

**CHAPTER 266**  
**EUROPEAN OFFICERS' PENSIONS ACT**

**Arrangement of Sections**

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SECOND SCHEDULE

THIRD SCHEDULE

**AN ACT**

**for regulating pensions, gratuities and other allowances to be granted in respect of the service of European officers with the Governments; and to provide for matters incidental to or connected with the foregoing.**

[1st April, 1927]

Act 10 of 1927,

Act 26 of 1927,

Act 25 of 1929,

Act 47 of 1929,

Act 35 of 1931,

Act 38 of 1933,

Act 8 of 1936,

Act 31 of 1937,

Act 4 of 1939,

Act 41 of 1940,

Act 36 of 1949,

Act 35 of 1954,

Act 3 of 1956,

Act 8 of 1958,

Act 43 of 1958,

Act 34 of 1961,

Act 27 of 1962,

Act 32 of 1963,

Act 75 of 1965,

Act <PW:Popup,2,2,Popup> This Act is deemed to have come into force on 1st January, 1966.)1249 of 1967,

GN 123 of 1964,

GN 497 of 1964,

SI 144 of 1965.

## 1. Short title

This Act may be cited as the European Officers' Pensions Act.

## 2. Interpretation

(1) In this Act, unless the context otherwise requires—

**“appropriate Commission”** shall have the meaning assigned to that expression in the Constitution;

**“Civil Service (Local Conditions)”** means—

(a) in respect of any period before the 24th October, 1964, that part of the civil service of the former Protectorate of Northern Rhodesia which served under the terms and conditions of service introduced with effect from the 1st November, 1961, or under such terms and conditions of service as varied from time to time;

(b) in respect of any period on or after the 24th October, 1964, that part of the civil service of the Government of Zambia serving under such terms and conditions of service as may be prescribed for civil servants who are citizens of Zambia or under such terms and conditions of service as may be varied from time;

**“East African Dependencies”** means Kenya, the Uganda Protectorate, the Zanzibar Protectorate, the Nyasaland Protectorate, the Somaliland Protectorate, the Tanganyika Territory, the former Protectorate of Northern Rhodesia, Zambia, and the East Africa High Commission;

**“East African service”** means service in a civil capacity under the administration of one or more of the East African Dependencies or the Tanganyika Republic Service as a Governor or High Commissioner of a British Dominion, Colony, Protectorate, or Trust Territory, or a territory under British mandate, or as a Governor in India shall be deemed to be “public service” except for the purpose of computation of pension or gratuity and of section 11;

**“European officer”** means any officer both of whose parents were of European descent, but includes also any other officer appointed under the conditions of service ordinarily applicable to Europeans. In case of any question or dispute arising as to whether an officer is to be regarded as a European officer for the purposes of this Act or of any regulations made hereunder, the decision of the President shall be final;

**“the Governments”** means the Government of Zambia, or, in respect of any period before the 24th October, 1964, the Government of the former Protectorate of Northern Rhodesia;

**“house allowance”** means the estimated value of free quarters as defined by regulations under this Act;

**“inducement allowance”** means the inducement allowance referred to in paragraph (a) of clause 3 of the agreement set out in the Schedule to the Overseas Service Act; “month” means a calendar month;

**“other public service”** means public service not under the Governments and includes service in the Teaching Service and service in the Civil Service (Local Conditions);

**“pensionable emoluments”**—

(1) in respect of service in Zambia includes—

- (a) salary;
- (b) inducement allowance:

Provided that any increase in that allowance which becomes payable after the 31st December, 1965, subject to conditions as to the application of such increase in assessing pensions, shall not be included in pensionable emoluments save in accordance with those conditions;

(c) personal allowance;

(d) in the case of officers who retired from public service prior to the 1st January, 1946, and in the case of officers retiring subsequently to that date who have not become subject to the revised terms and conditions of service which became effective on the said 1st January, 1946, house allowance;

(e) for the purpose of calculating the aggregate pensionable emoluments of officers retiring from public service subsequently to the 1st January, 1946, who—

(i) have become subject to the revised terms and conditions of service which became effective as from the 1st January, 1946; and

(ii) have pensionable service under any scheduled Government;

house allowance in respect of service prior to the said 1st January, 1946;

but does not include duty allowance, entertainment allowance or any other emoluments whatever;

(2) in respect of other public service, means emoluments which count for pension in accordance with the law or regulations in force in such service;

**“pensionable office”** means—

(a) in respect of service in Zambia, any office held by a European officer, unless the officer is appointed thereto subject to the express condition that the office shall be non-pensionable;

(b) in respect of other public service, an office which is a pensionable office under the law or regulations in force in such service;

**“personal allowance”** means a special addition to the salary granted personally to the holder for the time being of the office, but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

**“Police Force”** means—

(a) in respect of any period before the 24th October, 1964, the Northern Rhodesia Police Force;

(b) in respect of any period on or after the 24th October, 1964, the Zambia Police Force;

**“public service”** means service in a civil capacity with the Governments or service in the Teaching Service or service in a civil capacity in the Government of any part of her Britannic Majesty’s dominions or of any British Protectorate administered by the Government of any part of Her Britannic Majesty’s dominions, or of the New Hebrides or the Anglo-Egyptian Sudan, or the Tanganyika Republic, or service which is pensionable under the Teachers’ (Superannuation) Act, 1925, of the United Kingdom, or any Act amending or replacing

the same, or under the Colonial Superannuation Scheme, or in a Colonial University College, or pensionable employment under a local authority in the United Kingdom, or in such other service as may have been determined by one of Her Britannic Majesty's Principal Secretaries of State to be "public service" or as may hereafter be determined by the President to be "public service" for the purpose of any provision of this Act, and except for the purposes of computation of pension or gratuity and of section 11, includes service as a Governor-General, Governor or High Commissioner in any part of Her Britannic Majesty's dominions, any British Protected State or Protectorate, any Mandated or Trust Territory administered by the Government of any part of Her Britannic Majesty's dominion, or the Anglo-Egyptian Sudan;

**"salary"** means the salary attached to an office;

**"service in Zambia"**, **"service of Zambia"** includes any service for which a pension or gratuity might have been granted under the Northern Rhodesia Police Act, Chapter 44 of the 1964 Edition of the Laws, or under the Zambia Police Act, or under the Northern Rhodesia Civil Service Proclamation, 1920, as subsequently amended and rules made there under, but for the purposes of this Act does not include service in the Civil Service (Local Conditions):

Provided that notwithstanding anything to the contrary contained in the Civil Service Rules of Northern Rhodesia, 1921, the age from which pensionable service may be reckoned shall be twenty years;

**"Teaching Service"** means the Teaching Service described in the Teaching Service Regulations;

**"Trust Territory"** means a Territory administered by Her Britannic Majesty's Government in the United Kingdom under a Trusteeship Agreement with the United Nations Organisation;

**"year"** means a calendar year.

(2) Notwithstanding that Palestine ceased to be a Territory under British mandate on the 15th May, 1948, any European officer who held office in the service of the Government of Palestine immediately before such date shall, for the purposes of this Act or of any regulations made there under, be deemed to continue in his office until either he is appointed to the public service elsewhere, or if not so appointed he retires or is removed from office.

(3) An officer shall be deemed to have become subject to the revised terms and conditions of service which became effective as from the 1st January, 1946—

(a) if being in the service of the former Protectorate of Northern Rhodesia at any time during the period beginning on the 1st January, 1946, and ending on the 29th June, 1948, he has notified the Accountant-General on or before such date as may have been notified by the Governor of the said former Protectorate in the *Gazette*, or within such further period as the Governor may have directed, or the President may hereafter direct, that he wished to become subject to such revised terms and conditions of service; or

(b) if he is appointed or reappointed to any office in the service of Zambia on or after the 30th June, 1948; or

(c) if he transferred from one office to another office in the service of Zambia on or after the 30th June, 1948; or

(d) if being in the service of the former Protectorate of Northern Rhodesia immediately before the 30th June, 1948, he is subsequently transferred to the service of one of the other East African Dependencies or the Tanganyika Republic; or

(e) if he has died after the 1st January, 1946, and not later than such date as may have been notified or directed under paragraph (a) without notifying the Accountant-General as provided in paragraph (a), and it would have been to his financial advantage to be subject to such revised terms and conditions of service.

[S 2 am by Act 36 of 1949, 34 of 1961, 27 of 1962, 32 of 1963; GN 123 of 1964; SI 144 of 1965; Act 75 of 1965, 49 of 1967.]

### 3. President may make pension regulations

(1) It shall be lawful for the President from time to time, by statutory instrument, to make, and when made, to vary and revoke regulations for the granting of pensions, gratuities, and other allowances to European officers who have been in the service of Zambia. Any pension or gratuity granted under this Act shall be computed in accordance with the provisions in force at the actual date of the officer's retirement. Such regulations when made shall be laid before the National Assembly:

Provided that, until varied or revoked by any such regulations, the regulations contained in the Third Schedule shall be in force.

(2) The said regulations, and any regulations varying or revoking the same as aforesaid, shall have the same force and effect for all purposes as if they were contained in this Act, and the term "this Act" shall in the following sections be read and construed accordingly.

(3) Whenever the President is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon, or remove a disability attaching to, any person, that regulation may be given retrospective effect for that purpose.

[S 3 am by Act 36 of 1949; GN 123 of 1964; SI 144 of 1965; Act 75 of 1965.]

### 4. Pensions etc., to be charged on general revenues of the Republic

There shall be charged on and paid out of the general revenues of the Republic all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in accordance with this Act.

[S 4 am by GN 123 of 1964; SI 144 of 1965.]

### 5. Circumstances in which pension, etc., may be reduced or withheld

Where it is established to the satisfaction of the President that a European officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may, provided the appropriate Commission concurs, be reduced or altogether withheld.

[S 5 am by GN 123 of 1964; SI 144 of 1965.]

### 6. Service not qualifying for pension

No pension, gratuity or other allowance shall be granted to any European officer in respect of any service—

(a) while on probation or agreement, unless without break of service he is confirmed in a pensionable office with the Governments or in an office in other public service which is at the time of confirmation pensionable under the pension regulations applicable to such service; or

(b) while under the age of twenty years.

[S 6 am by SI 144 of 1965.]

#### 7. Circumstances in which pension, etc., may be granted

(1) Subject to the provisions of this Act, no pension, gratuity or other allowance shall be granted to any European officer except on his retirement from the public service in one of the following cases—

(a) on the grounds of age;

(b) under the provisions of—

(i) the Zambia (Compensation and Retiring Benefits) Order, 1964; or

(ii) the Non-Designated Expatriate Officers (Retiring Benefits) Act;

(c) in the case of transfer to other public service, in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;

(d) under the provisions of section 16 of the Zambia Independence Order, 1964;

(e) on the abolition of his office;

(f) on compulsory retirement for the purpose of facilitating improvement in the organisation of the part of the service of Zambia to which he belongs, by which greater efficiency or economy can be effected;

(g) on medical evidence to the satisfaction of the appropriate Commission that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;

(h) in the case of termination of employment in the public interest as provided in this Act;

(i) on retirement in circumstances, not mentioned in the preceding paragraphs, rendering him eligible for a pension under the Governor's Pensions Act, 1957, of the United Kingdom or any Act amending or replacing that Act:

Provided that a gratuity may be granted to a female officer, in accordance with the provisions of this Act, who retires for the reason that she is about to marry or on marriage, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.

(2) Nothing in this section shall affect any pension, gratuity or other allowance granted under this Act before the <PW:Popup,2,2,Popup> 7th January, 1966.)<sup>13</sup> commencement of the Non-Designated Expatriate Officers (Retiring Benefits) Act.

[S 7 am by Act 36 of 1949; 3 of 1956; 43 of 1958; 34 of 1961; GN 123 of 1964; SI 144 of 1965; Act 75 of 1965.]

## 8. Termination of employment in the public interest

Where an officer's service is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the officer thereto, and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Act, the appropriate Commission may, if it thinks fit, grant to such officer such pension, gratuity or other allowance as it thinks just and proper, not exceeding in amount that for which the officer would be eligible if, on the date of such termination as aforesaid, he had retired from the public service under the provisions of paragraph (g) of sub-section (1) of section 7.

[S 8 am by Act 3 of 1956; GN 123 of 1964; SI 144 of 1965.]

## 9. Removal from office of certain officers

(1) This section applies to an officer who—

(a) on or after the 1st October, 1963, transferred from the service of the Government of the former Federation of Rhodesia and Nyasaland to the Civil Service (Local Conditions) and in respect of any period after such transfer contributed to the Civil Service (Local Conditions) Pension Fund; and

(b) subsequently transferred from the Civil Service (Local Conditions) to service in Zambia in circumstances in which he qualified on retirement for a pension under this Act;

but does not apply to any such officer who subsequently transferred to the Defence Force or to other public service.

(2) Where an officer to whom this section applies is removed from office in the service of Zambia in circumstances in which he is not otherwise eligible for the grant of a pension, gratuity or other allowance under this Act, he shall be granted a pension equal to the earned pension, if any, to which he would have been entitled under the Federation of Rhodesia and Nyasaland (Dissolution) Order in council, 1963, if, on the date of the termination of his service under the Government of the former Federation of Rhodesia and Nyasaland, he had been such a person as is referred to in paragraph 4(1)(a) of Schedule II to that Order.

(3) The provisions of section 5 shall not apply in relation to a pension under this section.

(4) For the purposes of this section—

(a) a person who, immediately prior to his transfer to the Civil Service (Local Conditions), was a seconded officer within the meaning of section 20 of the Federation of Rhodesia and Nyasaland (Dissolution) Order in council, 1963, shall be deemed to have transferred from the service of the Government of the former Federation of Rhodesia and Nyasaland; and App.1

(b) any period in respect of which such person was a seconded officer as aforesaid shall be deemed to have been a period of service under the Government of the former Federation of Rhodesia and Nyasaland.

[S 9 am by Act 75 of 1965.]

## 10. Retirement on grounds of age or marriage

(1) A European officer shall be entitled to retire from the service of Zambia on or after attaining the age of fifty-five years or, with the approval of the appropriate authority, fifty years.

(2) The appropriate authority may require a European officer to retire from the service of Zambia at any time after the officer attains the age of fifty years; and any officer who is so required to retire shall retire accordingly.

(3) The provisions of sub-section (2) shall not apply in relation to the holder of an office to which article 96 of the Constitution applies.

(4) For the purposes of this section, "the appropriate authority" —

(a) in relation to an officer who is a police officer below the rank of Assistant Superintendent, means the Commissioner of Police;

(b) in relation to an officer who is a member of the Zambia Prison Service below the rank of Superintendent, means the Commissioner of Prisons;

(c) in relation to any other officer, means the appropriate Commission.

[S 10 am by Act 75 of 1965.]

## 11. Maximum pension grantable

(1) A pension granted to a European officer under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in Zambia.

(2) Where the European officer has been or is granted a pension or pensions in respect of other public service, he may be granted the full pension for which he is eligible in respect of his service in Zambia, but no person may at any time draw from the funds of the Republic an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by such person at any time in the course of his service in Zambia or in other public service:

Provided that where such a person receives in respect of some period of public service both a gratuity and a pension, the amount of such pension shall be deemed, for the purposes of this sub-section, to be—

(i) in cases where the laws of the territory in which such public service was performed provide for the payment of an unreduced pension, the amount of pension which would have been awarded had no gratuity been granted;

(ii) in cases where the laws of the territory in which such public service was performed do not provide for the payment of an unreduced pension, four-thirds of the actual amount of the pension.

(3) In a case falling under the limitation laid down by sub-section (2), the amount of the pension to be drawn from the funds of the Republic shall be subject to the approval of the President, in order that it may be determined with due regard to the amount of any pension or pensions similarly to be drawn in respect of other public service.

(4) For the purpose of the preceding sub-sections, an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension, the amount of such additional pension which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from such additional pension, falls short of two-thirds of such highest emoluments.

(5) Notwithstanding anything to the contrary contained in this Act, in the case of any European officer who—

(a) was appointed to the service of one of the East African Dependencies in a pensionable office prior to the 1st April, 1927; and

(b) was in the service of the former Protectorate of Northern Rhodesia on the 1st April, 1933, without any break in service, and without having been transferred outside the East African Dependencies, and thereafter remained in the service of the said former Protectorate of Northern Rhodesia until the 1st January, 1946; and

(c) has become subject to the revised terms and conditions of service which became effective as from the said 1st January, 1946; and

(d) retires from the service of Zambia without having been transferred therefrom to other public service subsequently to the said 1st January, 1946; and

(e) at the date of retirement was serving in an appointment the initial salary of which was K2,700 per annum or more, or in an appointment the fixed salary of which was K2,700 per annum or more;

the expression "pensionable emoluments drawn" shall, for the purposes of sub-sections (1), (2) and (4), be construed as including the figure resulting from the reduction by ten *per centum* (subject to a maximum reduction of thirty ngwee) of the salary attaching to the office held by such officer on his retirement, and the addition to that reduced figure of fifteen *per centum* of that reduced figure.

[S 11 am by Act 36 of 1949; GN 123 of 1964; SI 144 of 1965.]

## 12. Suspension of pension on re-employment

If an officer to whom a pension has been granted under this Act is appointed to another office in the public service, the payment of his pension may with his consent, if the President thinks fit, be suspended during the period of his re-employment.

[S 12 am by Act 36 of 1949; GN 123 of 1964; SI 144 of 1965.]

## 13. Gratuity affected by re-employment

If any European officer to whom a gratuity without pension has been granted under this Act is reappointed to any office in the service of Zambia or in other public service, his previous service may, with the approval of the appropriate Commission, be taken into account for the purposes of pension, if he refunds the gratuity on such reappointment.

[S 13 am by Act 38 of 1933; GN 123 of 1964; SI 144 of 1965.]

#### 14. Pensions, etc., not to be assignable

A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purpose of satisfying—

(a) a debt due to the Government; or

(b) an order of any court for the periodical payment of sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension, gratuity or other allowance has been granted;

and shall not be liable to be attached, requested or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

[S 14 am by Act 36 of 1949.]

#### 15. Pensions, etc., to cease on bankruptcy

If any European officer to whom a pension or other allowance has been granted under this Act is adjudicated a bankrupt or is declared insolvent by judgment of the court, then such pension or allowance shall forthwith cease:

Provided always that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the appropriate Commission from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as it shall think fit, to cause all or any part of the money to which such pensioner would have been entitled by way of pension or allowance, had he not become a bankrupt or insolvent, to be paid to, or applied for the maintenance and personal support or benefit of all or any, to the exclusion of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the appropriate Commission thinks proper, and such money shall be paid or applied accordingly.

[S 15 am by GN 123 of 1964; SI 144 of 1965.]

#### 16. Pensions, etc., to cease on conviction

If any European officer to whom a pension or other allowance has been granted under this Act is sentenced to a term of imprisonment by any competent court whether within or without Zambia for any crime or offence then, in every such case, it shall be lawful for the appropriate Commission to direct that such pension or allowance shall forthwith cease:

Provided that—

(i) the pension or allowance shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon;

(ii) where a pension or allowance ceases for the reason aforesaid, it shall be lawful for the appropriate Commission to cause all or any part of the money to which the pensioner would have been entitled by way of pension or allowance to be paid to or applied for the benefit of any wife, child or children of the pensioner, or,

after the expiration of his sentence, also for the benefit of the pensioner himself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy hereinbefore provided.

[S 16 am by GN 123 of 1964; SI 144 of 1965.]

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#### 17. Pensions, etc., to cease on accepting certain appointments

If any European officer to whom a pension or other allowance has been granted under this Act becomes either a Director of any company, the principal part of whose business is in any way directly concerned with Zambia, or an officer or servant employed in Zambia by any such company, without in every such case the permission of the President in writing first had and obtained, then in every such case it shall be lawful for the appropriate Commission to direct that such pension or allowance shall forthwith cease:

Provided always that it shall be lawful for the appropriate Commission, on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a Director of such company or to be employed as an officer or servant of such company in Zambia, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if it shall see fit, to such a date as it shall specify.

[S 17 am by GN 123 of 1964; SI 144 of 1965.]

#### 18. Gratuity where an officer dies in the service or after retirement

(1) —

(a) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of Zambia, the President shall, unless the appropriate Commission concurs otherwise, grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity, if any, whichever is the greater.

(b) For the purposes of this sub-section, “commuted pension gratuity” means the gratuity, if any, which might have been granted to the officer under regulation 16 of the Third Schedule if his public service had been wholly in the former Protectorate of Northern Rhodesia or in the Republic of Zambia or partly in the service of the one and partly in the service of the other and if he had retired at the date of his death in the circumstances described in paragraph (g) of sub-section (1) of section 7 and had elected to receive a maximum gratuity and a correspondingly reduced pension.

(2) Where any such officer to whom a pension, gratuity or other allowance has been granted under this Act dies after his retirement from the service of Zambia, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any public service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, the President shall, unless the appropriate Commission concurs otherwise, grant to his legal personal representative a gratuity equal to the deficiency.

(3) The provisions of this section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Colonial Superannuation Scheme in respect of such death.

[S 18 am by Act 35 of 1954; GN 123 of 1964; SI 144 of 1965.]

19. Pensions to dependants when a European officer is killed on duty

(1) Where a European officer dies as a result of injuries received—

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty;

while in the service of the Governments, the President shall, unless the appropriate Commission concurs otherwise, grant, in addition to the grant, if any, made to his legal personal representative under section 18—

(i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or three ngwee a year, whichever is the greater;

(ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until such child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (i);

(iii) if the deceased officer leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of twenty-one years, of double the amount prescribed by paragraph (ii);

(iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i), and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years, of double the amount prescribed in paragraph (ii);

(v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

A. a pension shall not be payable under this sub-section at any time in respect of more than six children; and

B. in the case of a pension granted under paragraph (v), if the mother is a widow at the time of the grant of the pension and subsequently remarries, such pension shall cease as from the date of remarriage; and if it appears to the appropriate Commission at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the appropriate Commission may determine;

C. a pension granted to a female child under this section shall cease upon the marriage of such child under the age of twenty-one years.

(2) In the case of a European officer not holding a pensionable office, the expression “pensionable emoluments” in sub-section (1) shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) If a European officer proceeding by a route approved by the President to or from Zambia at the commencement or termination of his service therein, or of a period of leave therefrom, dies as the result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the President is satisfied that such damage or act is attributable to circumstances arising out of war in which the Republic may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in sub-section (1).

(4) For the purposes of this section, “child” shall include—

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid.

(5) This section shall not apply in the case of the death of any officer—

(a) if his dependants as defined in the Workers Compensation Act or any Act amending or replacing that Act are entitled to compensation under that Act;

(b) where benefits corresponding to the benefits granted under this section are payable under the Oversea Superannuation Scheme in respect of such death.

[S 19 am by Act 41 of 1940, 36 of 1949, 3 of 1956; GN 123 of 1964; SI 144 of 1965.]

## 20. Application

The provisions of this Act shall apply to all European officers serving in Zambia at or after the commencement of this Act, and to all those who, having served in the former Protectorate of Northern Rhodesia, have before the commencement of this Act been transferred to other public service and are still in other public service at the commencement of this Act.

[S 20 am by SI 144 of 1965.]

## 21. Other service that may count as pensionable service

(1) Subject as hereinafter provided, the service prior to the commencement of this Act of the officers named in the first column of the First Schedule in respect of the periods specified opposite their respective names in the second column of the said Schedule shall, upon payment by them respectively of the amounts specified in

the third column of the said Schedule, be deemed to be service in respect of which a pension may be granted under and in accordance with the provisions of this Act.

(2) Notice to be given

Notice of intention to pay the amount due shall be given by such officers to the Chief Secretary on or before the 30th September, 1929, and any officer failing to give such notice shall there by forfeit any right to pay the amount prescribed and to count as pensionable service the period so specified.

(3) Contributions payable by installments

Payment of the amount due may be made by installments subject to a minimum monthly amount approved by the Accountant-General, and such installments shall be deducted from the monthly salary of the officer concerned and paid into the public revenue.

(4) Limit of time within which to make payment

If by the 30th September, 1930, the total amount due from any officer has not then been received, he shall not thereafter be permitted to make any further payment in respect thereof, and in such case the period of service to be counted as pensionable service shall be in proportion to the amount received:

Provided that no fraction of a month shall be taken into account as pensionable service.

(5) Power to add to or vary Schedule

The President may add to or vary the said Schedule in any particular respect.

[S 21 am by Act 31 of 1937; GN 123 of 1964; SI 144 of 1965.]

22. Savings as to officers selected for appointment before but actually appointed after the commencement of this Act

(1) Notwithstanding anything to the contrary contained in this Act, the officers whose names are specified in the Second Schedule shall, upon completion of twenty years' East African service, be eligible to retire and be liable to compulsory retirement in accordance with the provisions of this Act.

(2) Power to add to Second Schedule

The President may add to the Second Schedule the name of any officer transferred to the service of the former Protectorate of Northern Rhodesia from any East African Dependency whose name is included in a Schedule to an enactment of such East African Dependency, having the like effect as this section.

[S 22 am by Act 35 of 1931; GN 123 of 1964; SI 144 of 1965.]

## **FIRST SCHEDULE**

[Section 21]

### **CONTRIBUTIONS PAYABLE BY CERTAIN OFFICERS IN RESPECT OF SPECIFIED PERIODS OF SERVICE**

---

Name

Period of Service Months Days

Amount of Contribution due

£ s.

Acheson, Dr. J. A.....

42

25

101

4

1

Adair, Miss S.....

45

-

17

15

Adams, Miss E. N.....

30

18

25

19

Allez, W.....

23

-

41

2

1

Barker, M.....

8

16

4

2

Barratt, R. M.....

30

17

37

11

Bowden, C. J.....

26

26

35

17

Bradfield, Miss E. L.....

58

19

24

16

Bradley, K. G.....

15

-

19

5

Brigham, H. L.....

-

22

1

7

Browne, A. E.....

29

15

34

14

Buck, Miss A. B. A.....

10

11

3

11

1

Burnside, R. E. W.....

2

9

3

11

Chadwick, Mrs. J. E.....

4

24

3

18

Clark, J. B.....

21

11

41

10

Colton, W.D.....

-

2

0

1

1

Cookson, Miss M. A. B.....

3

15

2

11

Courtney, A. V.....

19

27

23

16

Cowell, Miss M. H.....

8

19

7

7

Dickinson, R. S. W.....

20

-

30

2

Dobson, A. H.....

11

18

16

4

Dowling, Miss C. M.....

103

18

111

14

Eastland, Miss H. B. G.....

66

16

28

10

Forbes, F. G.....

-

22

1

2

Ford, W. E.....

21

-

23

6

Fowlds, J. S.....

9

-

14

17

Gardiner, O. A.....

34

10

40

9

Gascoigne, W. C. B.....

2

5

2

10

Gittens, Miss A. H.....

5

25

1

18

Glennie, A. F. B.....

28

5

37

16

Goddard, J. R.....

14

-

18

10

Gowdin-Austen, R. A.....

57

5

64

12

Goodyear, Miss M. A. A. G.....

34

28

13

1

Gourley, R.....

56

6

73

14

Greenfield, C.....

76

24

105

8

1

Grimes, A.....

36

12

42

18

Hamilton, A. D.....

6

23

10

10

Hamilton, G. D.....

118

26

176

5

Hanna, Miss S. K.....

19

11

7

0

Hart, R. J.....

7

-

8

3

Hatchwell, R. F. L.....

24

18

22

11

1

Hirst, Miss I. H.....

66

26

73

19

Hughes, Miss G. E.....

5

29

5

1

1

Hughes, H. T.....

1

14

2

3

Jenkinson, T. R.....

-

9

0

5

Jennings, P. H.....

1

21

2

16

Jones, F. E.....

10

12

21

16

Jones, R. T.....

79

4

118

10

1

Jupp, Mrs. E.....

39

-

38

13

Kaibel, Miss G. E.....

18

10

9

6

Keir, Mrs. M.....

5

22

5

6

1

Kerby, Dr. T. R. F.....

1

28

4

9

Kitchener, Mrs. F. H.....

8

25

13

12

1

Leith, J. L.....

8

27

10

7

Leversedge, L. F.....

4

28

6

4

Lewis, Mrs. M. C.....

8

29

15

15

Lord, J. N.....

-

8

0

6

Macrae, F. B.....

25

17

33

19

Mansfield, H.....

23

13

28

4

McEwen, T.....

3

21

10

0

1

McGregor, Mrs. F.....

33

-

31

6

McGregor, Dr. J. A.....

11

10

26

8

---

McPhee, E.....

19

2

26

11

10

Melbourne, B.....

25

8

29

14

6

Moore, T. C.....

42

2

63

3

1

Murphy, J.....

9

26

11

9

11

Nisbet, J. H.....

114

19

56

12

7

Noad, G. E.....

4

23

6

0

3

Oldfield, A. E.....

20

16

34

18

4

Owen-Smith, G.....

20

3

24

4

9

Payne, R. H.....

4

28

5

14

10

Pendry, E. W.....

23

29

45

2

11

Porter, G.....

2

12

2

15

10

Powell, Dr. G. M. C.....

82

10

203

2

4

Price, F. G.....

31

-

36

10

8

Pullon, B.....

63

4

107

16

0

Raubenheimer, S. W.....

72

-

95

15

2

Reynolds, A. C.....

50

22

62

13

1

Robinson, L. T.....

14

5

22

4

0

Robinson, Dr. P. B.....

8

23

20

8

8

Roden, Miss M.....

63

30

27

6

7

Ruddle, Miss M.....

14

13

6

16

6

Russell, J. N.....

23

22

31

2

5

Ryan, H. K.....

21

6

43

10

11

Sanderson, Dr. N. D.....

2

19

6

2

6

Smith, G. E. F.....

5

25

7

7

1

Stagg Macey, B. W.....

8

-

12

8

11

Stevens, G. R. R.....

28

5

37

16

4

Stubbs, W. F.....

8

27

11

4

7

Taljaard, J. G.....

26

15

19

18

11

Thomson, J. B.....

15

-

19

5

0

Turner, S. F.....

19

5

30

7

4

Twycross, Miss R.....

18

27

9

1

7

Walker, W. H. J.....

98

-

163

6

8

Walton, W. G.....

1

-

0

18

8

Waterall, L. S.....

49

16

65

4

6

Whitehead, Miss A. I.....

2

7

1

18

2

Winchester, L. M.....

2

5

4

4

2

## **SECOND SCHEDULE**

[Section 22]

### **RETIREMENT OF CERTAIN OFFICERS**

Fox-Pitt, T. S. L.

Mason, R. J.

Moffat, J. S.

Onions, G. R.

Wallace, J. H.

[Second Sch am by Act 35 of 1931; GN 3 of 1946.]

## **THIRD SCHEDULE**

[Section 3]

### **REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES AND OTHER ALLOWANCES TO EUROPEAN OFFICERS**

#### **PART I GENERAL**

1. Pensions to whom and at what rates to be granted

(1) Subject to the provisions of the European Officers' Pensions Act, hereinafter called the Act, and of these Regulations, every European officer holding a pensionable office in Zambia, who has been in the service of the Governments in a civil capacity for ten years or upwards, may be granted a pension at the rate of one four hundred and eightieth<sup><PW:Popup,2,2,Popup></sup> For officers who are entitled only to one six hundredth, see Part III.)<sup>14</sup> of his pensionable emoluments for each complete month of pensionable service, subject to the limit described in section 11 of the Act:

Provided that where a European officer to whom the one four hundred and eightieth pension rate applies has becomes subject to the revised terms and conditions of service which became effective as from the 1st January, 1946, the one six hundredth pension rate shall apply to such officer as regards the period or periods of such officer's service subsequent to the 31st December, 1945, and not otherwise, and the pension of such officer in respect of service with the Governments shall be computed in two parts according to whether the one four hundred and eightieth or the one six hundredth rate of pension applies.

(2) Where for the purposes of the proviso to sub-regulation (1), an officer's pension is computed in two parts and in each part there occurs a period of service not amounting to a complete month, if the two said periods of service amount in the aggregate to not less than thirty days, one month's service shall be added to the part in which the greater period of service occurs, and where the periods of service are equal, to the part to which the one four hundred and eightieth pension rate applies.

[Third Sch Regulation 1 am by GN 158 of 1950; SI144 of 1965.]

## 2. Gratuities where length of service does not qualify for pension

Every European officer, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which if there had been no qualifying period might have been granted to him under regulation 1.

## 3. Marriage gratuities

Where a female officer, who has been in public service under the Governments for not less than five years and has been confirmed in a pensionable office, retires or is required to retire from that service for the reason that she is about to marry or has married, and she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, she may be granted, on production within six months after her retirement, or such longer period as the appropriate Commission may in any particular case allow, of satisfactory evidence of her marriage, a gratuity of an amount not exceeding—

(a) one year's pensionable emoluments; or

(b) five times the annual amount of the pension which might have been granted to her under regulation 1 had there been no qualifying period and had that regulation been applicable to her, whichever amount shall be the less.

[Third Sch Regulation 3 am by GN 198 of 1963; SI 144 of 1965.]

#### 4. Period of service in Zambia qualifying for pension or gratuity defined

Subject to the provisions of section 6 of the Act and of these Regulations, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which a European officer begins to draw salary or half salary from the funds of the Governments and the date of his leaving the service of Zambia, without deduction of any period during which he has been absent on leave.

[Third Sch Regulation 4 am by SI 144 of 1965.]

#### 5. Service to be unbroken

(1) Service in respect of which pension or gratuity may be granted must be unbroken except in cases where the service has been interrupted by abolition of officer or other temporary suspension of employment not arising from misconduct or voluntary resignation.

(2) Notwithstanding the provisions of sub-regulation (1), an officer—

(a) whose pension has been suspended under section 12 of the Act or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or

(b) who has retired from the public service without pension on account of ill health, abolition of office, or re-organisation designed to effect greater efficiency and economy, and has subsequently been re-employed in the public service, or

(c) who has left service pensionable under the Teachers (Superannuation) Act, 1925, of the United Kingdom, with a view to entering public service not being service pensionable under the said Act, and has, not later than three months after leaving such first mentioned service, received any salary in respect of employment in public service not so pensionable; or

(d) who resigned from the public service in order to enter the United Kingdom Military, Naval or Air Forces during the period of a war in which Her Britannic Majesty was engaged, and has subsequently been re-employed in the public service;

shall, unless the appropriate Commission concurs otherwise, be granted the pension or gratuity for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment had not occurred, such pension to be *in lieu* of—

(i) any pension previously granted to him from the funds of the Governments; and

(ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this regulation;

but additional to any gratuity so granted which is not required to be refunded as aforesaid:

Provided that, in calculating a pension granted in pursuance of this regulation, no account shall be taken for any purposes of the period during which he was not in public service.

[Third Sch Regulation 5 am by GN 213 of 1939, 158 of 1950, 123 of 1964; SI 144 of 1965.]

#### 6. Computation of pensions and gratuities

For the purpose of computing the amount of a European officer's pension or gratuity, the following periods shall be taken into account as pensionable service—

(a) any periods during which he has been on duty;

(b) any period during which he received half salary from the funds of the Governments while proceeding to the former Protectorate of Northern Rhodesia or Zambia, as the case may be, on first appointment;

Leave of absence

(c) any periods during which he has been absent from duty on leave with full or half salary;

(d) any periods during which he has been absent from duty on leave without salary, granted

on grounds of public policy, and during which he has not qualified for pension or gratuity in respect of other public service;

and any periods during which he has been absent on leave, other than those specified above, shall be deducted from the European officer's total service in order to arrive at his period of pensionable service.

[Third Sch Regulation 6 am by GN 123 of 1964; SI 144 of 1965.]

**7. Officers who resigned in order to serve in the armed forces in the 1914-1918 war and have been re-appointed**

(1) If a European officer resigned his office in the former Protectorate of Northern Rhodesia during the period from the 4th August, 1914, to the 11th November, 1918, in order to join the United Kingdom Military, Naval or Air Forces, and he joined those forces within three months of such resignation, or if such an officer was dismissed from the service of the former Protectorate of Northern Rhodesia on account of having joined those forces, and if the officer has within six months of his demobilisation from those forces been reappointed to the service of the former Protectorate of Northern Rhodesia or appointed to other public service, it shall be lawful, notwithstanding the provisions of regulation 5, to take into account in computing the pension or gratuity of such European officer his service in the former Protectorate of Northern Rhodesia prior to such resignation or dismissal, and further to count as service in the office from which he resigned or was dismissed the period from the date of his resignation or dismissal to that of his demobilisation.

(2) In this regulation, "resign" and "resignation" shall include a refusal to enter into a fresh engagement of service.

[Third Sch Regulation 7 am by GN 192 of 1933, GN 123 of 1964; SI 144 of 1965.]

**8. Composition of pensions and gratuities: service on the active list of the United Kingdom Military, Naval or Air Forces**

For the purpose of computing the amount of the pension or gratuity of a European officer who, during some period of his service in a pensionable office in the former Protectorate of Northern Rhodesia, has been on the active list of the United Kingdom Military, Naval or Air Forces, the whole or any part of such period during which no pension contributions have been paid by the Government of the former Protectorate of Northern Rhodesia, or, if paid, have been refunded, may be taken into account.

<PW:Popup,2,2,Popup>These sub-regulations are deemed to have had effect from 1st July, 1955.)159. Emoluments to be taken for computing pension or gratuity

(1) For the purpose of computing the amount of the pension or gratuity of a European officer who has had a period of not less than three years' pensionable service before his retirement—

(a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;

(b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers otherwise than by the grant of any scale increment, the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;

(c) in other cases, one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that—

(i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him immediately prior to the date of any transfer within such period of three years, those annual pensionable emoluments shall be taken; and

(ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the appropriate Commission, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

<PW:Popup,2,2,Popup> These sub-regulations are deemed to have had effect from 1st July, 1955.)16 (2) For the purpose of determining under sub-regulation (1) the pensionable emoluments that a European officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed—

(a) to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his retirement; and

(b) for the purpose of paragraph (c) thereof, to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period as he has held such office during such period of three years.

<PW:Popup,2,2,Popup> These sub-regulations are deemed to have had effect from 1st July, 1955.)17 (3) For the purpose of computing the amount of the pension or gratuity of a European officer who has had a period of less than three years' pensionable service before his retirement—

(a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;

(b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period; and

(c) he shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period.

(4) The estimated value of free quarters shall be taken as 15 *per centum* of the initial salary of the officer's appointment, or of the actual salary if such salary is non-incremental:

Provided that—

(i) in the case of officers in the service of Zambia on the one four hundred and eightieth pension constant terms of service, the salary immediately before the point in any scale of salary at which an efficiency bar occurs shall for the purposes of this proviso be regarded as the initial salary of the appointment in the case of any officer who has passed the efficiency bar;

(ii) in the case of officers in the service of Zambia on the one six hundredth pension constant terms of service, the salary immediately after the point in any scale of salary at which an efficiency bar occurs shall for the purposes of this proviso be regarded as the initial salary of the appointment in the case of any officer who has passed the efficiency bar;

(iii) the estimated value of free quarters shall not be reckoned as less than K100 per annum nor in the case of officers appointed to the service of the former Protectorate of Northern Rhodesia after the commencement of the Act as more than K300 per annum.

(5) Notwithstanding anything to the contrary contained in sub-regulation (1), for the purpose of computing, in respect of service prior to the 1st January, 1946, the amount of pension to be paid to a European officer to whom the one four hundred and eightieth pension rate applies who—

(a) was appointed to the service of one of the East African Dependencies in a pensionable office prior to the 1st April, 1927; and

(b) was in the service of the former Protectorate of Northern Rhodesia on the 1st April, 1933, without any break in service and without having been transferred outside the East African Dependencies, and thereafter remained in the service of the former Protectorate of Northern Rhodesia until the 1st January, 1946; and

(c) has become subject to the revised terms and conditions of service which became effective as from the said 1st January, 1946; and

(d) retires from the service of Zambia without having been transferred therefrom to other public service subsequent to the said 1st January, 1946; and

(e) at the date of retirement was serving in an appointment the initial salary of which was K2,700 per annum or more, or in an appointment the fixed salary of which was K2,700 per annum or more;

the figure to be taken shall be that which results from the reduction by ten *per centum* (subject to a maximum reduction of K300) of the amount as prescribed under sub-regulation (1) and the addition to that reduced figure of fifteen *per centum* of that reduced figure.

[Third Sch Regulation 9 am by GN 20 of 1948; 158 of 1950; 215 of 1957, 198 of 1963 and 123 of SI 144 of 1965.]

## 10. Non-pensionable service followed by pensionable service

Only service in a pensionable office shall be taken into account as pensionable service:

Provided that—

(i) in the case of a European officer who having been employed on contract is without break in service appointed to and confirmed in a pensionable office, the whole of the period of service on contract, or any part thereof which is immediately followed by service in a pensionable office, may be taken into account as pensionable service. For the purpose of this regulation, “contract” means a contract under which an officer is eligible to receive a gratuity *in lieu* of other superannuation benefits; and

(ii) in every other case where a period of service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office and the officer is confirmed therein, the appropriate Commission may direct that the whole or any part of such period shall be so taken into account; and

(iii) any break in service which may be disregarded under the provisions of sub-regulation (2) of regulation 5 may likewise be disregarded in determining for the purposes of this proviso whether a period of service is unbroken or whether one period of service immediately follows another period of service.

[Third Sch Regulation 10 am by GN 158 of 1950, 193 of 1957, 123 of 1964; SI 144 of 1965.]

## 11. Acting service

Where a European officer has performed acting service in a pensionable office with the Governments, the period of such service may be taken into account as pensionable service:

Provided that—

(i) the period of such acting service was not part of the pensionable service of the previous holder of the office and does not fall to be reckoned as part of the European officer’s own pensionable service in other public service;

(ii) this period of service is immediately preceded or followed by service in a substantive capacity in a pensionable office with the Governments.

[Third Sch Regulation 11 am by SI 144 of 1965.]

## 12. Abolition or reorganisation of office

If a European officer holding a pensionable office retires from the public service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the service of Zambia to which he belongs, by which greater efficiency or economy may be effected—

(a) he may, if he has been in the public service for less than ten years, be granted *in lieu* of any gratuity under regulation 2 or 23, a pension under regulations 1, 19, 20 or 21, as the case may be, as if the words “for ten years or upwards” were omitted from regulation 1;

(b) he may, if he retires from the service of Zambia, be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of three years' pensionable service:

Provided that—

(i) the addition shall not exceed ten-sixtieths; and

<PW:Popup,2,2,Popup> This proviso is deemed to have had effect from 23rd October, 1953.) 18(ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if he had continued until the age of fifty-five years to hold the office held by him at the date of his retirement, having received all increments for which he would have been eligible by that date; and

(iii) this regulation shall not apply in the case of an officer who is retired from the service of Zambia under the provisions of section 10 of the Act.

[Third Sch Regulation 12 am by GN 158 of 1950, 288 of 1958, 269 of 1961; SI 144 of 1965.]

13. ...

European officers retiring on account of injuries—

(1) Where a European officer has been permanently injured—

(a) in the actual discharge of his duty; and

(b) without his own default; and

(c) by some injury specifically attributable to the nature of his duty;

and his retirement is thereby necessitated or materially accelerated, he may, if he is qualified for a pension under regulation 1, be granted, in addition to the pension granted to him under that regulation, an additional pension at the rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:

When his capacity to contribute to his own support is—

slightly impaired..... five-sixtieths;

impaired..... ten-sixtieths;

materially impaired..... fifteen-sixtieths;

totally destroyed..... twenty-sixtieths:

Provided that—

(i) where the injury is not the sole cause of retirement and the retirement is caused partly by age or infirmity not due to the injury, the amount of the additional pension shall be reduced to such an extent as the appropriate Commission thinks reasonable;

(ii) the total amount of the additional pension shall not exceed the amount prescribed in section 11(4) of the Act.

(2) Pensions to injured European officers where service less than 10 years

A European officer so injured, whose length of service is not such as to qualify him for a pension under regulation 1 but who is qualified for a gratuity under regulation 2, may nevertheless be granted *in lieu* of such gratuity a pension at the rate of one four hundred and eightieth <PW:Popup,2,2,Popup> For cases in which this shall be read as one six hundredth, see Part III.)<sup>19</sup>part of his pensionable emoluments for each complete month of pensionable service together with such additional pension as might be awarded to him under sub-regulation (1) if he were qualified for pension.

(3) A European officer so injured who is not qualified for either a pension under regulation 1 or a gratuity under regulation 2 may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified. The provisions of regulation 16 shall not apply to a pension granted under this sub-regulation.

(4) If a European officer proceeding by a route approved by the President to or from Zambia at the commencement or termination of his service therein, or of a period of leave there from, is permanently injured as the result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the President is satisfied that such damage or act is attributable to circumstances arising out of war in which the Republic may be engaged, such officer shall be deemed, for the purposes of this regulation, to have been injured in the circumstances described in sub-regulation (1).

For cases in which this shall be read as one six hundredth, see Part III.

(5) For the purposes of this regulation, a European officer who is permanently injured as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have been permanently injured—

(a) in the actual discharge of his duty; and

(b) on account of circumstances specifically attributable to the nature of his duty.

(6) Notwithstanding anything to the contrary contained in the preceding provisions of this regulation, no additional pension under sub-regulation (1) or (2) and no pension under sub-regulation (3) may be paid to any European officer selected for appointment to the service of Zambia on or after the <PW:Popup,2,2,Popup> 1st March, 1945.)<sup>20</sup>commencement of the Workmen's Compensation Act, Chapter 188 of the 1961 Edition of the Laws, who, in consequence of his injury, is entitled to or has been paid compensation under the said Act or any Act amending or replacing the same.

[Third Sch Regulation 13 am by GN 2 of 1941, 158 of 1950, 123 of 1964; SI 144 of 1965; 248 of 1966.]

#### 14. Computation of pensions re-employed pensioners

If any European officer to whom a pension has been granted under the Act is appointed to another office in the service of Zambia, and subsequently retires in circumstances in which he may be granted a pension, he may be granted, *in lieu* of his previous pension, a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of Zambia, whichever may be the greater:

Provided that, if on his previous retirement he was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of the gratuity already paid.

[Third Sch Regulation 14 am by SI 144 of 1965.]

**15. Gratuities to European officers who have served in a non-pensionable office**

(1) In special cases a European officer holding a non-pensionable office may—

(a) if he has served the Governments for not less than seven years and is removed in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the part of the service of Zambia to which he belongs, by which greater efficiency and economy can be effected; or

(b) if he has served for not less than fifteen years and he retires in any of the cases set out in section 7 of the Act;

be granted a compassionate gratuity not exceeding 0.2 ngwee or one month's pay, whichever is the greater, for each year of his service.

(2) Where a European officer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or a non-pensionable office in circumstances in which he might have been granted a pension if he had continuously held a pensionable office, he shall, unless the appropriate Commission concurs otherwise, be allowed to count his service in the non-pensionable office as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer.

[Third Sch Regulation 15 am by GN 158 of 1950, 123 of 1964; SI 144 of 1965.]

<PW:Popup,2,2,Popup> This regulation is deemed to have had effect from 1st October, 1951.)2116. Gratuity and reduced pension

(1) A European officer to whom a pension is granted under the Act may, at his option exercisable as hereinafter provided, be paid, *in lieu* of such pension, a pension at the rate of three-fourths, or any greater fraction, of such pension, together with a gratuity equal to twelve and one-half times the amount by which such pension is reduced in the case of any such officer who retires on or after the 4th January, 1955, and equal to ten times such amount in any other case:

Provided that, in the application of this regulation to cases where the limitation prescribed by section 11(2) of the Act operates, the words "such pension" shall mean the amount of pension which the officer might have drawn from the funds of the Governments if he had not exercised his option under this regulation.

(2) An option exercisable in accordance with this regulation—

(a) shall be exercised or revoked by notice in writing addressed either to the Permanent Secretary (Establishments) or to the Crown Agents for Oversea Government and Administrations;

(b) shall be deemed to have been exercised or revoked on the date on which such notice is received; and

(c) subject to sub-regulation (3), shall be exercisable, and if exercised may be revoked, on or before the date of the officer's retirement or, with the permission of the President, at any time between that date and the date of the final award of the pension granted to him under the Act.

This regulation is deemed to have had effect from 1st October, 1951.

(3) If, after the date of the final award of a pension under the Act, the amount of such pension is increased by revised terms and conditions of service applied to the officer concerned with retrospective effect, such officer may, within such period as the President may, by statutory notice, direct, and subject to such conditions, if any, as the President may approve—

(a) exercise an option if he has not done so; or

(b) revoke an option that he has exercised and exercise a fresh option.

(4) If a European officer who has not exercised an option in accordance with this regulation dies after he has finally retired but before a pension has been granted to him under the Act, there shall, unless the appropriate Commission concurs otherwise, be granted to the legal personal representatives of such officer a gratuity and reduced pension as if the officer had exercised an option before his death.

[Third Sch Regulation 16 am by GN 324 of 1957; Act 8 of 1958; GN 123 of 1964; SI of 1965.]

## PART II

### SPECIAL REGULATIONS FOR EUROPEAN OFFICERS WITH OTHER PUBLIC SERVICE

#### 17. Interpretation App.1

(1) For the purposes of these Regulations, unless the context otherwise requires—

“Scheduled Government” means any Government or Administration included in the Schedule and includes also the Government of Ceylon, in respect of any officer appointed to the service of that Government prior to the 4th February, 1948, and the Government of Palestine, in respect of any officer appointed to the service of that Government prior to the 15th May, 1948, and Employing Authorities under the Colonial Superannuation Scheme;

“**service in the group**” means service under the Governments and under a Scheduled Government or Governments.

(2) For the purposes of these Regulations, service in the Civil Service (Local Conditions) and the Teaching Service shall be deemed to be service under a Scheduled Government.

(3) For the purposes of these Regulations, service as a seconded officer within the meaning of section 20 of the Federation of Rhodesia and Nyasaland (Dissolution) Order in council, 1963, shall be deemed to be service under the Government of the former Federation of Rhodesia and Nyasaland.

[Third Sch Regulation 17 am by GN 158 of 1950, 7 of 1952, 269 of 1961, 198 of 1963; SI 144 of 1965, 248 of 1966.]

<PW:Popup,2,2,Popup> This regulation is deemed to have had effect from 1st July, 1955.)**2218**. Application of regulations in Part I

Subject to the succeeding regulations, the provisions of sub-regulation (4) of regulation 9, of paragraph (a) of regulation 12, of sub-regulation (2) of regulation 13, and the provisions of regulations 14, 15 and 16 shall apply to the case of a European officer who has been transferred to or from the service of the Governments from or to other public service; and the provisions of regulations 4, 5, 6, 8, 10 and 11 and sub-regulations (1), (2) and (3) of regulation 9 shall apply to the case of a European officer so transferred as if his whole service had been in the service of the Governments:

Provided that—

(i) in the application of regulation 16 to cases falling under the limitation of section 11(2) of the Act, the words “such pension” in that regulation shall mean the amount of pension which he might have drawn from the funds of the Governments if he had not elected for a gratuity and reduced pension;

(ii) the provisions of sub-regulation (4) of regulation 9, which limit the value of free quarters to K300 per annum, shall not apply in the case of officers who—

(a) were in East African Service prior to the 1st April, 1927; and

(b) after the 31st March, 1927, and before the 1st April, 1933, have been transferred without break from or to East African Service.

[Third Sch Regulation 18 am by GN 215 of 1957; SI 144 of 1965.]

#### **19. Pension for service wholly within the group**

(1) Where the other public service of an officer has been wholly under one or more of the Scheduled Governments, and his aggregate service would have qualified him, had it been wholly in the service of the Governments, for a pension under the Act, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from Zambia of such an amount as shall bear the same proportion to the amount of pension for

which he would have been eligible had his service been wholly in the service of the Governments as the aggregate amounts of his pensionable emoluments during his service in Zambia shall bear to the aggregate amount of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly in the service of the Governments—

(a) the final pensionable emoluments taken shall be those of his last period of service in the group;

(b) no regard shall be had to regulation 13;

(c) regard shall be had to the condition that pension may not exceed two-thirds of the highest pensionable emoluments;

(d) no period of other public service under any Scheduled Government in respect of which no pension or gratuity is granted to the officer shall be taken into account.

(3) For the purposes of this regulation, the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age of twenty years:

Provided that—

(i) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under any Scheduled Government in respect of which no pension or gratuity is granted to the officer;

(ii) where an officer entered the public service prior to the 1st January, 1930, his pension in respect of his service with the Governments may be calculated as though any Scheduled Government under which he has served had not been included in the Schedule if this should be to his advantage;

(iii) any service in a non-pensionable office which is allowed to be counted for pension under regulation 10 shall be regarded as service in a pensionable office for the purposes of this regulation.

[Third Sch Regulation 19 am by GN 48 of 1934, 193 of 1957, 198 of 1963; SI 144 of 1965, 248 of 1966, 439 of 1966.]

## **20. Pension where other service not within the group**

Where the other public service of a European officer has not included service under any of the Scheduled Governments, and his aggregate service would have qualified him, had it been wholly in the service of the Governments, for a pension under these Regulations, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service in Zambia a pension at the rate of one four hundred and eightieth<PW:Popup,2,2,Popup> For cases in which this shall be read as one six hundredth, see Part III.)<sup>23</sup> part of the amount of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of Zambia for each calendar month of his pensionable service in Zambia.

[Third Sch Regulation 20 am by GN 95 of 1933; 57 of 1936; 190 of 1948; 193 of 1957; SI 144 of 1965.]

## **21. Additional pension to European officers retiring on account of injury**

Where a part only of the other public service of a European officer has been under one or more of the Scheduled Governments, the provisions of regulation 19 shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

## **22. Pension when other service both within and not within the group**

Where a European officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in the service of the Governments, for a pension under these Regulations, is compulsorily retired from the public service in the circumstances mentioned in regulation 13,

he may, if at the time he is in the service of Zambia, be granted from the funds of the Republic the additional pension allowed by that regulation, in addition to the pension granted under regulation 19, 20 or 21, as the case may be.

[Third Sch Regulation 22 am by GN 95 of 1933; SI 144 of 1965.]

### **23. Injury**

(1) Where a European officer has been transferred to or from the service of Zambia from or to other public service, retires from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, but has not completed in the aggregate the minimum period of ten years' service qualifying him for a pension, he may be granted from the funds of the Republic a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 19, 20 or 21, as the case may be gratuities where length of service does not qualify for pension

(2) Where such a European officer is compulsorily retired from the public service in the circumstances mentioned in regulation 13, he may, if at the time he is in the service of Zambia, be treated as if he had no other public service, but he shall not be granted, in addition, the gratuity for which he is eligible under sub-regulation (1).

[Third Sch Regulation 23 am by GN 95 of 1933; SI 144 of 1965.]

### **24. Marriage gratuities**

Where a female officer to whom this Part applies resigns or is required to retire from the public service for the reason that she is about to marry or has married, and in consequence—

(a) would have been eligible for a gratuity under regulation 3 if her public service had been wholly under the Governments; and

(b) if she, at the date of her retirement in other public service, is eligible for a gratuity under provisions corresponding to such regulation in the law or regulations of the public service in which she is last employed; she may, if she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, be granted in respect of her public service under the Governments a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible under regulation 19, 20 or 21 had there been no qualifying period and had regulation 19, 20 or 21, as the case may be, been applicable to her:

Provided that—

(i) for the purpose of computing the amount of such a gratuity—

(a) in relation to a pension under regulation 19 or 21, regulation 19(2)(c) shall have effect as if the reference therein to two-thirds of her highest pensionable emoluments were a reference to one-fifth of her annual pensionable emoluments; and

(b) in relation to a pension under regulation 19, 20 or 21, the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments;

(ii) for the purpose of computing such an officer's total public service under this regulation, no regard shall be had to any service under a Scheduled Government in respect of which no gratuity is granted to her in consequence of her retirement.

[Third Sch Regulation 24 am by GN 198 of 1963; SI 144 of 1965; 439 of 1966.]

**25. European officers transferred to other public service and retiring after less than 12 months' employment in last service**

Where a European officer who is transferred to other public service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely by reason of the fact that he has not completed twelve months' service therein, he shall not, on that account, be disqualified from receiving a pension or gratuity from the funds of the Republic, if otherwise eligible therefor.

[S 25 am by SI 144 of 1965.]

**PART III**

**APPLICATION OF NEW PENSION CONSTANT TO CERTAIN EUROPEAN OFFICERS**

**26. New pension constant applied in the case of certain officers**

For the purpose of determining any pension or gratuity to be granted in respect of service with the Governments to any officer to whom this Part applies, regulations 1, 13 and 20 shall have effect as if the expression "one six hundredth" were substituted for the expression "one four hundred and eightieth".

[Third Sch Regulation 26 am by GN 192 of 1933; SI 144 of 1965.]

**27. Persons to whom this Part shall apply**

(1) Subject to sub-regulations (2), (3) and (5), this Part shall apply to every European officer appointed to the service of the Governments on or after the 1st January, 1934, and to any officer so appointed before that date on conditions which provided that any pension granted to him in respect of service in the former Protectorate of Northern Rhodesia would be at the rate of one six hundredth of his pensionable emoluments for each complete month of pensionable service.

(2) Subject to the provisions of sub-regulation (3), this Part shall not apply to—

(a) any officer who prior to the 1st January, 1934, was offered and accepted appointment to the service of the former Protectorate of Northern Rhodesia on conditions which provided that any pension granted to him in respect of service in the former Protectorate of Northern Rhodesia would be at the rate of one four hundred and eightieth of his pensionable emoluments for each complete month of pensionable service;

(b) any officer who is transferred to the service of the Governments from another East African Dependency under the law or regulations of which he is eligible to receive on his retirement a pension at the rate of one four hundred and eightieth of his pensionable emoluments for each complete month of pensionable service.

(3) Where an officer to whom, but for this sub-regulation, this regulation would not apply, is, on or after the 1st January, 1934, reappointed to the service of the Governments after continuous employment in other public service, not being entirely East African service, this Part shall apply to him as regards the period or periods of his service subsequent to that reappointment and not otherwise, and the pension of such officer in respect of service with the Governments shall be computed in two parts according to whether it is or is not service to which this Part applies, and in either computation the other period of service with the Governments shall be treated, for the purposes of Part II, as though it had been service under another Scheduled Government.

(4) For the purposes of this regulation, an officer appointed to the service of the former Protectorate of Northern Rhodesia before the 1st January, 1934, on conditions which made no provision regarding rate of pension shall be deemed to have been appointed—

(a) if he had prior to that date been appointed to a pensionable office in the former Protectorate of Northern Rhodesia, on the conditions mentioned in sub-regulation (2)(a); and

(b) if he had not been so appointed, on the conditions mentioned in sub-regulation (1).

(5) Where an officer is transferred to the service of the Governments from another East African Dependency under the law of regulations of which he is eligible to receive on his retirement a pension at the rate of one four hundred and eightieth of his pensionable emoluments for each complete month of pensionable service prior to the 1st January, 1946, this Part shall apply to such officer as regards the period or periods of his service subsequent to the 1st January, 1946, and not otherwise; and the pension of such officer shall be computed in two parts according to whether it is or is not service to which this Part applies. The provisions of sub-regulation (2) of regulation 1 shall apply *mutatis mutandis* to the computation of such officer's pension.

[Third Sch Regulation 27 am by GN 48 of 1934, 102 of 1935, 298 of 1951; SI 144 of 1965.]

## SCHEDULE

[Regulation 17]

### SCHEDULED GOVERNMENTS

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Aden

Malawi

Antigua

Malayan Union

Bahamas

Malaysia

Barbados

Malta

Basutoland

Mauritius

Bechuanaland Protectorate

Mid West Nigeria

Bermuda

Monsterrat

British Antarctic Territory

Nigeria

British Guiana

North Borneo

British Honduras Northern Region of Nigeria Cyprus

Nyasaland Protectorate

Dominica

Republic of Botswana

East Africa High Commission

Sabah

East Africa Railways and Harbours

St. Christopher Nevis and Anguilla

Administration

St. Helena

Eastern Region of Nigeria

Sarawak

Falkland Islands

Seychelles

Federal Republic of Nigeria

Sierra Leone

Federated Malay States

Singapore

Federation of Malaya

Somaliland Protectorate

Federation of Nigeria

Southern Rhodesia

Federation of Rhodesia and Nyasaland

Straits Settlements Swaziland

Fiji

Tanganyika Republic

Ghana

Tanganyika Broadcasting Corpora

Gibraltartion

Trinidad

Ghana

Turks and Caicos Islands

Great Britain (including the Colonial Audit Department (Home Establishment) and the Crown Agents) and Northern Ireland

Uganda United Republic of Tanzania Virgin Islands

Guyana

Western Pacific

Hong Kong

Western Region of Nigeria

Jamaica

Windward Islands (Grenada, St. Lucia and St. Vincent)

Kenya

Zanzibar Protectorate

Kenya and Uganda RailwayKenya

Kingdom of Lesotho

Leeward Islands (before 1st July, 1956)

[Sch am by GN 57 of 1936, 243 of 1943, 190 of 1948, 158 of 1950, 171 of 1952, 171 of 1955, 317 of 1956, 192 of 1957, 215 of 1958; SI 248 of 1966, 439 of 1966.]