
STATUTORY INSTRUMENTS

1963 No. 2085

The Federation of Rhodesia and Nyasaland
(Dissolution) Order in Council 1963

PART II

THE PUBLIC SERVICE

Temporary provision for seconded Federal officers

20.—(1) This section applies to any person who is an officer of the public service of the Federation immediately before the dissolution of the Federation and who is at that time employed on secondment in the public service of a Territory, or is so employed as from the dissolution (hereinafter referred to as a “seconded officer”).

(2) A seconded officer shall, subject to the provisions of this Part, continue as from the dissolution of the Federation to enjoy or be subject to all the terms and conditions of service which applied to him immediately before the dissolution, so however that he may accept any other terms and conditions in substitution therefor.

(3) This section shall cease to apply to any person on 1st June 1964, or before that date if his employment on secondment is terminated by transfer to the public service of a Territory or otherwise.

Constitution of Staff Authority and Staff Commission

21.—(1) There is hereby constituted an authority which shall be known as the Staff Authority and shall consist of a person appointed before the dissolution of the Federation by the Federal Government with the concurrence of the Governments of the Territories.

(2) There is hereby constituted an authority which shall be known as the Staff Commission and shall consist of a person appointed before the dissolution of the Federation by the Federal Government with the concurrence of the Governments of the Territories.

(3) The person constituting the Staff Commission may at any time, with the consent of the Liquidating Agency, appoint to the Commission, on such terms as he may determine, not more than two further persons.

(4) In the event of the death of the person appointed to be the Staff Authority, or appointed under subsection (2) to be the Staff Commission, or in the event of his becoming incapable of performing his functions, the Governments of the Territories jointly may appoint another person in his place, but before doing so they shall, in the case of an appointment to the Staff Authority, consult the Staff Commission, and in the case of an appointment to the Staff Commission, consult the Staff Authority.

(5) The Staff Authority and the Staff Commission shall cease to exist on 1st June 1964.

Powers of Staff Authority and Staff Commission in relation to seconded officers

22.—(1) The Staff Authority may exercise in relation to seconded officers such powers of or relating to their disciplinary control, suspensions from duty, discharge, and resignation and otherwise

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as to their conditions of service as were vested immediately before the dissolution of the Federation in the Governor-General of the Federation.

(2) The Staff Commission may exercise in relation to seconded officers such of the said powers as were then vested in the Federal Public Service Commission or any other Federal authority not being the Governor-General.

(3) The Staff Commission shall further have general responsibility for the welfare of seconded officers.

(4) The Staff Authority and the Staff Commission shall exercise their powers under subsections (1) and (2) in relation to any seconded officer as nearly as may be in accordance with the provisions applicable to him immediately before the dissolution of the Federation.

Staff and expenses of Staff Authority and Staff Commission

23.—(1) The Staff Authority and the Staff Commission respectively may, with the approval of the Liquidating Agency, employ staff to assist them in the discharge of their functions and determine the terms and conditions of service of members of such staff.

(2) The expenses of the Staff Authority and the Staff Commission, including all remuneration and allowances payable to the persons constituting the Authority and the Commission and to members of their staffs, shall be paid out of moneys in the hands of the Liquidating Agency.

Establishment of Central African Pension Fund

24.—(1) There is hereby established a Fund to be called the Central African Pension Fund (hereinafter referred to as “the Fund”).

(2) The purposes of the Fund shall be the payment of pensions, sums by way of commutation of pension and refund of pension contributions, and gratuities, allowances and other benefits to or in respect of persons employed or formerly employed in the public service of the Federation and other persons, in accordance with the provisions of Schedule II.

Assets of Fund

25.—(1) The Fund shall consist of—

- (a) the sums and other assets standing immediately before the dissolution of the Federation to the credit of the Federal Pension Fund established by the Federal Pension Fund Act 1956 of the Federation;
- (b) all sums paid into the Fund in accordance with Part VII of Schedule II;
- (c) such sums as may be provided for the purposes of the Fund by the Government of the United Kingdom or the Government of a Territory or any other authority; and
- (d) any other sums or assets which vest in or accrue to the Fund in the course of the operation of the Fund or otherwise.

(2) Sums accruing to the Fund shall be exempt from income tax and any other tax imposed by the law of a Territory.

Vesting of Fund in Trustees

26.—(1) The Fund shall vest in trustees (hereinafter referred to as “the Trustees”) to be appointed by the Governments of the United Kingdom, the Federation, Southern Rhodesia, Northern Rhodesia and Nyasaland jointly.

(2) The Trustees, shall be domiciled in the United Kingdom.

(3) If the Trustees are not appointed before the dissolution of the Federation, the function of the Federal Government under subsection (1) shall be discharged by the Staff Authority, and the Fund shall on dissolution vest in the Liquidating Agency, which shall perform the functions of the Trustees until the latter are appointed.

(4) If the Fund so vests in the Liquidating Agency, the Fund shall, on the appointment of the Trustees, vest in them.

(5) The Governments of the Territories may at any time jointly appoint new trustees of the Fund.

Establishment of Central African Pension Agency

27.—(1) There is hereby established a Central African Pension Agency (hereinafter referred to as “the Pension Agency”) which shall consist of the officer for the time being performing the functions of Pensions Officer of the Government of Southern Rhodesia.

(2) In carrying out the duties of the Pension Agency such officer shall not be deemed to be acting on behalf of the Government of Southern Rhodesia; and the Pension Agency shall so far as possible, in any matter concerning persons resident in either Northern Rhodesia or Nyasaland, act through the agency of the Pensions Officer of the Government of Northern Rhodesia or of Nyasaland, as the case may be.

(3) The Governments of the three Territories may at any time, in accordance with any representations made by or otherwise with the agreement of the Trustees, jointly appoint another person or body to be the Pension Agency.

Functions of Trustees

28.—(1) The Trustees shall—

(a) invest such moneys in the Fund as are available for investment, and shall have power to realise or vary any investment:

Provided that they shall not realise or vary investments representing any of the loans described in section 12 before maturity unless it is in their opinion necessary to do so to meet the outgoings of the Fund;

(b) make available to the Pension Agency out of the Fund such sums as the Agency may require to make the payments described in section 29;

(c) make periodical reports to the Governments of the United Kingdom and the Territories as to the state of the Fund, with a view to the payment into the Fund by such Governments of such amounts as may be required to meet any deficit in the Fund; and

(d) arrange for the audit of the accounts of the Pension Agency.

(2) The Trustees shall have power to borrow money for the purposes of the Fund, to charge remuneration for their services, and such further functions (if any) in relation to the Fund as may be provided by instrument executed by the Trustees and the Governments of the United Kingdom and the Territories.

Charges on Fund

29.—(1) There shall be charged on the Fund, and paid by the Pension Agency, the pensions, gratuities and other payments provided for in Schedule II and required by the provisions of the Schedule to be paid out of the Fund.

(2) There shall further be charged on the Fund—

(a) the expenses incurred by the Trustees and the Pension Agency in performing their functions under this Order, and any charges or losses incurred by the Fund; and

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- (b) any remuneration payable to the Trustees, the Pension Agency and the staff of the Pension Agency.

Further powers and duties of Pension Agency

30.—(1) The Pension Agency shall have, for the purposes of this Order, the powers conferred by any law of the Federal Legislature or instrument made thereunder in force immediately before the dissolution of the Federation or by any contract of service on the Governor-General of the Federation, the Speaker of the Federal Assembly, the Federal Minister of Finance or any other authority of the Federal Government in relation to the payment, discontinuance, suspension, forfeiture, withholding or commutation of a pension or other benefit.

(2) The Pension Agency shall furnish the Trustees with such information as they may from time to time require to enable them to perform their functions under this Order.

Contributions to Fund

31.—(1) The contributions required by Schedule II to be paid to the Fund shall be paid to the Pension Agency.

(2) The Pension Agency may apply contributions so received to meet the payments chargeable to the Fund, and shall pay over any contributions not so applied to the Trustees for payment into the Fund.

Valuation by actuary

32.—(1) The Fund shall be valued by an actuary appointed by the Trustees at intervals not exceeding five years, and the Trustees shall communicate the actuary's report to the Governments of the United Kingdom and the Territories if so required by them.

(2) The actuary shall state in his report what in his opinion is the cause of any surplus or deficit in the Fund.