

X. 10179
1. Mr Allen Colonial Office — Feb., 1917. 21

Mr Jewell has prepared the attached memo which should be useful for reference when cases of marriage gratuity to female postal clerks arise.

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J. J. Jones
24.2.27.

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MEMORANDUM

Marriage gratuities of female Postal Clerks and
Telegraphists.

Female Postal Clerks and Telegraphists have been seconded from the Imperial Service for service in the Postal and Telegraph Department of Kenya and Uganda since 1910, and perhaps earlier; and up to 1921, the procedure in the event of their being married was embodied in offers of appointment as follows:-

" In the event of your being married during the term of your service in East Africa, you will be required to resign your appointment, and to refund to the Government the cost of your passage to East Africa. If, however, you give six months notice to the Government of your intention to marry, the Secretary of State may, on the recommendation of the Governor, abate a proportionate amount of the passage money according to the period served. In the event of your being married, you will be granted a gratuity (not exceeding twelve months' pay in the aggregate) of one month's pay for each year of service, provided that you have completed two years' service in East Africa, and an aggregate of six years' service in the Home and East African Postal Services."

^{Thus}
~~but~~ the recipient of the marriage gratuity was entitled to treatment under Rules 2-7 of the Pension Rules of 1911, that is to say, a gratuity based on aggregate service and retiring salary, subject, however, to the gratuity not exceeding twelve months' pay at the retiring rate. The usual result was that the lady

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concerned did receive a year's pay as she had almost invariably put in an aggregate of twelve years combined Imperial+Colonial Service.

Marriage gratuities were accordingly computed on this basis up to 1921 (and after, in the cases mentioned below) except in three cases where gratuity was wrongly given under Rule 9. In one of these cases it was found that the recipient had not suffered at all; in another she had received £36 18s. 6d. too little, and had since died, and in the third, the difference was £18 7s. 11d. It was decided not to disturb the action taken in these cases.

Under the arrangement for the apportionment of the gratuity as between Imperial funds and Colonial funds, the former were liable for no more than the amount to which the recipient would have been entitled if she had resigned to be married on the date of her being seconded.

When East African salaries were revised as from 1st April, 1920, the method of apportionment resulted in Kenya having to pay a much larger sum than was payable by Imperial funds by reason of the fact that, as a rule, a year's salary had to be made up. The Governor pointed this out in December 1920.

In February, 1921, we suggested to the General Post Office that for future selections East African gratuity should be calculated separately on the basis of one month's East African salary for each year's service in East Africa, while the Imperial gratuity should also be calculated separately. After a personal discussion and correspondence between the two Departments, and correspondence also with the

Treasury.

Gov.2338/21-22
Kenya

File 7760

No.18 on File
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C.O.6011/21 Kenya

Treasury, a scheme was put to the Governor and eventually agreed to. As regards the computation in future of the gratuities of officers serving on the then existing terms, it was agreed that in view of the promise that one month's pay would be given for all established service up to a maximum of twelve months, it was necessary to continue to calculate the gratuity on the lines of Rules 2-7.

As regards officers to be appointed in future, the agreement arrived at has now been embodied in offers of appointment in the following terms:-

" In the event of your being married during the term of your service in East Africa, you will be required to resign your appointment and you will be eligible for a gratuity subject to the following conditions:-

(a) If you have rendered not less than two years service in East Africa and six years qualifying service in all (qualifying service includes established service either in the Colony or in the Home Service and any full time unestablished service paid for directly out of moneys provided by the Imperial Parliament) the gratuity will be calculated separately in respect of each period of the service in accordance with the principles of Rule 9 of the Rules of the 31st July, 1911, framed under Section 7 (1) of the Superannuation Act, 1909, but the total gratuity will not in any case exceed one month's pay at the date of retirement in respect of each completed year of established service with a maximum of twelve months' pay.

(b) If you resign to be married before you have

6

have completed two years' service in East Africa, you will forfeit all claim to gratuity in respect of your Colonial Service, but you will be granted such gratuity as you may be qualified for in respect of your Home Service.

(c) You will be eligible for a gratuity only if your marriage takes place within three months of the date of your resignation, unless there are exceptional reasons for delay beyond this period.

In the event of your resigning your appointment in the circumstances mentioned at the beginning of the preceding paragraph you will be required to refund to the Government the cost of your passage to East Africa. If, however, you give six months' notice to the Governor of your intention to marry, the Secretary of State may, on the recommendation of the Governor, abate a proportionate amount of the passage money according to the period served. Any sum for which you may become liable in respect of passage money will be deducted from any gratuity for which you are eligible."

It may be noted that no appointments were made between 1921 and 1926. It follows, therefore, that in the event of marriage gratuities having to be given to any of the present staff, only those appointed prior to 1921 will be treated in accordance with the Rules 2-7. All others will receive Rule 9 treatment.

File 13547 E.A.

In the most recent ^{case} of a marriage gratuity viz. that of Miss H.L. Cameron, the question was discussed whether (a) gratuity should be calculated on actual revised salary or on average salary and also whether (b) the value of quarters should be included

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ascertained that the Treasury practice would be to average emoluments for the purpose of these gratuities where averaging would be required if it were a case of pension. This did not arise in the particular case, as it was in the computation. As regards (a) it was clear that

an average would not ^{have} been taken under Treasury practice; it had been a question of pension. As regards (b) ~~that the value of quarters has never been calculated in the past and that if this is to be begun, it should be as a result of a considered ruling.~~ In the case in question, therefore, gratuity was based on revised salary without quarters and without averaging.

The General Post Office stated in January 1925 that under the Regulations applicable to the Home Service it is required that marriage take place within three months of resignation unless there are exceptional reasons for delay beyond this period.

In September, 1926, they further stated that if a longer period than three months elapses, it is necessary to submit the case to the Treasury for authority to pay a gratuity in respect of the period of service in the Home Post Office. In that event, the Treasury would require a full statement of the circumstances relative to the delay in the marriage. If, however, there are reasonable grounds for delaying the marriage, it was not considered likely that the Treasury would withhold authority for an award. It has been ruled that two years' service in East Africa means residential service.

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it was ascertained that the Treasury would include any pensionable emoluments such as the value of free quarters; this has not however been the East African practice in the past, and it was considered that if a change were to be made.
C.O. 6409/25.

No. 24 in File
13547.

Minute 12.1.26
on File 18674 W.A.

M. J. well
6.1.27

RECORD OFFICE, LONDON