1966
LN 42/1975
LN 40/72
LN 24/1975
LN 56/1965
LN 56/1965
LN 40/72
LN 56/1965
LN 56/1965
LN 41/1973
LN 98/1967

Assistant Health Inspector	...	...	...	...	1/1/70
Assistant Pharmacist	...	...	...	...	1/1/61
Assistant Radiographer	...	...	...	...	1/1/61
Dental Officer, Class II	...	...	...	...	1/1/71
Dental Officer Class III	...	...	...	...	1/6/66
Dental Mechanic	...	...	...	...	1/1/71
Health Education Officer	...	...	...	...	1/4/62
Health Inspector	...	...	...	...	1/1/66
Junior Health Inspector	...	...	...	...	1/1/70
Junior Nursing Sister	...	...	...	...	1/1/65
Medical Assistant	...	...	...	1/1/71	
Medical Officer Class IIIB	...	...	...	...	1/6/66
Nurse II	...	...	...	...	1/4/74
Nursing Sister	...	...	...	...	1/1/55
Public Health Sister	...	...	...	...	1/1/71
Registered Nurse Health Inspector	...	...	...	...	1/1/74
Senior Assistant Health Inspector	...	...	...	...	1/1/65
Senior Dispensary Attendant	...	...	...	1/10/62	
Senior Health Education Technician	...	...	...	1/1/71	
Senior Laboratory and X-ray Attendant	...	...	...	...	1/1/55
Senior Malaria Technician	...	...	...	...	1/1/63
Senior Medical Assistant	...	...	...	...	1/10/62
Supervisory Medical Assistant	...	...	...	...	1/1/68
Staff Nurse	...	...	...	...	1/1/55

[illegible]

Office

pensionable

Posts and Telecommunications-

Assistant Communications Officer	...	...	...	1/1/75
Communications Officer	...	...	...	1/1/69
Communicator Grade I	...	...	...	1/1/69
Communicator Grade II	...	...	...	1/1/69
Meteorological Observer I	...	...	...	1/1/75
Meteorological Observer II	...	...	...	1/1/75
Postal Officer Grade I	...	...	...	1/1/69
Postal Officer Grade II	...	...	...	1/1/69
Postmaster Grade I	...	...	...	1/1/69
Postmaster Grade II	...	...	...	1/1/69
Senior Technician	...	...	...	1/1/69
Technical Assistant Grade II	...	...	1/1/69	
Technician	...	...	...	1/1/69
Technician II	...	...	...	1/4/74

Printing-

LN 16/1969
LN 64/1966
LN 41/1973
LN 41/1973
LN 40/1972
LN 56/1965
LN 56/1965

Assistant Superintendent	...	...	...	1/1/69
Foreman Printer	...	...	...	1/1/66
Printer	...	...	...	1/1/72
Printer's Mechanic	...	...	...	1/1/72
Senior Printer's Assistant	...	...	...	1/1/71
Senior Printer's Assistant	...	...	...	1/1/64

Typewriter Mechanic	...	...	...	...	1/1/64	
<i>Prisons-</i>						LN 56/1965 LN 56/1965 LN 41/1973 LN 56/1965
Chief Warder	...	...	...	...	1/1/55	
Head Warder	...	...	...	...	1/1/55	
Inspector of Prisons	...	...	...	...	1.1.71	
Warder	...	...	...	...	1/1/55	
<i>Public Works-</i>						LN 41/1973 LN 41/1973 LN 19/1985 LN 40/1972 LN 56/1965 LN 56/1965 LN 56/1965 LN 56/1965 LN 56/1965 LN 56/1965 LN 56/1965 LN 41/1973
Assistant Plant and Vehicle Instructor	...	...	...	...	1/1/71	
Building Foreman	...	...	...	1/1/57		
Chargehand Works Overseer	...	...	...	...	1/1/71	
Craftsman I	...	...	...	...	1/1/75	
Electrical Foreman	...	...	...	...	1/1/61	
Furniture Officer	...	...	...	...	1/4/71	
Leading Electrical Linesman	...	...	...	1/10/62		
Leading Plant Operator	...	...	...	...	1/10/62	
Leading Plumber	...	...	...	...	1/10/62	
Leading Power Station Mechanic	...	...	...	...	1/10/62	
Leading Refrigeration Mechanic	...	...	...	...	1/10/62	
Leading Works Overseer	...	...	...	...	1/1/64	
Mechanical Foreman	...	...	...	...	1/1/61	

Plant and Vehicle Instructor	...	...	...	...	1/1/71
Road Foreman	...	...	...	...	1/1/57
Senior Electrical Linesman	...	...	...	...	1/10/62
Senior Electrician	...	...	...	1/10/62	
Senior Mechanic	...	...	...	...	1/1/61
Senior Power Station Mechanic	...	...	...	...	28/1/63
Senior Plumber	...	...	...	...	1/10/62

Date from which

LN 17/1971
LN 17/1971
LN 19/1985

Office

pensionable

Senior Refrigeration Mechanic	...	...	...	...	1/10/62
Senior Works Overseer	...	...	...	...	1/10/62
Technical Officer, Grade II	...	...	...	...	1/1/71
Technical Officer, Grade III	...	...	...	...	1/1/71
Water Supply Foreman	...	...	...	...	1/1/55
Works Foreman	19/11/76

Social Welfare-

LN 40/1972

Women's Interests Assistant Grade I	1/5/71
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Stores-

LN 16/1969

Storekeeper	1/1/69
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Treasury-

LN 98/1967

Assistant Stock Verifier	1/1/60
Senior Stock Verifier	1/6/67
Stock Verifier	...	...	...	...	1/1/57

Common to two or more departments-

LN 56/1965
LN 56/1965
LN 56/1965
LN 56/1965
LN 56/1965
LN 56/1965
LN 56/1965
LN 98/1967
LN 64/1966
LN 56/1965

Clerical Officer	...	...	...	...	...	1/10/62
Clerk Grade A	...	...	...	...	...	1/1/55
Draughtsman	...	...	...	...	...	1/1/65
Executive Officer	...	...	...	...	...	1/1/63
Higher Clerical Officer	...	...	...	...	...	1/2/60
Higher Executive Officer	...	...	...	...	...	1/1/64
Laboratory Assistant	...	...	...	...	...	1/1/61
Leading Carpenter	...	...	...	...	...	1/10/62
Leading Electrician	...	...	...	...	...	1/10/62
Leading Mechanic	...	...	...	...	...	1/10/62
Senior Carpenter	...	...	...	...	...	1/1/61
Senior Draughtsman	...	...	...	...	...	1/1/58
Senior Executive Officer	...	...	...	...	...	1/10/62
Senior Laboratory Assistant	...	...	...	...	...	1/10/62
Senior Survey Assistant	...	...	...	...	...	1/1/65
Senior Storeman	...	...	...	...	...	1/1/61
Storeman	...	...	...	...	...	1/1/65

THIRD SCHEDULE

(Section 4)

RULES OF THE GRANTING OF PENSIONS, GRATUITIES AND OTHER ALLOWANCES
TO OFFICERS

12 of 1964, s. 17
LN 61 of 1965
LN 71 of 1966
LN 60 of 1968
22 of 1978, 13
LN 9 of 1981
LN 22 of 1988
LN 116 of 1990

PART I
PRELIMINARY

1. These Rules may be cited as the Pensions Rules.

Title

2. In these Rules, unless the context otherwise requires-

Interpretation

"First Schedule" means the First Schedule to the Act;

"pensionable service" means service which may be taken into account in computing pension under these Rules;

"qualifying service" means service which may be taken into account in determining whether an officer is eligible by length of service for pension, gratuity or other allowance;

"Second Schedule" means the Second Schedule to the Act;

"the Act" means the Pensions Act.

PART II
OFFICERS WITHOUT OTHER PUBLIC SERVICE

3. Save when the Governor-General in any special case otherwise directs, this Part of these Rules shall not apply in the case of any officer transferred to or from service under the Government of Solomon Islands from or to other public service except for the purpose of determining whether such officer would have been eligible for pension or gratuity, and the amount of pension or gratuity for which the officer would have been eligible, if the service of the officer had been wholly under the Government of Solomon Islands.

Application of Part II

4.-(1) Subject to the provisions of the Act and of these Rules, every officer who has

Pensions to whom and at what rates to be granted

been in service under the Government in a civil capacity for ten years or more and who holds a pensionable office specified in the First or Second Schedules may be granted on his retirement on or after 1st April 1978 a pension at the annual rate of one seven-hundred-and- twentieth of his pensionable emoluments for each complete month of pensionable service:

Provided that where an officer held an office in the First Schedule on 31st March 1978 such officer may be granted on retirement a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of pensionable service in such office:

And provided further that where an officer who held an office in the First Schedule on 31st March 1978 also had pensionable service in an office in the Second Schedule, such officer may be granted on his retirement on or after 1st April 1978 a pension at the annual rate of one seven-hundred-and-twentieth of his pensionable emoluments for each completed month of pensionable service in such office in the Second Schedule.

(2) For the purposes of these Rules, subject to the provisions of section 7 a complete month of pensionable service which is partly composed of service in an office in the First Schedule and partly composed of service in the Second Schedule shall be reckoned as a complete month of pensionable service in an office in the First Schedule.

5. Every officer, otherwise qualified for a pension under the provisions of rule 4, who has not been in service under the Government of Solomon Islands in a civil capacity for the necessary number of years to qualify for the grant of a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under rule 4.

Gratuities where length of service does not qualify for pension

6. Where a female officer having held an office or offices under the Government of Solomon Islands for not less than five years and having been confirmed in a pensionable office before 1st April 1978, retires on or after 1st April 1978 from service under the Government of Solomon Islands for the reason that she has married or is about to marry, she may elect to take a marriage gratuity for service before that date in lieu of a preserved pension under section 10, on production, within six months after her retirement or such longer period as the Governor-General may in any particular case allow, of satisfactory evidence of her marriage, not exceeding-

Marriage gratuities
22 of 1978, s. 13

(a) one year's pensionable emoluments; or

(b) five times the annual amount of the pension which might have been granted

to her under rule 4 of these Rules,

whichever amount shall be the less.

PART III TRANSFERRED OFFICERS

7. This Part of these Rules shall apply only in the case of an officer transferred to or from service under the Government of the Protectorate from or to other public service. Application of Part III

8.-(1) In this Part and in Part IV of these Rules- Definitions

(i) the term "Scheduled Administration" means-

(a) the Government of any territory, or any authority, mentioned in the Schedule to these Rules; Schedule

(b) the Government of Ceylon, in respect of any officer appointed to service under that Government before the 4th day of February, 1948;

(c) the Government of Palestine, in respect of any officer appointed to service under that Government before the 15th day of May, 1948;

(d) the Government of the Somali Republic, in respect of any officer appointed to service under the Government of the Somaliland Protectorate before the 26th day of June, 1960;

(e) the Government of Cyprus, in respect of any officer appointed to service under that Government before the 16th day of August, 1960;

(f) the East African Common Services Organisation, in respect of any person deemed to have been appointed or appointed to service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa by or under the Eastern Africa Court of Appeal Order in Council, 1961; and

(g) the Interim Commissioner for the West Indies in respect of any person deemed to have been appointed or appointed to service as a Judge, Registrar, officer or servant of the British Caribbean Court of Appeal by or under the British Caribbean Court of Appeal Order in Council, 1962; and

(ii) the term "service in the group" means service under the Government of Solomon Islands and under a Scheduled Administration or Scheduled Administrations.

(2) For the purposes of these Rules-

(a) any officer in public service under the Government of the Federation of Rhodesia and Nyasaland immediately before the 1st day of January, 1964, who was immediately before that date employed on secondment to service under the Government of Southern Rhodesia or Northern Rhodesia or Nyasaland, or was from that date so employed, shall be deemed to continue to serve in public service under the Government of the Federation of Rhodesia and Nyasaland until his employment on secondment is terminated;

(b) any pension awarded on or after the 1st day of January, 1964, in respect of service under the Government of the Federation of Rhodesia and Nyasaland shall be deemed to have been granted by that Government notwithstanding the provisions of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963.

(3) Where an officer to whom this Part of these Rules applies is, on his retirement from the public service, not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely by reason of the fact that he has not held office or pensionable office therein for a specified period, he shall nevertheless be deemed for the purposes of this Part of these Rules to have retired in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity.

9.-(1) Subject to the provisions of the Act and of these Rules, where the other public service of an officer to whom this Part of these Rules applies has been wholly under one or more Scheduled Administrations and his aggregate public service would have qualified him had it been wholly service in public service under the Government of Solomon Islands for pension under the Act and these Rules, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service under the Government of Solomon Islands a pension of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly under the Government of Solomon Islands as the aggregate amounts of his pensionable emoluments during his service under the Government of Solomon Islands shall bear to the aggregate amounts of his pensionable emoluments throughout his service in the group.

Pension for service wholly within the group

(2) In determining for the purposes of this rule the pension for which an officer would have been eligible if his service had been wholly under the Government of Solomon Islands-

(a) in the application of rule 19, his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him at the date of his retirement from the public service or during the three years or lesser period preceding that date, as the case may be, except that where the officer is not serving under a Scheduled Administration at that date, the date upon which he was last transferred from service under a Scheduled Administration shall be deemed to be the date of his retirement for the purposes of this sub-paragraph;

(b) no regard shall be had to an additional pension under rule 24 or rule 25;

(c) regard shall be had to the condition that pension may not exceed two-thirds of his highest pensionable emoluments; and

(d) no period of public service under a Scheduled Administration or under the Government of Solomon Islands in respect of which no pension or gratuity is granted to him by that Administration or the Government, as the case may be, shall be taken into account.

(3) For the purposes of this rule the aggregate amount of an officer's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age of twenty years or, in the case of an officer retiring on or after the 1st July, 1968-

LN 60/1968

(i) if such officer were appointed to the public service before that date, at the option of such officer, eighteen years; or

(ii) if such officer were appointed to the public service on or after that date, eighteen years:

Provided that-

(a) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under a Scheduled Administration or under the Government of Solomon Islands in respect of which no pension or gratuity is granted to him by that Administration or the Government, as the case may be;

(b) where service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, the officer's aggregate pensionable emoluments during that service shall be taken into account to the same extent as that service is taken into account as pensionable service; and

(c) where an officer has in pursuance of rule 22 (a) opted to have his service subsequent to the attainment of eighteen years taken into account, he shall be

deemed to have made a similar option for the purposes of this paragraph.

(4) In determining for the purposes of paragraph (1) of this rule the amount of pension for which an officer would have been eligible had his service been wholly under the Government of Solomon Islands, the following provisions shall apply-

(a) where the officer's actual pensionable service under the Government of Solomon Islands has been wholly in an office or offices in the First Schedule, the pension shall be calculated as if the whole of his service had been in an office in the First Schedule;

(b) where the officer's actual pensionable service under the Government of has been wholly in an office or offices in the Second Schedule, the pension shall be calculated as if the whole of his service had been in an office in the Second Schedule;

(c) where the officer's actual pensionable service under the Government of has been partly in an office or offices in the First Schedule and partly in an office or offices in the Second Schedule, the pension shall be calculated as if his whole service had been spent partly in an office in the First Schedule and partly in an office in the Second Schedule in the same proportions as in his actual service under the Government of Solomon Islands.

10.-(1) Subject to the provisions of the Act and of these Rules, where the other public service of an officer to whom this Part of these Rules applies has not included service under any of the Scheduled Administrations and his aggregate public service would have qualified him had it been wholly service in public service under the Government of Solomon Islands for a pension under the Act and these Rules, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service under the Government of Solomon Islands a pension as follows-

Pension where other service not within the group

(a) where his pensionable service under the Government of Solomon Islands has been wholly in an office or offices in the First Schedule, at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service under the Government of Solomon Islands;

(b) where his pensionable service under the Government of Solomon Islands has been wholly in an office or offices in the Second Schedule, at the annual rate of one eight-hundred-and-fortieth of his pensionable emoluments for each complete month of his pensionable service under the Government of Solomon Islands;

(c) where his pensionable service under the Government of has been partly in an office or offices in the First Schedule and partly in an office or offices in the Second Schedule, at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of pensionable service in an office in the First Schedule and one eight-hundred-and-fortieth of his pensionable emoluments for each complete month of his pensionable service in an office in the Second Schedule; and for the purposes of this sub-paragraph a complete month of pensionable service which is partly composed of service in an office in the First Schedule and partly composed of service in an office in the Second Schedule shall be reckoned as a complete month of pensionable service in an office in the First Schedule.

(2) Where an officer is not in service under the Government of Solomon Islands at the time of such retirement, his pensionable emoluments for the purposes of the preceding paragraph shall be those which would have been taken for the purpose of computing his pension if he had retired from the public service and been granted a pension at the date of his last transfer from service under the Government of Solomon Islands.

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

Pension where other service both within and not within the group

12. Subject to the provisions of the Act and of these Rules, where an officer to whom this Part of these Rules applies retires from the public service but has not been in the public service for the minimum number of years required to qualify him for a pension, he may be granted in respect of his service in public service under the Government of Solomon Islands a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under rule 9, 10 or 11, as the case may be.

Gratuities where length of service does not qualify for pension

13. Where a female officer has been transferred to or from service under the Government Solomon Islands from or to other public service and retires from the public service for the reason that she has married, or is about to marry, and in consequence-

Marriage gratuities

(a) would if the whole of her public service had been under the Government of Solomon Islands have been eligible for a gratuity under rule 6 of these Rules; and

(b) is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part of these Rules,

she may be granted in respect of her public service under the Government of Solomon Islands a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible under rule 9, 10 or 11 had there been no qualifying period and had rule 9, 10 or 11, as the case may be, been applicable to her:

Provided that for the purpose of computing the amount of such a gratuity-

(a) in relation to a pension under rule 9 or 11, subparagraph (c) of paragraph (2) of rule 9 shall have effect as if the reference therein to two-thirds of her highest pensionable emoluments were a reference to one-fifth of her annual pensionable emoluments;

(b) in relation to a pension under rule 9, 10 or 11, the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments.

14. Officers who were in the public service of the Colony of Fiji and of one or both of the Western Pacific High Commission territories of the Gilbert and Ellice Islands Colony and Solomon Islands at one and the same time shall, for the purposes of these Rules, be treated so far as possible as transferred officers and this Part of these Rules shall apply to such officers accordingly.

Officers with joint service under the Colony of Fiji and the Western Pacific territories

PART IV GENERAL

15.-(1) Subject to the provisions of section 7 of the Act and these Rules, qualifying service shall be the inclusive period between the date on which an officer begins to draw salary in respect of public service and the date of his leaving the public service, without deduction of any period during which he has been absent on leave;

General rules as to qualifying service and pensionable service
22 of 1978, s 13

Provided that no service remunerated at daily rates, other than service as a Classified Worker, shall be taken into account as qualifying service.

(2) No period which is not qualifying service by virtue of the foregoing paragraph shall be taken into account as pensionable service.

(3) No period during which the officer was not in public service shall be taken into

account as qualifying service or as pensionable service.

(4) For the purposes of this rule service as a Classified Worker means service remunerated at daily rates in a skilled or semi-skilled capacity under the Government of Solomon Islands and designated as such by the Governor-General.

(5) Where it appears to the Governor-General that there is no satisfactory proof of the correct date of commencement of an officer's qualifying service or pensionable service, the Governor-General in his discretion may, upon such evidence as he may think fit, presume the date of commencement and such presumed date shall for the purposes of the Act and of these Rules be deemed to be the correct date of commencement of the officer's qualifying service or pensionable service, as the case may be.

LN 60/1968

16.-(1) Except as otherwise provided in these Rules only continuous service shall be taken into account as qualifying service or as pensionable service:

Continuity of service

Provided that any break in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purposes of this paragraph.

(2) An officer-

(a) whose pension or annual allowance has been suspended under section 14 of the Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or

(b) who has retired from the public service without pension or annual allowance on account of ill-health, abolition of office, or re-organisation designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service; or

(c) who has left pensionable service under-

(i) any Acts relating to the superannuation of teachers in the United Kingdom; or

(ii) a local authority in the United Kingdom; or

(iii) the National Health Service of the United Kingdom, with a view to entering pensionable service not being pensionable service as

aforesaid, and has, not later than three months, or such extended period as the Governor-General may in any particular case approve, after leaving such pensionable service, received any salary in respect of employment in public service not so pensionable,

may, if the Governor-General thinks fit, be granted the pension, annual allowance or gratuity for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment had not occurred.

(3) Any pension or annual allowance granted under this rule shall be in lieu of-

(a) any pension or annual allowance previously granted to him from the funds of Solomon Islands and

(b) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this rule, but additional to any gratuity so granted which is not required to be refunded as aforesaid.

17. No period during which an officer shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy.

Leave without salary
22 of 1978, s. 13

18. Where an officer, during some period of his service, has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of Solomon Islands or of any Scheduled Administration and have not been refunded, such period shall not be taken into account as pensionable service.

Service in Her Majesty's
Forces

19.-(1) Subject to the provisions of section 7 of the Act, the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years' pensionable service before his retirement-

Emoluments to be taken
for computing pension or
gratuity
22 of 1978, s. 13

(a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;

(b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers,

otherwise than by the grant of any scale increment, the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;

(c) in other cases, one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that-

(i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years those annual pensionable emoluments shall be taken; and

(ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he had been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the Governor-General, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) of this rule of the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed-

(a) to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his retirement; and

(b) to have enjoyed the benefit of any increase due to a revision in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period of three years.

(3) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than three years' pensionable service before his retirement-

(a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;

(b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period; and

(c) he shall be deemed to have enjoyed the benefit of any increase due to a revision in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period.

(4) The estimated value of free quarters in respect of service under the Government of the Protectorate shall be taken as fifteen *per centum* of the initial salary of the officer's appointment, or of the actual salary if such salary is non-incremental:

Provided that-

(a) the point in any scale of salary immediately after an efficiency bar shall for this purpose be regarded as the initial salary of the appointment in the case of any officer who has passed such efficiency bar;

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(b) the estimated value of free quarters shall in no case be reckoned at more than two hundred and forty dollars per annum.

(5) In no case shall the pensionable emoluments taken for the purpose of computing the pension or gratuity of an officer exceed the full annual pensionable emoluments enjoyed by the officer at the date of his retirement in respect of the office then held by him.

20. Only service in a pensionable office (not being service in respect of which the officer is entitled to a gratuity in lieu of a pension, or to benefit under any other scheme of superannuation) shall be taken into account as pensionable service:

Non-pensionable service followed by pensionable service

Provided that-

(a) where a period of service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the officer is confirmed therein, such proportion, being not less than one half, of such service may be taken into account as the Governor-General shall consider to be equitable in the circumstances of any particular case, having regard to any increased remuneration which the officer may have received by reason of the assumption that such service was not pensionable and to any gratuity which may have been paid to such officer in respect of such service;

(b) any break in service which may be disregarded under the provisions of rule 16 of these Rules may likewise be disregarded in determining for the purposes of the preceding proviso whether one period of service immediately follows another period of service;

(c) where an officer has been transferred from a pensionable office in which he

has been confirmed to a non-pensionable office and subsequently retires either from a pensionable office or a non-pensionable office, his service in the non-pensionable office may, with the approval of the Governor-General, be taken into account as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer;

(d) where a period of service in a non-pensionable office is taken into account under this rule, the officer shall during that period be deemed, for the purposes of rules 6, 24 and 25 of these Rules, to be holding a pensionable office and, where that period is taken into account under the preceding proviso, to have been confirmed therein.

21. Any period during which an officer has performed only acting service in an office may be taken into account as pensionable service (subject, if the office is a non-pensionable office, to the provisions of the preceding rule) if the period of such acting service-

Acting service

(a) is not taken into account as part of his pensionable service in other public service, and

(b) is immediately preceded or followed by service in a substantive capacity in a pensionable office under the same government or authority,

and not otherwise.

22. Save as otherwise provided in these Rules, there shall not be taken into account as pensionable service-

Service under age of 20 years or on probation or agreement
LN 60/1968

(a) any period of service while the officer was under the age of twenty years or, in the case of an officer retiring on or after the 1st July, 1968-

(i) if such officer were appointed to the public service before that date, at the option of such officer, eighteen years; or

(ii) if such officer were appointed to the public service on or after that date, eighteen years; or

(b) any period of service while the officer was on probation or agreement, unless without break of service he is confirmed in a pensionable office in the public service:

Provided that any break of service which may be disregarded under the provisions of rule 16 of these Rules may likewise be disregarded in determining whether the officer is confirmed in a pensionable office without break of service:

Provided further that where an officer has in pursuance of rule 9 (3) (i) opted to have his service subsequent to the attainment of eighteen years taken into account, he shall be deemed to have made a similar option for the purposes of this rule.

23. Where it appears to the Governor-General that there is no satisfactory proof of the correct age of any officer or of any child, the Governor-General in his discretion may, upon such evidence as he may think fit, presume the age of the officer or of the child, and such presumed age shall for the purposes of the Act and of these Rules be deemed to be the correct age of the officer or the child, as the case may be.

Power to presume age
LN 60/1968

PART V SUPPLEMENTARY

24. If an officer holding a pensionable office retires from the public service in consequence of the abolition of his office or 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,

Abolition of office and
reorganisation

(a) he may, if he has been in the public service for less than the minimum number of years required to qualify him for the grant of a pension, be granted, in lieu of any gratuity under rule 5 or 12 of these Rules, a pension under rule 4, 9, 10 or 11, as the case may be, as if there had been no qualifying period for the grant of a pension under the said rule 4; and

(b) he may, if he retires from service under the Government of Solomon Islands, be granted an additional pension at the rate of one one-hundred and eightieth of his pensionable emoluments for each complete year of pensionable service:

Provided that-

(i) the addition shall not exceed thirty one-hundred-and eightieths; and

(ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if he had continued until the age of fifty-five years to hold the office held by him at the date of his retirement, and retired having received all increments for

which he would have been eligible by that date.

25.-(1) This rule shall apply to an officer who-

Officers injured or
contracting diseases in
the discharge of their
duties

(a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or

(b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) In this rule, unless the contrary intention appears, references to an officer being injured and to the date on which an injury is sustained shall respectively be construed as including references to him contracting such a disease as is mentioned in paragraph (1) of this rule and to the day on which such disease is contracted.

LN 61/1965

(3) Where an officer to whom this rule applies is holding a pensionable office in which he has been confirmed, he may-

(a) if his retirement is necessitated or materially accelerated by his injury and he has been in the public service for less than the minimum number of years required to qualify him for the grant of a pension, be granted, in lieu of any gratuity under rule 5 or rule 12 of these Rules, a pension under rule 4,9,10 or 11, as the case may be, as if there had been no qualifying period for the grant of a pension under the said rule 4; and

(b) if he was injured while in public service under the Government of Solomon Islands, be granted on retirement an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:-

When his capacity to contribute to his own support is-

slightly impaired	...	...	five-sixtieths;
impaired	...	...	ten-sixtieths;
materially impaired	...	...	fifteen-sixtieths;

totally destroyed twenty-sixtieths:

Provided that the amount of the additional pension may be reduced to such an extent as the Governor-General shall think reasonable where the injury is not the cause or the sole cause of retirement.

(4) (a) An officer to whom this rule applies who is injured while in public service under the Government of Solomon Islands and who holds a non-pensionable office, or who holds a pensionable office in which he has not been confirmed, may be granted on retirement a pension of the same amount as the additional pension which may be granted to him under sub-paragraph (b) of paragraph (3) of this rule as if his office were a pensionable office and he had been confirmed therein.

LN 61/1965

(b) The provisions of rule 26 shall not apply to a pension granted under this paragraph.

(5) (a) If, for the purpose of assessing the amount of any additional pension or pension to be granted under sub-paragraph (b) of paragraph (3) or paragraph (4) of this rule to any officer to whom this rule applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, he may be granted a provisional award to have effect until such time as his degree of permanent impairment can be determined.

LN 61/1965

(b) The provisions of rule 26 shall not apply to an award made under this paragraph

(6) If an officer proceeding by a route approved by the High Commissioner to or from the Protectorate at the commencement or termination of his public service under the Government of Solomon Islands or of a period of secondment, duty leave or leave therefrom, is injured as a result of 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 rule to have been injured in the circumstances described in paragraph (1) of this rule.

(7) An officer who is injured while travelling in pursuance of official instructions by air, or within the limits of the area of jurisdiction of the Western Pacific High Commission by sea, and whose injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed for the purposes of this rule to have been injured in the circumstances described in paragraph (1) of this rule:

Provided that in such a case the rates of pension prescribed in sub-paragraph (b) of paragraph (3) of this rule shall be one-eighth, one-quarter, three-eighths and one-half

respectively.

(8) Where compensation in consequence of the injury is payable under any law in force in Solomon Islands which provides for the payment of workmen's compensation, or where benefits corresponding to an additional pension or pension under sub-paragraph (b) of paragraph (3) or paragraph (4) of this rule are payable under the Oversea Superannuation Scheme or under the law in force in respect of any other public service, in consequence of the inquiry, the Governor-General may reduce or withhold any additional pension or pension payable under sub-paragraph (b) of paragraph (3) or paragraph (4) aforesaid in such manner as he may consider reasonable.

LN 61/1965

(9) (a) Where the Governor-General is satisfied that damages have been or will be recovered by an officer in respect of an injury for which an additional pension or pension may be granted under sub-paragraph (b) of paragraph (3) or paragraph (4) of this rule, the Governor-General may take those damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may reduce or withhold the additional pension or pension accordingly.

LN 61/1965

(b) For the purposes of this paragraph an officer shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of a court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

26.-(1) Any officer to whom a pension is granted under the Act shall, if he has exercised his option as hereinafter provided, but not otherwise, be paid in lieu of such pension, a pension at the annual rate of seventy-five per cent of such pension together with a gratuity equal to twelve and one half times the annual reduction so made in such pension.

Gratuity and reduced pension
22 of 1978, s. 13
LN 116/1990

(2) The option referred to in paragraph (1) of this rule shall be exercisable, and if it has been exercised may be revoked, not later than the day immediately preceding the date of such officer's retirement:

Provided that the Governor-General may, if it appears to him equitable in all the circumstances so to do, allow him to exercise the option or revoke an option previously exercised at any time between that date and the date of the final award of the pension granted to him under the Act.

(3) Subject to the provisions of paragraph (2) of this rule, if an officer has exercised an option his decision shall be irrevocable so far as concerns any pension to be granted to him under the Act.

(4) If an officer who has not exercised an option dies after he has finally retired but before a pension has been awarded under the Act, the Governor-General may, if he thinks fit, grant to his legal personal representative a gratuity and a reduced pension as provided in paragraph (1) of this rule as if the officer before his death had exercised such option.

(5) The date of the exercise of an option by an officer shall be deemed to be the date of the receipt of his written notification addressed to the Secretary for the Public Service.

27.-(1) Where an officer who is not qualified for a pension or gratuity under these Rules has served continuously in public service under the Government of the Protectorate for fifteen years or upwards and has retired in circumstances which under the provisions of the Ordinance and of these Rules would have qualified him for the grant of a pension if the office held by him at the date of his retirement had been an office in the Second Schedule, he may be granted an annual allowance equal to half the pension which he would have been eligible to have received if-

Annual allowances
LN 61/1965
22 of 1978, s. 13
LN 116/1990

(a) the office held by him at the date of his retirement had been an office in the Second Schedule; and

(b) the pay attached to such office was a pensionable emolument; and

(c) his service which for the purposes of this rule is permitted to be taken into account had been pensionable service.

(2) The option referred to in paragraph (1) of this rule shall be exercisable, and if it has been exercised may be revoked, not later than the day immediately preceding the date of such officer's retirement:

Provided that the Governor-General may, if it appears to him equitable in all the circumstances so to do, allow him to exercise the option or revoke an option previously exercised at any time between that date and the date of the final award of the allowances granted to him under the Act.

(3) Subject to the provisions of paragraph (2) of this rule, if an officer has exercised an option his decision shall be irrevocable so far as concerns any allowance to be granted to him under the Act.

(4) If an officer who has not exercised an option dies after he has retired but before an allowance has been awarded under these Rules, the Governor-General may, if he

thinks fit, grant a gratuity, as if the officer before his death had exercised such option.

(5) The date of the exercise of an option by an officer shall be deemed to be the date of the receipt of his written notification addressed to the Secretary for the Public Service.

28. Where, a pension granted to an officer under the Act does not exceed \$6,000 per annum, such officer may, if he has exercised the option hereinafter provided be eligible to a gratuity payment in lieu of an amount determined in accordance with the Second Schedule to these Rules.

Increase of amount of pension
LN 116/1990

29. An officer, who-

Gratuities in respect of service as Headman or Assistant Headman

(a) at the date of his retirement holds office as a Headman or Assistant Headman; and

(b) has completed ten years' continuous service in such office; and

(c) retires on or after he attains the age of forty-five years, or in any of the circumstances described in sub-paragraphs (iii), (iv), (v) or (vi) of paragraph (a) of subsection (1) of section 8 of the Act,

may be granted a gratuity calculated at the rate of one half of the monthly pensionable emoluments of the office held by him at the date of such retirement in respect of each complete year of service as such Headman or Assistant Headman and proportionately in respect of complete months of service amounting to less than a year:

Provided that an officer who in respect of previous service under the Government of Solomon Islands has been granted a pension, annual allowance or gratuity may be granted a gratuity under the provisions of this rule after he has completed five years' continuous service as such Headman or Assistant Headman and no reduction of such gratuity shall be made in respect of any such pension, annual allowance or previous gratuity.

Aden

LN 71/1966
LN 71

Antigua

Bahamas

Barbados

Basutoland

Bechuanaland Protectorate

Bermuda

British Antarctic Territory

British Guiana

British Honduras

Brunei

Cayman Islands

Crown Agents for Oversea Governments and Administrations

Dominica

East African Common Services Organisation

East Africa High Commission

East African Railways and Harbours Administration

Eastern Nigeria

Eastern Region of Nigeria

Employing Authorities under the Overseas Service Act, 1958

Employing Authorities under the Oversea Superannuation Scheme

Falkland Islands

Federal Republic of Nigeria

Federated Malay States

Federation of Malaya

Federation of Nigeria

Federation of Rhodesia and Nyasaland

Fiji

Gambia

Ghana

Gibraltar

Gilbert and Ellice Islands

Gold Coast

Grenada

Hong Kong

Interim Commissioner for the West Indies

Jamaica

Kenya

Kenya and Uganda Railways and Harbours Administration

Leeward Islands (before 1st July, 1956)

Malawi

Malayan Establishment

Malayan Union

Malaysia

Malta

Mauritius

Mid-West Nigeria

Montserrat

Nigeria

North Borneo

Northern Nigeria

Northern Region of Nigeria

Northern Rhodesia

Nyasaland

Overseas Audit Department (Home Establishment)

Republic of Zambia

Sabah

St. Christopher, Nevis and Anguilla

St. Helena

St. Lucia

St. Vincent

Sarawak

Seychelles

Sierra Leone

Singapore

Somaliland Protectorate

Straits Settlements

Swaziland

Tanganyika

The West Indies (Federation)

Tonga

Trinidad and Tobago

Turks and Caicos Islands

Uganda

Unfederated Malay States

United Kingdom of Great Britain and Northern Ireland

United Republic of Tanzania

Virgin Islands

Western Nigeria

Western Nigeria

Western Region of Nigeria

Zanzibar

SECOND SCHEDULE

22 of 1978, s. 13

COMMUTATION OF PENSION OR ALLOWANCE

(Rules 26, 27 and 28)

Table showing the lump sum to be paid for the commutation of each \$1 p.a of pension or allowance.

Age of Officer							Factor
25	...	...	...	...	...	...	17.08
26	...	...	...	...	...	...	16.97
27	...	...	...	...	...	...	16.86
28	...	...	...	...	...	...	16.74
29	...	...	...	...	...	...	16.62
30	...	...	...	...	...	...	16.50
31	...	...	...	...	...	...	16.38
32	...	...	...	...	...	...	16.25

33	...	...	...	...	...	...	16.12
34	...	...	...	...	...	...	15.98
35	...	...	...	...	...	...	15.84
36	...	...	...	...	...	...	15.70
37	...	...	...	...	...	...	15.55
38	...	...	...	...	...	...	15.40
39	...	...	...	...	...	...	15.24
40	...	...	...	...	...	...	15.07
41	...	...	...	...	...	...	14.90
42	...	...	...	...	...	...	14.73
43	...	...	...	...	...	...	14.55
44	...	...	...	...	...	...	14.36
45	...	...	...	...	...	...	14.17
46	...	...	...	...	...	...	13.97
47	...	...	...	...	...	...	13.76
48	...	...	...	...	...	...	13.54
49	...	...	...	...	...	...	13.32
50	...	...	...	...	...	...	13.08
51	...	...	...	...	...	...	12.84
52	...	...	...	...	...	...	12.59
53	...	...	...	...	...	...	12.50
54	...	...	...	...	...	...	12.50
55 and over	...	...	...	...	...	...	12.50

NOTE: The factors corresponding to the officer's age in years and completed months should be obtained by interpolation.

(No Subsidiary Legislation)