

SCHEDULE II

(Sections 24(2), 25(1)(b), 29(1) and 31(1).)

PENSIONS AND OTHER BENEFITS FOR THE FEDERAL PUBLIC SERVICE

PART I

INTERPRETATION OF TERMS

1.—(1) In this Schedule, unless inconsistent with the context—

“Branch IV employee” means a person who immediately before the dissolution of the Federation was—

- (a) employed in Branch IV of the Federal Public Service; or
- (b) a Federal Assembly employee;

“date of the termination of his services”, in relation to an officer, employee, Prison officer or member who is not transferred to the service of the Government of a Territory, means the date of the dissolution of the Federation or, if he is seconded to such service, the date of the termination of his secondment;

“employee” means a Public Service employee of Federal Assembly employee;

“established officer” means an officer who was an established officer or confirmed employee under the Public Service Regulations or the Federal Assembly Regulations;

“established Prison officer” means a Prison officer who was an established officer under the Prisons Regulations;

“Federal Assembly employee” means a person who immediately before the dissolution of the Federation was employed in a non-pensionable post in the Federal Assembly;

“Federal Assembly officer” means a person who immediately before the dissolution of the Federation was employed in a pensionable post in the Federal Assembly, whether or not he was contributing towards a pension;

“the Fund” means the Fund established by section 24;

“home Territory”, in relation—

(a) to an officer who is not a Rhodesia House employees or to a Prison officer, means—

- (i) if he was born within a Territory, the Territory in which he was born:

Provided that if, immediately prior to his joining the service of the Federal Government he was serving with the Government of a Territory other than that in which he was born, that Territory shall be his home Territory;

- (ii) if he was not born within a Territory, the Territory in which he has had the longest Government service, whether with the Federal Government or in the service of the Government of a Territory:

Provided that—

(A) if his periods of service in two Territories differ by less than twelve months and his service, if any, in the third Territory is less than his service in either of those two Territories, he may choose either of those two Territories as his home Territory; and

(B) if he joined the service of the Government of a Territory before he joined the service of the Federal Government, he may choose that Territory as his home Territory;

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- (b) to a Rhodesia House employee; means Southern Rhodesia;
- (c) to a member means—
 - (i) in the case of an African member serving in—
 - (A) the King's African Rifles or the Northern Rhodesia Regiment, the Northern Rhodesia and Nyasaland Command;
 - (B) the Rhodesian African Rifles, Southern Rhodesia;
 - (C) a corps, other than the Corps of Infantry, or in the Royal Rhodesian Air Force, such Territory as he may elect;
 - (ii) in the case of a European member serving in the Rhodesian Light Infantry, the Rhodesian Special Air Service or the Royal Rhodesian Air Force, Southern Rhodesia;
 - (iii) in the case of a European member not referred to in sub-paragraph (ii) of this paragraph, such Territory as he may choose;

Provided that a European member shall not be eligible to choose Nyasaland as his home Territory unless—

- (I) he is or has been on the posted or permanently attached strength of the King's African Rifles or of the Headquarters, Nyasaland area, and its ancillary units; or
- (II) he has connections with Nyasaland; or
- (III) he intends to take a short service commission or engagement for service in Nyasaland;

“member” means a person who immediately before the dissolution of the Federation was an officer, non-commissioned officer or soldier of the Regular Force of the Army or the Air Force of the Federation, but does not include any person who was—

- (a) appointed to honorary commissioned rank; or
- (b) the holder of an honorary appointment;

“Northern Prison officer” means a person who immediately before the dissolution of the Federation was a Prison officer who was a “northern officer” as defined in the Prisons (Senior and Junior Officers) (Pensions) Regulations 1963 of the Federation and who had not made the election provided for by section 34 of the said Regulations;

“Nyasaland member” means a member who was not born or is not domiciled in Nyasaland and whose home Territory is Nyasaland;

“Nyasaland officer” mean an officer or Prison officer who was not born or is not domiciled in Nyasaland and whose home Territory is Nyasaland;

“officer” means a Public Service officer or Federal Assembly officer;

“pensionable emoluments”, in relation to an officer, Prison officer or member, means his pensionable emoluments for the purposes of the Pensions Regulations;

“pensionable service”, in relation to an officer, Prison officer or member, means pensionable service for the purposes of the Pensions Regulations;

“person under contract” means a person who immediately before the dissolution of the Federation was employed by the Federal Government or Federal Assembly on contract and who was not an officer or an employee;

“Prison officer” means a person who immediately before the dissolution of the Federation was an officer of the Federal Prison Service established by the Prisons Act 1955 of the Federation;

“Public Service employee” means a person who immediately before the dissolution of the Federation was in the employment of the Federal Government and who was—

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- (a) a Branch IV employee; or
- (b) an “other Government servant” as defined in section 2(1) of the Federal Public Service Act 1959 of the Federation and was not a Rhodesia House employee;

“Public Service officer” means a person who immediately before the dissolution of the Federation—

- (a) was not employed in Branch IV of the Federal Public Service; and
- (b) was an officer or employee as defined in the Public Service Regulations or had elected to remain subject to his Territorial Regulations and was subject to the Old Territorial Regulations;

“Rhodesia House employee” means a person who immediately before the dissolution of the Federation was a permanent employee on pensionable conditions of service employed by the Federal Government in Rhodesia House, London;

“teacher” means a Public Service officer who immediately before the dissolution of the Federation was appointed to a grade in the Nurse Matron or Teaching Branch in the Education Group in the Federal Public Service;

“the Federal Assembly Regulations”, in relation to a Federal Assembly officer, means the conditions of service applicable to him which were fixed by the Speaker of the Federal Assembly;

“the Old Territorial Regulations”, in relation to a Public Service officer in Branch III of the Federal Public Service who elected to remain subject to his Territorial regulations, means the conditions of service applicable to him by virtue of that election;

“the Pensions Regulations”, in relation to—

- (a) a Public Service officer, means the Public Service Regulations as read with sections 42 and 43 of the Federal Public Service Act 1959 of the Federation;
- (b) a Federal Assembly officer, means the Federal Assembly Regulations;
- (c) a Prison officer, means the Prisons Regulations;
- (d) a member, means the Regular Force Regulations;

“the Prisons Regulations”, in relation to—

- (a) a senior or junior officer in the Federal Prison Service, means the Prisons (Senior and Junior Officers) (Pensions) Regulations 1963 of the Federation;
- (b) a subordinate officer, means the Prisons (Subordinate Officers) (Pensions) Regulations 1963 of the Federation;

“the Public Service Regulations”, in relation to a Public Service officer, means the—

- (a) Federal Public Service (European Pensionable Branch) Regulations 1955; or
- (b) Federal Public Service (Married Women) Regulations 1958; or
- (c) Federal Public Service (European Pensionable Branch) (Retained Married Women) Regulations 1958; or
- (d) Federal Public Service (Branch I) Regulations 1959; or
- (e) Federal Public Service (Branch II) Regulations 1957; or
- (f) Federal Public Service (Branch III) (Uniform) Regulations 1961; or
- (g) Federal Public Service (Branch III) (Southern Rhodesia) Regulations 1956; or
- (h) Federal Public Service (Branches III and IV) (Northern Rhodesia) Regulations 1957; or
- (i) Federal Public Service (Branches III and IV) (Nyasaland) Regulations 1957; or

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- (j) Old Territorial Regulations; or
- (k) Federal Public Service Act (Pensions) Regulations 1963; or
- (l) Federal Public Service Act (Branch I) (Pensions) Regulations 1961; or
- (m) Federal Public Service Act (Branch II) (Pensions) Regulations 1960; or
- (n) Federal Public Service Act (Branch III) (Pensions) Regulations 1960; or
- (o) Federal Public Service Act (Rhodesia House Permanent Employees) (Pensions) Regulations 1962;

of the Federation, whichever were applicable to him on the date of the termination of his services;

“the Regular Force Regulations”, in relation to a member, means the—

- (a) Defence (Regular Force) (African Members) Regulations 1962; or
- (b) Defence (Regular Force) (European Members) Regulations 1961; or
- (c) Defence (Regular Forces) (Officers) Regulations 1960;

of the Federation, whichever were applicable to him on the date of the termination of his services;

“the service of the Government of a Territory” includes the service of the Legislative Assembly or Legislative Council, as the case may be, of that Territory;

“the Terminal Benefits Regulations”, in relation to a Public Service officer who is not a Rhodesia House employee, means —

- (a) in the case of a Public Service officer who is not a teacher, the Federal Public Service (Terminal Benefits) Regulations 1963 or the Federal Public Service Act (Terminal Benefits) Regulations 1963 of the Federation, as the case may be;
- (b) in the case of a Public Service officer who is a teacher, the Federal Public Service (Terminal Benefits) (Teachers) Regulations 1963 or the Federal Public Service Act (Terminal Benefits) (Teachers) Regulations 1963 of the Federation, as the case may be.

(2) For the purposes of the definition of “home Territory” in sub-paragraph (1) of this paragraph, if on the date of the termination of this services—

- (a) an officer or Prison officer who could, under proviso A or B to sub-paragraph (ii) of paragraph (a) of that definition, have chosen a particular Territory as his home Territory has not made a choice thereunder, his home Territory shall be that determined in accordance with the provisions of the said sub-paragraph (ii);
- (b) a member who could, under paragraph (c) of that definition, have chosen a particular Territory as his home Territory has not made a choice thereunder, his home Territory shall be that determined by the Pension Agency.

PART II

PENSIONS AND ALLOWANCES FOR PENSIONERS AT THE DATE OF THE DISSOLUTION OF THE FEDERATION

Pensions and allowances to be paid from the Fund

2. Subject to the provisions of paragraph 18, any person who immediately before the dissolution of the Federation, whether or not he was employed by the Federal Government, was entitled to—

- (a) a pension;

- (b) in the case of a person who was a member, a children's allowance;
- (c) in the case of a person who was suffered an injury or disability, an allowance in respect of such injury or disability;

from the Federal Government shall continue to be paid any such pension and, additionally or alternatively, allowance from the Fund.

Payment of pensions

3. Any pension or allowance payable under paragraph 2 shall be paid subject to the conditions applicable to its payment by the Federal Government and on the death of the recipient of the pension there shall be paid to or in respect of any dependant of his any pension provided for in such conditions.

PART III

TERMINAL BENEFITS FOR PERSONS IN THE EMPLOYMENT OF THE FEDERAL GOVERNMENT WHO ARE NOT TRANSFERRED TO THE SERVICE OF THE GOVERNMENT OF A TERRITORY

Payment of terminal benefits

4.—(1) Subject to the provisions of paragraphs 18 and 22, the terminal benefits under this Part of this Schedule shall be payable to—

- (a) any person who—
 - (i) was employed by the Federal Government immediately before the dissolution of the Federation on pensionable conditions of service; and
 - (ii) is not transferred to the service of the Government of a Territory on pensionable conditions of service on his ceasing to be employed on or after the dissolution of the Federation on the conditions of service referred to in sub-paragraph (i) of this sub-paragraph;

or

- (b) any person who—
 - (i) was employed by the Federal Government immediately before the dissolution of the Federation on non-pensionable conditions of service; and
 - (ii) is not transferred to the service of the Government of a Territory on his ceasing to be employed on or after the dissolution of the Federation on the conditions of service referred to in sub-paragraph (i) of this sub-paragraph.

(2) The benefits payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund:

Provided that any benefits referred to in paragraph 13, 14, 15 or 16 or sub-paragraph (2) of paragraph 17 shall be paid by the Liquidating Agency and shall not be paid from the Fund.

Pension or gratuity for established Public Service officers or Federal Assembly officers

5. On the date of the termination of his services an established officer shall be entitled to—
- (a) if the Pensions Regulations provide for the payment of a pension on retirement, and earned pension equal to that which would have been payable to him under the

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Pensions Regulations had he retired on attaining pensionable age after ten or more years' pensionable service on the date of the termination of his services, calculated—

- (i) in respect of the period of his pensionable service; and
 - (ii) on his pensionable emoluments on the date of the termination of his services;
- (b) if the Pensions Regulations do not provide for the payment of a pension on retirement, an earned gratuity equal to that which is payable under the Pensions Regulations on retirement.

*Additional abolition of office pension or gratuity for
established Public Service officers or Federal Assembly officers*

- 6.—(1) An established officer referred to in paragraph 5 who—
- (a) is a Nyasaland officer; or
 - (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory; or
 - (c) whether or not he has rejected or indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory, has accepted an offer of service on contract with the Government of Nyasaland to commence immediately after the date of the termination of his services;

shall, in addition to his earned pension or gratuity under paragraph 5, be entitled to an abolition of office pension or gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be—

- (a) in the case of an established officer who is entitled to a pension, a pension equal to—
 - (i) one-third of his earned pension under paragraph 5; or
 - (ii) the amount, if any, by which his earned pension under paragraph 5 is less than two-thirds of his pensionable emoluments on the date of the termination of his services; or
 - (iii) the pension which he would earn under the Pensions Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of sixty-five years;whichever is the least;
- (b) in the case of an established officer who is entitled to a gratuity, an amount equal to the additional gratuity, if any, payable to him under the Pensions Regulations on loss of office.

Pension or gratuity plus refund of pension contributions for established Prison officers

7.—(1) On the date of the termination of his services an established Prison officer shall be entitled to—

- (a) in the case of a Northern Prison officer, an earned pension equal to that which would have been payable to him under the Prisons Regulations had he retired on attaining pensionable age after ten or more years' pensionable service on the date of the termination of his services, calculated—
 - (i) in respect of the period of his pensionable service; and
 - (ii) on his pensionable emoluments on the date of the termination of his services;

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- (b) in the case of a Prison officer who is not a Northern Prison officer, either an earned pension with no refund of pension contributions or an earned gratuity plus a refund of his pension contributions, as he may elect, calculated in accordance with the Prisons Regulations.

(2) The election referred to in sub-paragraph (b) of sub-paragraph (1) of this paragraph may be made by the Prison officer at any time before or within fourteen days after the date of the termination of his services and shall be—

- (a) made in writing to the Pension Agency; and
- (b) irrevocable.

(3) If a Prison officer has not made the election referred to in sub-paragraph (b) of sub-paragraph (1) of this paragraph within fourteen days after the date of the termination of his services he shall be deemed to have elected to be paid an earned gratuity plus a refund of his pension contributions.

Additional abolition of office pension or gratuity for established Prison officers

8.—(1) An established Prison officer referred to in paragraph 7 who—

- (a) is a Nyasaland officer; or
- (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory; or
- (c) whether or not he has rejected or indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory, has accepted an offer of service on contract with the Government of Nyasaland to commence immediately after the date of the termination of his services;

shall, in addition to his earned pension, be entitled to an abolition of office pension or, if he has elected under paragraph 7 to be paid an earned gratuity plus a refund of his pension contributions, an abolition of office gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be—

- (a) in the case of a Northern Prison officer, a pension equal to—
 - (i) one-third of his earned pension under paragraph 7; or
 - (ii) the amount, if any, by which his earned pension under paragraph 7 is less than two-thirds of his pensionable emoluments on the date of the termination of his services; or
 - (iii) the pension which he would earn under the Prisons Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of sixty-five years;whichever is the least;
- (b) in the case of a Prison officer who is not a Northern Prison officer, a pension or gratuity, as the case may be, equal to one-third of his earned pension or gratuity, as the case may be, under paragraph 7:

Provided that, if the aggregate of the additional abolition of office pension or gratuity and the earned pension or gratuity exceeds a pension or gratuity, as the case may be, calculated in respect of a period of pensionable service of 420 months or more, the additional abolition of office pension or gratuity shall be reduced by the amount of the excess.

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*Pension or gratuity plus refund of pension contributions
for members with two or more years' pensionable service*

9.—(1) On the date of the termination of his services a member whose pensionable service amounts to two years or more and who is not transferred to the British Army or Royal Air Force on a permanent regular commission or engagement shall be entitled to either an earned pension with no refund of pension contributions or an earned gratuity plus a refund of his pension contributions, as he may elect, calculated in accordance with the Regular Force Regulations.

(2) The election referred to in sub-paragraph (1) of this paragraph may be made by the member at any time before or within fourteen days after the date of the termination of his services and shall be—

- (a) made in writing to the Pension Agency; and
- (b) irrevocable.

(3) If a member has not made the election referred to in sub-paragraph (1) of this paragraph within fourteen days after the date of the termination of his services he shall be deemed to have elected to be paid an earned gratuity plus a refund of his pension contributions.

(4) In the case of a member whose pensionable service amounts to two years or more and who is transferred to the British Army or Royal Air Force on a permanent regular commission or engagement, there shall be paid to the United Kingdom Government on the transfer of that member an amount equal to the earned gratuity that would otherwise have been paid to that member, calculated in accordance with the Regular Force Regulations.

*Additional abolition of office pension or gratuity for
members with two or more years' pensionable service*

10.—(1) A member referred to in sub-paragraph (1) of paragraph 9 who—

- (a) is a Nyasaland member; or
- (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory;

shall, in addition to his earned pension, be entitled to an abolition of office pension or, if he has elected under paragraph 9 to be paid and earned gratuity plus a refund of his pension contributions, and abolition of office gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be a pension or gratuity, as the case may be, equal to—

- (a) one-third of his earned pension or gratuity, as the case may be, under paragraph 9; or
- (b) the difference between his earned pension or gratuity, as the case may be, under paragraph 9 and the maximum pension or gratuity he could have earned under the Regular Force Regulations, calculated on his pensionable emoluments on the date of the termination of his services; or
- (c) the pension or gratuity, as the case may be, which he would earn under the Regular Force Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of fifty-five years;

whichever is the least.

Benefits for Branch IV employees

11.—(1) Save as is otherwise provided in sub-paragraph (2) of this paragraph, on the date of the termination of his services a Branch IV employee who has been confirmed in his appointment

or, in the case of a Southern Rhodesia employee, whose qualifying service under his conditions of service amounts to ten years or more shall be entitled to a gratuity or pension, as the case may be, equal to the gratuity or pension that he would have been paid under his conditions of service had he retired on that date.

(2) A Branch IV employee who—

(a) has not rejected or has not indicated that he will not accept an offer of employment by the Government of the Territory in which he was employed; and

(b) has been confirmed in his appointment or, in the case of a Southern Rhodesia employee, has qualifying service under this conditions of service amounting to four years or more;

shall, on the date of the termination of his services, be entitled to a gratuity or pension, as the case may be, equal to the gratuity or pension that he would have been paid under his conditions of service had he been discharged on that date on the grounds of abolition of office.

(3) For the purposes of sub-paragraph (2) of this paragraph—

“Southern Rhodesia employee” means a Branch IV employee who has been employed in Southern Rhodesia for all or most of the period of his service with the Federal Government.

Refund of pension contributions

12. On the date of the termination of his services a refund of his pension contributions, if any, calculated in accordance with the provisions of the Pensions Regulations, shall be paid to—

(a) an officer on probation;

(b) a Prison officer on probation;

(c) a member whose pensionable service amounts to less than two years;

(d) a member whose pensionable service amounts to two years or more and who is transferred to the British Army or Royal Air Force on a permanent regular commission or engagement.

Cash in lieu of notice

13.—(1) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid—

(a) to an established officer who is not a teacher, to an established Prison officer or to a member whose pensionable service amounts to two years or more, three months' pay;

(b) to an officer on probation who is not a teacher, to a Prison officer on probation or to a member whose pensionable service amounts to less than two years, one month's pay;

calculated at the rate of his salary or, in the case of a member, at the rate of his pensionable emoluments, on the date of the termination of his services, less the aggregate of his salary or, in the case of a member, the aggregate of his pensionable emoluments, if any, in respect of the period—

(i) if he was notified on the first day of any month of the date of the termination of his services, from that day;

(ii) if he was notified on a day other than the first day of a month of the date of the termination of his services, from the first day of the month following that in which he was so notified;

until the date of the termination of his services.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid to a Public Service officer who is a teacher and who is not seconded to the service of the Government of a Territory—

(a) in the case of an established officer, four months' pay;

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(b) in the case of an officer on probation, one month's pay;
calculated at the rate of his salary on the date of the termination of his services.

(3) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of this services there shall be paid to an employee or person under contract who has not been given notice under his conditions of service or contract, as the case may be, or who has been given notice thereunder the period of which has not expired, an amount equal to his salary for the period of such notice or the unexpired portion of such period, as the case may be:

Provided that if, in the case of a person under contract, his contract would have expired before the end of the period of such notice or the unexpired portion of such period, he shall be paid an amount equal to his salary in respect of the period until his contract would have expired.

- (4) No payment in terms of this paragraph shall be made to—
- (a) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
 - (b) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or
 - (c) a member who is transferred to the British Army or Royal Air Force; or
 - (d) an officer, Prison Officer or member who is serving on secondment with the Government of a Territory and who terminates his secondment; or
 - (e) an employee or person under contract who on the termination of his services with the Federal Government is employed by the Government of a Territory.

Cash in lieu of leave

14.—(1) On the date of the termination of his services there shall be paid to—

- (a) an officer, Prison officer, employee or person under contract, if this service with the Federal Government or Federal Assembly, as the case may be, amounts to not less than one year; and
- (b) a member, if his pensionable service amounts to not less than one year;

the cash equivalent of any vacation leave accrued to him, calculated—

- (i) in the case of a Public Service officer who is not a Rhodesia House employee, at the rate of salary of that officer together with any allowance received by him which the Federal Minister of Finance has declared to be part of the salary of an officer for the purposes of the Terminal Benefits Regulations in calculating the cash in lieu of leave payable under those Regulations;
- (ii) in the case of a Federal Assembly officer, a Prison officer, a Rhodesia House employee or a person under contract, at the rate of salary received by him;
- (iii) in the case of an employee, at the rate of pay received by him, including, in the case of a Branch IV employee who is a Southern Rhodesia employee as defined in sub-paragraph (3) of paragraph 11, any quarters allowance received by him as part of his emoluments;
- (iv) in the case of a member, at the rate of pay and allowances that he would have received had he proceeded on vacation leave on the day immediately preceding the date of the termination of his services.

(2) For the purposes of sub-paragraph (1) of this paragraph—

- (a) a member who is serving on an initial engagement and whose pensionable service amounts to not less than one year shall be treated as though he had accrued vacation leave at the rate of twenty days per annum during the period of his engagement:

Provided that any fraction of a day of such vacation leave shall be ignored;

- (b) a Public Service officer or Public Service employee who was appointed to the Federal Public Service on the 2nd January 1963 and whose date of the termination of his services is the 31st December 1963 shall be deemed to have had one year's service with the Federal Government.

Transport Allowance

15.—(1) Subject to the provisions of this paragraph, there shall be paid to—

- (a) an officer, other than a Rhodesia House employee; or
- (b) a Public Service employee who, immediately before the dissolution of the Federation, was employed as an artisan or leading hand in the Federal Ministry of Works in Southern Rhodesia; or
- (c) a Branch IV employee who has been confirmed in his appointment; or
- (d) a Prison officer; or
- (e) a member;

who moves residence from the place where he was stationed at the date of the termination of his services, the cost of transporting himself, his dependants and his household effects, not exceeding 5,000 lb., to such place within the Territories or, in the case of an employee referred to in sub-paragraph (b) of this sub-paragraph, to such place within Southern Rhodesia, as he may elect.

(2) The cost referred to in sub-paragraph (1) of this paragraph shall be calculated in accordance with the costs which would have been paid to that person under this conditions of service had he been transferred by the Federal Government or, in the case of a Federal Assembly Officer, in accordance with the costs that would have been paid to him had he been a Public Service officer:

Provided that—

- (i) in the case of a person other than a member, no subsistence or other allowance under his conditions of service shall be paid to him in respect of himself or any dependant;
- (ii) in the case of a member, no subsistence allowance or allowance, other than a rations allowance, under the Regular Force Regulations shall be paid to him in respect of himself or any dependant.

(3) The cost referred to in sub-paragraph (1) of this paragraph shall not include the costs of transporting a motor vehicle save in the case of a person who on the date of the termination of his services was stationed in Nyasaland and whose motor vehicle is transported by rail.

(4) A person referred to in sub-paragraph (1) of this paragraph shall not be entitled to any benefits under this paragraph unless he moves residence and submits a claim for the benefits within six months of the date of the termination of his services.

(5) No benefit under this paragraph shall be paid to—

- (a) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
- (b) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or
- (c) a member who is transferred to the British Army or Royal Air Force.

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Travel grant

16.—(1) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination; of his services a travel grant calculated in accordance with the provisions of sub-paragraph (2) of this paragraph shall be paid to—

- (a) an established officer, other than a Rhodesia House employee;
- (b) an established Prison officer;
- (c) a member who on the date of the termination of his services was subject to the provisions of the Defence (Regular Force) (European Members) Regulations 1961 or Defence (Regular Forces) (Officers) Regulations 1960 of the Federation, and whose pensionable service amounts to two years or more.

(2) The travel grant referred to in sub-paragraph (1) of this paragraph shall be—

- (a) in the case of a Category a officer or member—
 - (i) if he is not married or is a married woman officer, £25; or
 - (ii) if he is married and is not a married woman officer, £50; and
 - (iii) if he has dependent children under 18 years of age—
 - (A) in respect of each such child who is 7 years of age or over but under 16 years of age, £10;
 - (B) in respect of each such child who is 16 years of age or over, £25;
- (b) in the case of a Category B officer—
 - (i) if he is not married, £16; or
 - (ii) if he is married, £32;
- (c) in the case of a Category C officer—
 - (i) if he is not married, £6; or
 - (ii) if he is married, £12.

(3) For the purposes of sub-paragraph (2) of this paragraph—

“Category A officer or member” means—

- (a) a Public Service officer who on the dissolution of the Federation was in the European Pensionable Branch or Branch I of the Federal Public Service; or
- (b) a Federal Assembly officer who contributed under the Federal Assembly Regulations towards a pension; or
- (c) a Prison officer who on the date of the termination of his services was a senior or junior officer in the Federal Prisons Service; or
- (d) a member referred to in sub-paragraph (c) of sub-paragraph (1) of this paragraph;

“Category B officer” means a Public Service officer who on the dissolution of the Federation was in Branch II of the Federal Public Service;

“Category C officer” means—

- (a) a Public Service officer who on the dissolution of the Federation was in Branch III of the Federal Public Service; or
- (b) a Federal Assembly officer who did not contribute under the Federal Assembly Regulations towards a pension; or
- (c) a Prison officer who on the date of the termination of his services was a subordinate officer in the Federal Prison Service.

- (4) No travel grant under this paragraph shall be paid to—
- (a) a married woman officer who is married to an officer; or
 - (b) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
 - (c) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or
 - (d) a member who is transferred to the British Army or Royal Air Force.

Persons under contract

17.—(1) A person under contract who is serving on terms which are the same as those for a Public Service officer and who, under his contract, is entitled to a pension on the termination of his contract shall be entitled to the benefits he would have been paid under this Part had he been a Public Service officer and—

- (a) for the purposes of calculating his earned pension and abolition of office pension, if any, the provisions of his contract shall be deemed to be the Public Service Regulations;
- (b) for the purpose of calculating any travel grant under paragraph 16 he shall be deemed to have been in the Branch of the Federal Public Service the regulations applicable to which resemble most closely the conditions of his contract.

(2) A person under contract who, under his contract, is entitled to any transport benefits on the termination of his contract shall, on the termination of his services, be entitled to such benefits as are provided for in his contract but, in such a case, shall not be entitled to any transport benefits by virtue of the provisions of sub-paragraph (1) of this paragraph.

Members of the Federal Public Service Commission

18. On the dissolution of the Federation any member of the Federal Public Service Commission who, on the day prior to the dissolution of the Federation, was a “service member” as defined in section 2 of the Federal Public Service Act 1959 of the Federation, shall be entitled to such of the benefits provided for in this Part of this Schedule as he would have been paid had he remained an officer in the European Pensionable Branch of the Federal Public Service, and, if he retired from the Federal Public Service Commission on the day prior to the dissolution of the Federation, he shall cease to be entitled to and shall not be paid any benefit under Part I of the said Act.

Children's allowances for members

- 19.** On the date of the termination of his services a member—
- (a) who has attained the age of fifty years; or
 - (b) whose pensionable service amounts to twenty years or more; or
 - (c) who has not been made an offer of employment on pensionable conditions of service by the Government of any Territory and—
 - (i) has attained the age of forty-five years; or
 - (ii) whose pensionable service amounts to fifteen years or more;
- and who would have been eligible for the payment of a children's allowance had he retired on that date shall be paid such allowance in respect of his children born on or before that date in accordance with the conditions under which such allowance was paid before the dissolution of the Federation.

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Payments of pensions under this Part

20. A person who becomes entitled to a pension under this Part of this Schedule shall be paid such pension or any commutation thereof in accordance with the provisions of the Pensions Regulations and on his death there shall be paid to or in respect of any dependant of his any pension provided for in the Pensions Regulations:

Provided that, if that person applies for the commutation of his pension or a portion thereof before the date of the termination of his services or after that date but within one month thereof, he shall not be required to complete a declaration of health nor to submit to examination by a medical board and the Pension Agency may grant the commutation in terms of the Pensions Regulations without first granting provisional approval therefor.

Provisions as to what constitutes rejection of offers of employment

21.—(1) For the purposes of paragraphs 6 and 8—

- (a) an established officer or established Prison officer shall be deemed not to have rejected an offer of employment on pensionable conditions of service made by the Government of Southern Rhodesia unless—
 - (i) he has rejected both an offer of permanent transfer and an offer of provisional transfer; or
 - (ii) he has accepted an offer of permanent or provisional transfer and before being transferred he terminates his secondment or refuses to be transferred;
- (b) subject to the provisions of sub-paragraph (a) of this sub-paragraph, an established officer or established Prison officer shall be deemed to have rejected an offer of employment on pensionable conditions of service by the Government of his home Territory if—
 - (i) he does not accept such an offer within a reasonable time of its being made to him; or
 - (ii) he accepts an offer of employment on pensionable conditions of service by the Government of a Territory other than his home Territory or an offer of employment on contract by the Government of Nyasaland and before being transferred or commencing such employment, as the case may be, he terminates his secondment or refuses to be transferred or to commence such employment, as the case may be.

(2) For the purposes of paragraph 10 a member shall be deemed to have rejected an offer of employment on pensionable conditions of service by the Government of his home Territory if—

- (a) he does not accept such an offer within a reasonable time of its being made to him; or
- (b) he accepts an offer of employment on pensionable conditions of service by the Government of a Territory other than his home Territory or an offer of employment on contract by the Government of Nyasaland and before being transferred or commencing such employment, as the case may be, he terminates his secondment or refuses to be transferred or to commence such employment, as the case may be.

*Benefits in respect of officers, Prison officers or members
on secondment who are discharged or dismissed or who die*

22. Notwithstanding anything to the contrary contained in the foregoing provisions of this Part of this Schedule, if an officer, Prison officer or member who is seconded to the service of the Government of a Territory is discharged or dismissed or dies whilst on such secondment, that officer, Prison officer or member or his widow, child or estate, as the case may be, shall be paid from the Fund the benefits payable under the Pensions Regulations on the discharge, dismissal or death, as the case may be, of that officer, Prison officer or member and no benefits provided for in the foregoing

provisions of this Part of this Schedule shall be payable to that officer, Prison officer or member, or to or in respect of his widow, child or estate.

PART IV

PENSION RIGHTS OF PERSONS IN THE EMPLOYMENT OF THE FEDERAL GOVERNMENT TRANSFERRED TO THE SERVICE OF AN APPROVED GOVERNMENT, INSTITUTION OR EMPLOYER ON PENSIONABLE CONDITIONS OF SERVICE

Interpretation of terms

23. In this Part of this Schedule, unless inconsistent with the context—

“approved”, in relation to a Government, institution or employer, means approved under and for the purposes of the Pension Regulations;

“average retiring emoluments”, in relation to a transferred officer who retires or is discharged from or dies while serving with the Government of a Territory, means the pensionable emoluments accepted by that Government for the purpose of calculating that officer's pension or gratuity, or the pensionable emoluments which would have been accepted by that Government for the purpose of calculating that officer's pension or gratuity had he retired at the date of his death;

“date of transfer”, in relation to a transferred officer, means the date on which he is transferred to the service of the Government of a Territory;

“emoluments accepted as pensionable”, in relation to a transferred officer, means the emoluments of that officer during his pensionable employment which are accepted by the Government of the Territory as pensionable under his conditions of service with that Government;

“emoluments factor”, in relation to a transferred officer, means the aggregate of his pensionable emoluments during his pensionable service divided by the aggregate of his pensionable emoluments during his pensionable service and his emoluments accepted as pensionable during his pensionable employment;

“officer” includes a person who immediately before the dissolution of the Federation was a “service member” as defined in section 2 of the Federal Public Service Act 1959 of the Federation;

“pensionable employment”, in relation to—

- (a) a transferred officer who before he became a transferred officer was a Southern Rhodesia officer, means his period of employment with the Government of a Territory after his date of transfer;
- (b) a transferred officer other than a transferred officer referred to in paragraph (a) of this definition, means his period of employment with the Government of a Territory, whether that employment was before or after his pensionable service, which is recognised by that Government as pensionable;

“Southern Rhodesia officer” means an officer, Prison officer or member who had served with the Government of Southern Rhodesia on pensionable or gratuitable conditions of service immediately prior to his appointment or transfer to the service of the Federal Government or Federal Assembly;

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“transferred officer” means an officer, Prison officer or member who on or after the dissolution of the Federation is transferred to the service of the Government of a Territory on pensionable conditions of service.

Persons seconded or transferred before the dissolution of the Federation

24. Any person who—

- (a) was employed by the Federal Government on pensionable conditions of service; and
- (b) before the dissolution of the Federation had been seconded to the service of an approved Government, institution or employer or transferred to the service of an approved Government, institution or employer on conditions that conferred on him rights to a pension in respect of his pensionable service with the Federal Government; and
- (c) immediately before the dissolution of the Federation was still serving with the approved Government, institution or employer on secondment or transfer;

shall on the termination of his services with that approved Government, institution or employer, or any other approved Government, institution or employer to whom he may have been subsequently seconded or transferred, be paid from the Fund such pension or other benefit as was provided in the conditions under which he was seconded or transferred, as the case may be, or, if he dies whilst he is still serving with an approved Government, institution or employer, the appropriate benefits provided in such conditions shall be paid to or in respect of any dependant of his or to his estate, as the case may be, in accordance with the provisions of such conditions.

Persons transferred to the service of the Government of a Territory after the dissolution of the Federation

25. The provisions of the Pensions Regulations other than those provisions relating to the transfer of officers from the service of the Federal Government, shall apply in relation to the pension, gratuity, refund of pension contributions or other benefit payable to a transferred officer who retires, resigns or is discharged or dismissed from the service of the Government of a Territory, or to or in respect of the widow, child or estate of such an officer, subject to the following modifications—

- (a) the pensionable age of a transferred officer who retires from the service of the Government of a Territory shall be the age at which he is permitted or required to retire from that service;
- (b) with effect from his date of transfer a transferred officer who contributes towards his pension shall cease to contribute to the Fund but any balance of contributions together with interest thereon due from him under the Pensions Regulations immediately before his date of transfer shall be paid into the Fund in accordance with the provisions of the Pensions Regulations;
- (c) subject to the provisions of this paragraph, on the retirement, resignation, discharge or dismissal of a transferred officer from the service of the Government of a Territory or on his death the sum payable from the Fund to the transferred officer as a portion of the pension, gratuity or refund of pension contributions due to such officer, his widow, child or estate shall be determined as though he had retired or resigned or been discharged or dismissed from the service of the Federal Government or had died as an established officer, established Prison officer or member, as the case may be, in like circumstances:

Provided that if, in the case of an officer or Prison officer, at the time of his resignation, discharge or dismissal from the service of the Government of that Territory or his death he was on probation in that service he shall be deemed to have resigned or been discharged or dismissed from the service of the Federal Government as an officer on probation or Prison officer on probation in like circumstances;

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- (d) for the purpose of determining whether a transferred officer has completed a period of pensionable service amounting to five, ten, fifteen, twenty, twenty-five or thirty years, as the case may be, his period of pensionable employment shall be deemed to be continuous with and form part of his pensionable service;
- (e) in calculating any refund of pension contributions payable to a transferred officer the reference, if any, in the Pensions Regulations to the number of complete years in respect of which he has paid contributions shall be read and construed as a reference to the number of complete years from the date from which he first contributed for purposes of the Pensions Regulations to the date of his resignation or discharge, as the case may be, from the service of the Government of the Territory;
- (f) the pension or gratuity payable to or in respect of a transferred officer shall be the appropriate pension or gratuity, as the case may be, calculated in accordance with the provisions of the Pensions Regulations, as read with this paragraph, and multiplied by the emoluments factor:

Provided that no payment shall be made in respect of—

- (i) an additional pension awarded as compensation for loss of office with that Government;
- (ii) an additional period added to a period of pensionable employment as compensation for loss of office with that Government;
- (iii) a pension, gratuity or other benefit awarded as compensation for ill-health, physical unfittness, physical incapacity, personal injury or loss of life caused or aggravated by the discharge of his official duties with the Government of that Territory, although a transferred officer shall be entitled to compensation in respect of an injury which occurred prior to his date of transfer, even though the injury does not manifest itself until after the date of transfer;
- (g) any reference in the Pensions Regulations to “average pensionable emoluments” or “retiring pensionable emoluments”, as the case may be, shall be read and construed as a reference to “average retiring emoluments”.

Persons who are subsequently transferred from the service of the Government of a Territory

26. If a transferred officer is subsequently transferred from the service of the Government of a Territory to the service of another Government or of an approved institution his rights to the payment of a pension, gratuity or refund of pension contributions from the Fund shall be such as may be fixed by the Pension Agency:

Provided that on the ultimate termination of his services the pension, gratuity or refund of pension contributions payable to him shall be not less than that which would have been paid to him under paragraph 25 had his services terminated in like circumstances on the date of his transfer from the service of the Government of the Territory.

Payment of benefits

27. Any pension, gratuity or refund of pension contributions payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund.

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PART V

TERMINAL BENEFITS FOR JUDGES OF THE FEDERAL SUPREME COURT

Interpretation of terms

28. In this Part of this Schedule, unless inconsistent with the context—

“conditions of service”, in relation to a Federal Judge, means the terms and conditions fixed by the Governor-General of the Federation under section 3 of the Federal Supreme Court (Judges Salaries, Pensions and Allowances) Act 1955 of the Federation, on which a pension is payable to that judge or his dependants;

“date of the termination of his services”, in relation to a Federal judge, means the date he ceases to hold office as such otherwise than by resignation;

“Federal judge” means a person who, immediately before the dissolution of the Federation, was a judge of the Federal Supreme Court

Terminal benefits for Federal judges

29.—(1) Subject to the provisions of paragraph 30, on the date of the termination of his services a Federal judge shall be entitled to—

- (a) an earned pension equal to the pension which would have been paid to him under his conditions of service had he retired on that date;
- (b) an additional abolition of office pension equal to one-third of his earned pension under paragraph (a) of this sub-paragraph;
- (c) a gratuity equal to one and one-half month's salary for each complete year of his service as a Federal judge or as a judge of the High Court of Southern Rhodesia:

Provided that if the gratuity calculated under this sub-paragraph exceeds one year's salary it shall be reduced by the amount of the excess;

- (d) the cash equivalent of any vacation leave accrued to him, calculated at his rate of salary;
- (e) the transport allowance that would have been paid to him under paragraph 15 had he been a Public Service officer.

(2) A Federal judge who becomes entitled to a pension under sub-paragraph (1) of this paragraph may at any time apply to the Pension Agency for the commutation of a portion thereof, not exceeding one-third of the aggregate of his earned pension under sub-paragraph (a) and his abolition of office pension under sub-paragraph (b) of sub-paragraph (1) of this paragraph, and the Pension Agency may grant the commutation in accordance with the provisions of the Pensions Regulations that would have been applicable had that judge been a Public Service officer in the European Pensionable Branch of the Federal Public Service:

Provided that if that judge applies for the commutation of a portion of his pension before the date of the termination of his services or after that date but within one month thereof, he shall not be required to complete a declaration of health nor to submit to examination by a medical board and the Pension Agency may grant the commutation under the Pensions Regulations without first granting provisional approval therefor.

(3) A Federal judge who resigns from office shall be entitled to a pension and other benefits in accordance with his conditions of service.

Federal judges transferring to the service of the Government of a Territory

30. If on the date of the termination of his services a Federal judge, without a break in service, assumes judicial office with the Government of a Territory he shall not be entitled to any pension, gratuity or benefit under paragraph 29 but on the termination of his services with that Government he shall be entitled to a pension in accordance with his conditions of service as a Federal judge.

Pensions for widows and dependants of Federal judges

31.—(1) If a Federal judge becomes entitled to a pension under paragraph 29 or 30 or a Federal judge referred to in paragraph 30 dies while in office, on his death there shall be payable to his widow and to or in respect of any dependent child of his the pension that would have been payable under the Public Service Regulations had that judge been a Public Service officer in the European Pensionable Branch of the Federal Public Service, calculated in relation to the pension and, if applicable, additional pension to which that judge was entitled, irrespective of any commutation thereof, under paragraph 29 or 30.

(2) If a Federal judge dies while holding office as such his widow and any dependent child of his shall be paid the pension provided for in his conditions of service.

Payment of benefits

32. The benefits payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund:

Provided that any benefit referred to in sub-paragraph (d) or (e) of subparagraph (1) of paragraph 29 shall be paid by the Liquidating Agency and shall not be paid from the Fund.

PART VI

DISABILITY BENEFITS

Benefits for injured or disabled persons

33. Any person who was employed by the Federal Government or the Federal Assembly and who on or after the dissolution of the Federation suffers an injury or disability which—

- (a) occurred or originated prior to the date of the dissolution of the Federation; and
- (b) was caused or aggravated by or due to his work with the Federal Government or the discharge of his duties with the Federal Government; and
- (c) but for the dissolution of the Federation would have entitled him to the award of a pension and, additionally or alternatively, other benefits under his conditions of service with the Federal Government;

shall be entitled to any such pension and, additionally or alternatively, other benefits as he would have been paid under his conditions of service with that Government, subject to the provisions of such conditions of service.

Pensions for dependants

34. On the death of a person referred to in paragraph 33 if, but for the dissolution of the Federation, his widow and any children would, under his conditions of service with the Federal Government, have been entitled to receive a pension from that Government, his widow and any child

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shall be entitled to the pension they would have been paid under the conditions of service of that person with the Federal Government, subject to the provisions of such conditions of service.

Payment of benefits

35. The Pension Agency shall pay from the Fund to a person referred to in paragraph 33 or 34 any pension or other benefits to which that person is entitled under the said paragraph and any powers conferred in the conditions of service referred to in the said paragraph on the Federal Minister of Finance or any other authority of the Federal Government in relation to the payment of any pension or other benefits or the medical examination or treatment of the injured or disabled person may be exercised by the Pension Agency:

Provided that until that 31st May 1964 in exercising any powers conferred by this paragraph the Pension Agency shall act on the recommendation of the Staff Authority.

PART VII

PAYMENTS INTO THE FUND

36. There shall be paid into the Fund—

- (a) all pension contributions which were payable into the Federal Pension Fund and had not been paid into that fund before the dissolution of the Federation;
- (b) any arrears of pension contributions which immediately before the dissolution of the Federation were owing by a person employed by the Federal Government or Federal Assembly on pensionable conditions of service who after the dissolution of the Federation is transferred to the service of the Government of a Territory on pensionable conditions of service;
- (c) all pension contributions paid by a person who was employed by the Federal Government or Federal Assembly on pensionable conditions of service and who is serving on secondment in the service of the Government of a Territory;
- (d) such sums as would but for the dissolution of the Federation have been payable out of the Consolidated Revenue Fund of the Federation under section 7 of the Federal Pension Fund Act 1956 of the Federation, in respect of contributions referred to in sub-paragraph (a), (b) or (c) of this paragraph;
- (e) such sums as would but for the dissolution of the Federation have become payable to the Federal Government by the Southern Rhodesia Government in relation to any pension, gratuity, refund of pension contributions or other benefit payable to or in respect of an officer, including a person who was a “service member” as defined in section 2 of the Federal Public Service Act 1959 of the Federation, Prison officer or member who had served with the Government of Southern Rhodesia on pensionable or gratuitable conditions of service immediately prior to his appointment or transfer to the service of the Federal Government or the Federal Assembly.

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PART VIII

GENERAL

Exemption of certain payments from income tax

37. Any sum paid under this Schedule by way of commutation of a pension or a portion thereof and any gratuity paid under subparagraph (c) of subparagraph (1) of paragraph 29 shall be exempt from tax under any law of a Territory providing for the imposition of taxes on income.

Variation of this Schedule

38. The provisions of this Schedule may be varied at any time by the Pension Agency with the concurrence of the Governments of the Territories, so however that no such variation shall be made which would have the effect of diminishing the benefits to which any person is entitled under this Schedule.