

SCHEDULE II

PENSIONS AND OTHER BENEFITS FOR THE FEDERAL PUBLIC SERVICE

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

*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;

- (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;

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- (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 unfitness, 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”.