

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

Interpretation of terms

23. In this Part of this Schedule, unless inconsistent with the context—

“approved”, in relation to a Government, institution or employer, means approved under and for the purposes of the Pension Regulations;

“average retiring emoluments”, in relation to a transferred officer who retires or is discharged from or dies while serving with the Government of a Territory, means the pensionable emoluments accepted by that Government for the purpose of calculating that officer's pension or gratuity, or the pensionable emoluments which would have been accepted by that Government for the purpose of calculating that officer's pension or gratuity had he retired at the date of his death;

“date of transfer”, in relation to a transferred officer, means the date on which he is transferred to the service of the Government of a Territory;

“emoluments accepted as pensionable”, in relation to a transferred officer, means the emoluments of that officer during his pensionable employment which are accepted by the Government of the Territory as pensionable under his conditions of service with that Government;

“emoluments factor”, in relation to a transferred officer, means the aggregate of his pensionable emoluments during his pensionable service divided by the aggregate of his pensionable emoluments during his pensionable service and his emoluments accepted as pensionable during his pensionable employment;

“officer” includes a person who immediately before the dissolution of the Federation was a “service member” as defined in section 2 of the Federal Public Service Act 1959 of the Federation;

“pensionable employment”, in relation to—

(a) a transferred officer who before he became a transferred officer was a Southern Rhodesia officer, means his period of employment with the Government of a Territory after his date of transfer;

(b) a transferred officer other than a transferred officer referred to in paragraph (a) of this definition, means his period of employment with the Government of a Territory, whether that employment was before or after his pensionable service, which is recognised by that Government as pensionable;

“Southern Rhodesia officer” means an officer, Prison officer or member who had served with the Government of Southern Rhodesia on pensionable or gratuitable conditions of service immediately prior to his appointment or transfer to the service of the Federal Government or Federal Assembly;

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“transferred officer” means an officer, Prison officer or member who on or after the dissolution of the Federation is transferred to the service of the Government of a Territory on pensionable conditions of service.

Persons seconded or transferred before the dissolution of the Federation

24. Any person who—

- (a) was employed by the Federal Government on pensionable conditions of service; and
- (b) before the dissolution of the Federation had been seconded to the service of an approved Government, institution or employer or transferred to the service of an approved Government, institution or employer on conditions that conferred on him rights to a pension in respect of his pensionable service with the Federal Government; and
- (c) immediately before the dissolution of the Federation was still serving with the approved Government, institution or employer on secondment or transfer;

shall on the termination of his services with that approved Government, institution or employer, or any other approved Government, institution or employer to whom he may have been subsequently seconded or transferred, be paid from the Fund such pension or other benefit as was provided in the conditions under which he was seconded or transferred, as the case may be, or, if he dies whilst he is still serving with an approved Government, institution or employer, the appropriate benefits provided in such conditions shall be paid to or in respect of any dependant of his or to his estate, as the case may be, in accordance with the provisions of such conditions.

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;

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- (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;
- (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”.

Persons who are subsequently transferred from the service of the Government of a Territory

26. If a transferred officer is subsequently transferred from the service of the Government of a Territory to the service of another Government or of an approved institution his rights to the payment of a pension, gratuity or refund of pension contributions from the Fund shall be such as may be fixed by the Pension Agency:

Provided that on the ultimate termination of his services the pension, gratuity or refund of pension contributions payable to him shall be not less than that which would have been paid to him under paragraph 25 had his services terminated in like circumstances on the date of his transfer from the service of the Government of the Territory.

Payment of benefits

27. Any pension, gratuity or refund of pension contributions payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund.