

HIGH COMMISSIONER (UNITED KINGDOM) ACT

HIGH COMMISSIONER (STAFF) REGULATIONS

STATUTORY RULES 1969, No. 74^(a)

1. Regulation 17 of the High Commissioner (Staff) Regulations is amended by inserting after sub-regulation (4.) the following sub-regulation:—

Meaning of
"efficiency"
and
"seniority".

"(4A.) An officer who, immediately before his appointment as an officer, was an employee shall, for the purposes of this regulation, be deemed to have been appointed to the Service on the day on which he was engaged as an employee."

2. Regulation 24 of the High Commissioner (Staff) Regulations is amended by omitting from sub-regulation (4.) the words "the Minister" and inserting in their stead the words "the High Commissioner".

Salaries
of officers.

3. Regulation 30 of the High Commissioner (Staff) Regulations is amended by omitting sub-regulation (3.) and sub-regulation (4.) and inserting in their stead the following sub-regulation:—

Sunday duty.

"(3.) Where—

- (a) an officer or employee is required to perform duty on a Sunday for a period that is less than, or for two or more periods that are in the aggregate less than, three hours; and
- (b) the whole or a part of the duty so performed is in excess of his normal hours of duty per week,

the officer or employee shall be paid in respect of that duty as if it were duty for a period of three hours."

4. Regulation 32 of the High Commissioner (Staff) Regulations is amended—

Higher duties
allowance
for officers.

(a) by inserting after sub-regulation (3.) the following sub-regulation:—

"(3A.) For the purposes of the last preceding sub-regulation, an officer shall be deemed to have performed the duties of a higher office on a holiday, if the officer performed those duties both on the working day immediately before the holiday and on the working day immediately after the holiday."; and

(b) by inserting after sub-regulation (9.) the following sub-regulations:—

"(9A.) For the purpose of determining the date from which an increment in an allowance is payable under this regulation, and for the purpose of determining, for the purposes of these Regulations, the period or periods during which an officer has performed the duties of a higher office—

(a) an officer who was performing the duties of a higher office on the working day immediately before his absence from duty on—

- (i) a holiday;
- (ii) recreation leave;

(a) Made under the *High Commissioner (United Kingdom) Act 1909–1966* on 12 May 1969; notified in the *Commonwealth Gazette* on 22 May 1969.

- (iii) sick leave as prescribed by the next succeeding sub-regulation;
- (iv) leave granted under regulation 76 of these Regulations; or
- (v) other leave granted under these Regulations, other than leave so granted in excess of six days in any period of twelve months,

shall be deemed to have performed the duties of the higher office during the period of absence if the officer, on his return to duty, performed the duties of that higher office or of another office having a higher classification than his own; and

- (b) an officer who was performing the duties of a higher office on the working day immediately before his absence from duty on furlough granted under regulation 65 of these Regulations shall, if the salary payable to the officer in respect of the period of furlough included an allowance in respect of the performance of the duties of a higher office, be deemed to have performed the duties of that last-mentioned office during his period of absence.

“(9B.) For the purposes of sub-paragraph (iii) of paragraph (a) of the last preceding sub-regulation, the following sick leave is prescribed:—

- (a) sick leave occurring before the completion of twelve months’ service, whether continuous or otherwise, in a higher office, other than any such sick leave in excess of two weeks; and
- (b) sick leave occurring during service in a higher officer after the completion of the first or a subsequent period of twelve months’ service, whether continuous or otherwise, in a higher office, and before the completion of the next such period of twelve months’ service, other than any such sick leave that is in excess of—
 - (i) two weeks; or
 - (ii) where the product of two weeks and a number that is greater by one than the number of those completed periods of twelve months’ service exceeds by more than two weeks the period, or the aggregate of the periods, of sick leave occurring during those completed periods—a period equal to that excess.”.

5. After regulation 32 of the High Commissioner (Staff) Regulations the following regulations are inserted:—

“ 32A.—(1.) An officer who, immediately before commencing leave with pay, other than recreation leave or furlough—

- (a) is in receipt of a higher duties allowance;
- (b) would, but for his absence on that leave, be required to continue to act in the office in relation to which the allowance is payable; and
- (c) has not completed twelve months’ acting service,

may, subject to the next succeeding sub-regulation, continue to be paid the higher duties allowance during the whole of that leave.

“(2.) Higher duties allowance in respect of leave granted under these Regulations, other than under regulation 76, is not payable by virtue of the last preceding sub-regulation in respect of more than three days’ leave in any period of twelve months.

Higher duties allowance during leave.

“(3.) An officer who, immediately before commencing leave with pay, other than furlough—

- (a) is in receipt of a higher duties allowance;
- (b) would, but for his absence on that leave, be required to continue to act in the office in relation to which the allowance is payable; and
- (c) has completed twelve months’ acting service,

may, subject to the next two succeeding sub-regulations, continue to be paid the higher duties allowance during the whole of that leave.

“(4.) Except as provided by the next succeeding sub-regulation in respect of sick leave, higher duties allowance in respect of sick leave or leave granted under regulation 73 of these Regulations is not payable by virtue of the last preceding sub-regulation in respect of more than two weeks of sick leave or two weeks of leave granted under regulation 73 of these Regulations, as the case may be, in any period of twelve months.

“(5.) Where an officer in receipt of a higher duties allowance has been in receipt of that allowance for a continuous period of more than twelve months (in this sub-regulation referred to as ‘the continuous acting period’), higher duties allowance is not payable by virtue of sub-regulation (3.) of this regulation in respect of sick leave occurring during the continuous acting period after the completion of the first or a subsequent period of twelve months, and before the completion of the next such period of twelve months, being leave that is in excess of—

- (a) two weeks; or
- (b) where the product of two weeks and a number that is greater by one than the number of completed periods of twelve months in the continuous acting period exceeds by more than two weeks the period, or the aggregate of the periods, of sick leave occurring during those completed periods—a period equal to that excess.

“(6.) Where higher duties allowance is payable in respect of sick leave on half pay, the rate of higher duties allowance is one-half of the rate that would be payable but for this sub-regulation.

“(7.) For the purposes of this regulation, an officer shall be deemed to have completed twelve months’ acting service at any time if, within the immediately preceding period of twenty-four months, he has performed the duties of a higher office for a continuous period of not less than twelve months or for periods that are, in the aggregate, not less than twelve months.

“32B.—(1.) Where an officer is in receipt of a higher duties allowance on the day before and on the day after a holiday, he shall be paid that higher duties allowance in respect of that holiday.

Higher duties allowance on a holiday.

“(2.) Where—

- (a) an officer commences a period of leave on the day immediately after a holiday or ceases a period of leave on the day immediately before a holiday; and
- (b) the officer would, if the holiday had been a working day, have been paid higher duties allowance in respect of it,

the officer shall be paid higher duties allowance in respect of the holiday.”.

6. After regulation 35 of the High Commissioner (Staff) Regulations the following regulations are inserted:—

“35A. Where an officer or employee is required to attend for duty outside the United Kingdom on a temporary basis, the High Commissioner may authorize the payment to the officer or employee of an equipment allowance of such amount (not exceeding Forty pounds) as the High Commissioner considers appropriate.

Equipment allowance.

“ 35B.—(1.) Where—

Payments
on transfer.

(a) an officer or employee is transferred, whether in the ordinary course of promotion or otherwise, from one office or temporary position to another; and

(b) because of the transfer, it is necessary for the officer or employee to change his living quarters,

the High Commissioner may authorize—

(c) the payment by the Commonwealth on behalf of the officer or employee, or the reimbursement to the officer or employee of the amount, of such fares of the officer or employee and of his wife and children (if any) as the High Commissioner considers appropriate;

(d) where, because of the transfer, the officer or employee removes his household furniture and effects from one place to another—

(i) the payment by the Commonwealth on behalf of the officer or employee, or the reimbursement to the officer or employee of the amount, of such removal expenses as the High Commissioner considers appropriate; and

(ii) the payment to the officer or employee of such amount (not exceeding Fifty pounds) as the High Commissioner considers appropriate to compensate the officer or employee for expenses, other than those referred to in the last preceding sub-paragraph, associated with the removal; and

(e) the payment of an allowance at such rate as the High Commissioner considers appropriate to assist the officer or employee, for such period after the transfer as the High Commissioner considers appropriate, to meet any increase in his ordinary household expenditure occasioned by the transfer.

“ (2.) This regulation does not apply in relation to a transfer of an officer or employee at his own request or for disciplinary reasons.”.

Recreation
leave.

7. Regulation 50 of the High Commissioner (Staff) Regulations is amended—

(a) by omitting sub-regulation (3.) and inserting in its stead the following sub-regulation:—

“ (3.) Unless the Official Secretary otherwise directs, the recreation leave credit of an officer or an employee lapses at the end of each year.”; and

(b) by omitting sub-regulations (12.) to (15.) (inclusive) and inserting in their stead the following sub-regulations:—

“ (12.) Where the service of an officer or employee ceases, otherwise than by retirement, before the anniversary, in the year in which his service ceases, of the date of commencement of his period of service, the recreation leave credit (if any) that accrued to the officer or employee on the first day of January in the year in which his service ceases shall be deemed to have been so much of that credit as does not exceed a period calculated at the rate of one-twelfth of that credit for each completed month for which the officer or employee has continued in the Service beyond the anniversary of the date of commencement of his period of service that last preceded the date on which his service ceases.

“ (13.) Where an officer or employee to whom the last preceding sub-regulation applies has been granted recreation leave by virtue of a recreation leave credit that accrued to him on the first day of January in the year in which his service ceases, and the period of that leave

exceeds that credit as deemed to have been reduced in accordance with that sub-regulation—

- (a) if the officer or employee has received any payment in respect of a part of that period of leave that is included in the excess—he shall repay to the Commonwealth the amount of that payment; and
- (b) if the officer or employee has not received payment in respect of a part of that period of leave that is included in the excess—no payment shall be made to him in respect of that part of that period of leave.

“(14.) Paragraph (a) of the last preceding sub-regulation does not apply in relation to an officer or employee whose service ceases by reason of his death.

“(15.) Where an officer resigns and his resignation is accepted or the employment of an employee is terminated other than for misconduct, the High Commissioner may authorize payment to the officer or employee of an amount equal to the amount of salary that would be payable to the officer or employee, at the rate of salary applicable to him immediately before his service ceases, for a period of service equal to the period of recreation leave standing to his credit in accordance with these Regulations.

“(16.) Where the service of an officer or employee ceases, otherwise than by reason of his death or by reason that it was terminated for misconduct, not earlier than one month after the anniversary, in the year in which his service ceases, of the date of commencement of his period of service, the High Commissioner may authorize payment to the officer or employee of an amount determined in accordance with the next two succeeding sub-regulations in relation to a portion of the recreation leave credit that would next have accrued to him if his service had not ceased.

“(17.) The amount of the payment for the purposes of the last preceding sub-regulation is an amount equal to the amount of salary that would be payable to the officer or employee, at the rate of salary applicable to him immediately before his service ceases, for a period of service equal to the period calculated in accordance with the formula—

$$\frac{A \times B}{12}$$

“(18.) For the purposes of the last preceding sub-regulation—

- A is the number of completed months in the period commencing on the anniversary referred to in sub-regulation (16.) of this regulation and ending on the date on which the service of the officer or employee ceases; and
- B is a period equal to the period of the recreation leave credit that would next have accrued to the officer or employee if his service had not ceased.

“(19.) Where an officer resigns and his resignation is accepted, or the employment of an employee is terminated other than for misconduct, before the officer or the employee has completed twelve months' service, the High Commissioner may authorize payment to the officer or the employee of an amount equal to the amount of

salary that would be payable to the officer or employee, at the rate of salary applicable to him immediately before his service ceases, for a period of service that bears to three weeks the same proportion as the period of his service bears to twelve months.

“(20.) Where an officer or an employee dies, the High Commissioner may authorize payment to the dependant or dependants of the officer or of the employee of the amount that could have been paid to the officer or the employee under this regulation if the officer had resigned and his resignation had been accepted, or the employment of the employee had been terminated other than for misconduct, on the day of his death.

“(21.) Where a person to whom an amount is payable under the last preceding sub-regulation is under the age of twenty-one years or for any other reason is incapable of acting on his own behalf, the High Commissioner may pay the amount to another person on behalf of the first-mentioned person.

“(22.) In this regulation, unless the contrary intention appears—
‘salary’ includes—

(a) in relation to an officer—any allowance payable to the officer under regulation 33 of these Regulations and—

(i) if the officer has performed, or would but for his absence on authorized leave have performed, for a continuous period of not less than twelve months ending on the date on which his service ceases, the duties of an office having a higher classification than his own—the allowance payable to the officer in respect of the performance of those duties; or

(ii) if the officer (not being an officer to whom the last preceding sub-paragraph applies) has performed, or would but for his absence on authorized leave have performed, the duties of more than one such office for successive periods that are continuous one with the other and that together make up a continuous period of not less than twelve months ending on the date on which his service ceases—the allowance that is or was payable to the officer in respect of the performance of the duties of whichever of the offices having a higher classification than his own has the lowest classification; and

(b) in relation to an employee—any allowance payable to the employee under regulation 33 of these Regulations;

‘year’ means a period of twelve months commencing on the first day of January.”.

Leave of
absence
on account of
illness.

8. Regulation 52 of the High Commissioner (Staff) Regulations is amended by omitting sub-regulation (5.) and inserting in its stead the following sub-regulation:—

“(5.) Where an officer or employee has been granted sick leave on a holiday that, but for the sick leave, he would have observed, the sick leave in respect of the holiday shall not be debited against his credit of sick leave under these Regulations.”.

9. Regulation 66 of the High Commissioner (Staff) Regulations is amended—

Proportionate furlough or salary in lieu on retirement.

(a) by omitting from paragraph (b) of sub-regulation (3.) the words “eight years’” and inserting in their stead the words “four years’”; and

(b) by inserting after sub-regulation (3.) the following sub-regulation:—

“ (3A.) Where an officer—

(a) retires after he has continued in the service for not less than ten years but for less than fifteen years;

(b) is not eligible for furlough under sub-regulation (1.) of this regulation or for payment under the last preceding sub-regulation; and

(c) satisfies the High Commissioner that his retirement is justified by domestic or other pressing necessity,

the High Commissioner may authorize payment to the officer of an amount not exceeding his salary for a period equal to three tenths of one month in respect of each year of service of the officer.”.

10. Regulation 72 of the High Commissioner (Staff) Regulations is amended by omitting paragraph (a) of sub-regulation (1.) and inserting in its stead the following paragraph:—

Leave without salary.

“ (a) where the leave of absence is for the purpose of enabling an officer or employee—

(i) to pursue a course of studies, or to undertake research, relating to the duties of an office in the Service;

(ii) to undertake vocational training under a Commonwealth scheme of vocational training;

(iii) to engage in employment under the Commonwealth or an authority of the Commonwealth, not being employment under these Regulations; or

(iv) to engage in employment with the Commonwealth Secretariat, being the organisation of that name established at the Commonwealth Prime Ministers’ Meeting of June, 1965,

for such period as the High Commissioner thinks fit; or ”.

11. Regulation 75 of the High Commissioner (Staff) Regulations is amended by adding at the end thereof the following sub-regulation:—

Short leave of absence.

“ (4.) Where—

(a) an officer or employee has been granted leave under sub-regulation (2.) of this regulation; and

(b) the officer resigns and his resignation is accepted, or the employment of the employee is terminated, before the next credit of recreation leave accrues to him,

the officer or employee shall repay to the Commonwealth the amount of the salary received by him in respect of the leave so granted.”.