

## SCHEDULE II

### PENSIONS AND OTHER BENEFITS FOR THE FEDERAL PUBLIC SERVICE

#### 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.

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(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.