

1923

Sept 5 (Wed)

E. AFRICA

71

44233
REC
6 SEP 23

COLONIAL OFFICE

DATE
SEPTEMBER 1923

CIRCULATION

Mr.

Mr.

Mr.

Asst. U.S. of S.

Perm. U.S. of S.

Part. U.S. of S.

Secretary of State.

SUBJECT

FAMILY PASSAGE ALLOWANCES

Minutes as to inclusion of allowances
in calculating salary.

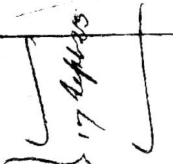
Previous Paper

87

439/81

MINUTES

A copy of the minute to
C.A. of 4th Sept. on file
1146/EA. should be attached
to this paper. Done
Dpts. to Govenors
herewith.



Log for things come 1347

*634
295
copy
186
69*

*Alpha
Alpha
Alpha
Alpha*

Res. Gen.

C. J. J. 11-9-23

*Recd
12-9-23
alone*

XEA

Subsequent Paper

*205
5/46
6A*

44233
REC
REL 6 SEP 23

Mr. Jeffries.

File 3530 S.R.3. on which a similar question arose lately, is in circulation. But for the purpose of calculating passage allowance "salary" does not include any allowances, and we may reply to Crown Agents in the affirmative? (See minute).

G.F.S.27.8.23.

Mr. Downie.
Mr. Maentig.
Mr. Parkinson

The decision on file made is 3530/S.R.3. to which reference is based on the fact that the Tanganyika Territory Code of Regulations, following that of Kenya, defines "salary" as the substantive salary of the appointment exclusive of all allowances.

So far as I can make out, this definition is a pure invention of Kenya which Tanganyika Territory have swallowed, and I am not at all clear that it is satisfactory.

First of all the salary of the appointment is not in fact the criterion. Supposing an appointment carries the scale £700 to £800. If the salary of the appointment were the

first appears in Kenya circular in 1928/22; it is not in C.A. circular which approved here).

I agree
H.F.B.

the criterion, the man in that appointment should either get or not get family passage allowance, all the time; in fact he gets the full allowance so long as he draws £700, and a diminishing allowance until the excess of his salary over £700 cancels out the allowance.

Secondly it is possible I think to distinguish between allowances. Obviously house allowance, travelling allowance, special duty allowance and that sort of thing should not count; but I am quite sure that a permanent and pensionable personal allowance, like that drawn by Mr. Spencer, should count. There is no reasonable ground for treating him more favourably than an officer whose salary is £800 a year; both receive the same remuneration.

The Secretary of State is not bound by the Kenya or the Tanganyika Territory Code of regulations which are local productions subject to any rulings which the Secretary of State may make.

I would propose to rule that Mr. Spencer should not get the allowance and that Mr. Grant^X should not get it on any future occasion; and that ~~the East African Governments should be told that~~ the East African Governments should be told that the question has been raised and that it has been decided that while house allowances and allowances paid only in East Africa should not be regarded as salary

I do not altogether agree. I should think that in the case of incremental scale, the highest increment of "salary of the appointment" would be the actual salary drawn by the holder.

H.F.D.

Yes, it surely must be the actual salary.

A.C.C.P.
H.C.

of the distinction made with regard to local allowance.
C.J.J.

Here I entirely agree

H.F.D.

A

X He is retiring again so the question will not arise.

H.F.D.

Col 44233/23

S. Africa.

17 Sept 1923

✓
Sir,DRAFT.

my wife & Mr Terry.

Conf.

Mr. Byatt

(1976/23)

MINUTE.

Mr. Jeffries 11.9.23

Mr. Mackay 12/9

Mr.

Sir C. Moore.

Sir G. Gladie.

Sir H. Ross.

Sir J. Masterion Smith

Mr. Ormsby-Gore.

Duke of Devonshire

for carbon

With ref. to my copy
 des. of the 27th of April,
 conveying my approval
 of the draft section of
 the Code of Regms. relating
 to the passages of the
 wives & families of
 European officers, I
 have to inform
 you that my attention
 has been called to the
 definition of "Salaries"
 in ~~that~~ para. 11 of
 that section.

2. The case usually
 arose of an officer

in receipt of a salary of
£700 a year plus a
reasonable personal allow.

of £100 a year, who
claimed that he was
entitled to the concession
allowance of a family passage
allowance on the ground
that his substantive
salary was not in excess
of the limit laid down.

3. I am of opinion that
it is necessary to distinguish
in this matter between
allowances in the usual
sense of the word (e.g.
house allowances, travelling
allowances, special duty
allowances), and allowances
such as personal allowances

which really form part of
an officer's salary: and
I consider that the paragraphs
of the draft Code of Regs.
already quoted should either
be cancelled or replaced
by a statement that
"Salary" for this purpose
does not include
allowances which do
not form part of an
officer's permanent
allowance and
are not drawn during
absence of duty
in the case of Mr. T.
Grant

DRAFT

2

MINUTE.

- Mr.
- Mr.
- Mr.
- Sir C. Davis
- Sir H. Grindle
- Sir H. Road
- Sir J. Mowbray
- Mr. ...
- ...

Grant (see my desk no.

444 of the 6th of Aug.)

should not be regarded

as a precedent.

3530/SM3

MINUTE

CO. 46233/23

5 Africa

Copy for file

1146/SM

17 Sept. 1923

DRAFT.

Kenya
no. 1347

Gov. Comptroller

MINUTE.

Mr. Jeffries 11.9.23

Mr. Parkinson 12/2

Mr.

Sir O. Davis.

Sir F. Grindle.

Sir H. Robt.

Sir J. Mackenzie Smith.

Mr. Ormsby-Gore.

Duke of Devonshire.

for comm

for

To Mr. Spence 21 Aug.
To Mr. Spence 6 Sept.
To Mr. Spence 8 Sept.

Sr.

I have the pleasure to transmit to you, for your info., the acc. copies of comm.

said Mr. C. E. Spencer

~~Senior Asst. Secretary,~~

regarding the question of his eligibility for a family passage allowance on his return to Kenya.

You will observe that Mr. Spence has been permitted to draw the amount in question as an advance, and has been informed that if you are willing to make the

the concession in his case,

I shall be prepared to agree to recovery of the advance being waived.

2. I note that Section 175 (c) of the Kenya Code of Regs. states that "salaries" for the purposes of the rules governing the grant of family passage allowances means the substantive pay of the grade or office, exclusive of all allowances.

This definition is not included in the circular on the subject issued with my approval by the C.A. for the C., and I do not consider it satisfactory, unless it does not distinguish between

between allowances in the usual sense of the word (e.g. house allowances, travelling allowances, special duty allowances) and allowances such as personal allowances which really form part of an officer's salary. So far as Mr. Spencer is concerned, I am quite clear that he should have been regarded as ineligible for the concession in the same way as an officer whose substantive salary is £500 a year. In view however of his statement that

DRAFT.

②

MINUTE.

- Mr.
- Mr.
- Mr.
- Sir G. Davis.
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Macfarlan Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

that he received the
~~allow~~ grant for the voyage
~~home~~ home, and had
 made his arrangements
 for return passage in the
 anticipation of receiving
 it again, I do not,
 as previously intd, propose
 to insist upon the concession
 being withheld in his case,
 particularly as no other
 case of the kind is likely
 to arise and Mr. Spencer's
 promotion to the Commission
 of Prisons prevents the
 possibility of a recurrence
 of the present position.

3. Whatever may be
 decided as regards Mr.
 Spencer, I consider that
 the

DRAFT.

MINUTE.

Mr.

Mr.

Mr.

Sir C. Davis.

Sir A. G. G. G.

Sir H. R.

Sir J. M. M.

Mr. O. O.

Duke of Devonshire.

the action of the Code of
 Regns. already quoted
 should either be cancelled
 or replaced by a statement
 that "salary" for this
 purpose does not include
 allowances which do not
~~form part of the official~~
~~provisional emoluments~~
 and are not drawn
 during leave of
 absence.

(Signed) DEVONSHIRE

that he received the
~~section~~ grant for the voyage
~~was~~ name, and had
 made his arrangements
 for return passage in the
 anticipation of not being
 it again, & do not
 a previous, much, proper
 to rest upon the understand-
 ings witnessed in our case,
 particularly as in other
 case of the kind is likely
 to arise and Mr Spence's
 promotion to the Commission
 of Peace prevents the
 possibility of a recurrence
 of the present position.

3. Whatever may be
 decided as regards Mr.
 Spence, I consider that
 the

DRAFT.



MINUTE.

- Mr
- Mr.
- Mr.
- Sir C. Davis.
- Sir G. Grindley.
- Sir A. Herd.
- Sir J. Mackintosh Smith.
- Mr. Urquhart-Gore.
- Duke of Devonshire.

the section of the Code of
 Regns. already quoted
 should either be cancelled
 or replaced by a statement
 that "salary" for this
 purpose does not include
 allowances which do not
 form part of the official
~~provident~~ ~~allowances~~
 and are not drawn
 during leave of
 absence.

} ...

E. Africa.

Lm

17 Sept. 1923

12 SEP 1923

Uganda Ho.
Gov. Archer

Nyasaland Ho.

DRAFT. O.A.C.

Zanzibar Ho.
Br. Resd.

186
Somaliland Ho.

Gov. Summers.
MINUTE.

Mr. Jeffries 11.9.23

Mr. Mackay 12/9/23

Mr. Parkinson 12/9/23

Sir C. Davis.

Sir G. Grindle.

Sir H. Reid.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Duke of Devonshire

for comment

30/9/23

~~Draft~~
2/9/23
6/9 (17186/23)

with ref. to my tel. of the 10th of April, and connected corres. regarding the grant of family passage allowances to ~~the~~ European officers, I have to inform you that the question has arisen whether an officer in receipt of salary £ at the rate of £700 a year, and a personal allowance at the rate of £100 a year is eligible to benefit by the concession.

2. I have decided that

but for the purpose of this
concern it is necessary
to distinguish between allowances
in the ordinary sense of the
word (e.g. house allowances,
travelling allowances special
allowances), and allowances
which wholly form part of
an officer's salary, such as
for a reasonable personal
allowance ~~and~~ ~~the~~
~~question~~ ~~in~~ ~~which~~ ~~class~~
~~part~~ ~~of~~ ~~any~~ ~~particular~~
allowance ~~is~~ ~~drawn~~ ~~during~~
~~leave~~ ~~of~~ ~~absence~~ should
be placed and generally be
determined by considering
whether or not it is drawn
during leave of absence.

}

but for the purpose of this
concession it is necessary
to distinguish between allowances
in the ordinary sense of the
word (e.g. house allowances,
travelling allowances, special
allowances), and allowances
which really form part of
an officer's salary, such as
~~the~~ a pensionable personal
allowance, and ~~the~~ the
question in which class
~~particular~~ my particular
allowance ~~is~~ during
leave of absence should
be placed and generally be
determined by considering
whether or not it is drawn
during leave of absence.

}

Downing Street,

Crown Agents
M. Department.

Your minute of 24th August V/Passage 8368/23 regarding the grant of family passage allowance to Mr. H. F. Spencer, Senior Assistant Secretary, Kenya.

While house, travelling, duty and similar allowances do not count as "salary" for the purpose of determining an officer's eligibility for the concessional pensionable period, it has been decided that a pensionable period allowance which is drawn during leave of absence should be similarly treated for this purpose.

Mr. Spencer is therefore eligible for the concessional pensionable period.

Please refer to any other case in doubt that may arise.

Yours faithfully,

4th September.