

SCHEDULE II

PENSIONS AND OTHER BENEFITS FOR THE FEDERAL PUBLIC SERVICE

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 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.

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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;
- (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.

*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.

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(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;
- (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 his 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—

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- (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

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- (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.

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—

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- (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.

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.

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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.