

SCHEDULE II

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.