

REPUBLIC OF ZAMBIA

**THE WIDOWS AND ORPHANS PENSION ACT**

**CHAPTER 279 OF THE LAWS OF ZAMBIA**

**CHAPTER 279 THE WIDOWS AND ORPHANS PENSION ACT**

THE WIDOWS AND ORPHANS PENSION ACT

ARRANGEMENT OF SECTIONS

*Section*

1. Short title
2. Interpretation
3. Who shall become contributors
4. Contributors to Oversea Superannuation Scheme
5. Contributor appointed before 1st August, 1964, ceasing to be contributor
6. Who shall not be contributors
7. Officers in service common to more than one East African Government
8. Eligibility of persons appointed or transferred to Civil Service (Local Conditions) or Teaching Service
9. Rates of contribution
10. Determination of "salary"
11. Period and manner of contribution
12. *Repealed by Act No. 22 of 1979*

The Laws of Zambia

13. Registers of contributors to be kept
14. Information to be furnished by contributors
15. Penalty for non-compliance
16. Pension when officer with beneficiaries dies
17. Calculation of pensions and mode of charge
18. Pensions to beneficiaries
19. Bonuses in respect of certain pensions
20. Pension to widow
21. Pensions to children
22. Pensions to adopted children
23. Child over 21 undergoing full-time instruction or training
24. Who not entitled to pension
25. Provisions consequent upon an officer being dismissed for misconduct
26. Pension: when to commence and how payable
27. Allowance in lieu of pension to widow on bankruptcy
28. Pension not to be assigned or levied upon
29. Payment of pension to persons acting on behalf of minors in case of desertion
30. Discretion as to payment of minors' pensions
31. Proof of title may be required before payment of pension
32. Increases of contributions
33. Contributions may continue in full if salary reduced
34. Refund of contributions to bachelor and widower without children of pensionable age
35. Option given to certain officers who have left the service to elect to continue contributions
36. Contributions repayable in certain circumstances
37. Refund of contributions made in lump sum
38. Contributor married or widower with pensionable children leaving East African service on transfer, pension or when of pensionable standing
39. Option to contributor retiring on pension to cease or continue contributing
40. Pension payable when a pensionable officer retires on account of ill health and dies within two years
41. Registered pension in the case of non-pensionable officers leaving the service
42. Periodical revision of Pension Tables
43. Questions and disputes to be decided by appropriate Commission or authority
44. Cost of management of scheme
45. Rules and regulations
46. Notices of election irrevocable
47. Rates of exchange
48. Position of officers on war service
49. Officers from Palestine may become contributors

The Laws of Zambia

FIRST SCHEDULE-Pension tables

SECOND SCHEDULE-Instructions for the use of the pension tables

THIRD SCHEDULE-Commutation table

FOURTH SCHEDULE-Instructions for the use of the commutation table

**CHAPTER 279**

**WIDOWS AND ORPHANS PENSION**

**An Act to make provision for granting pensions to widows and children of deceased European public officers.**

31 of 1929  
46 of 1929  
36 of 1930  
17 of 1932  
24 of 1932  
8 of 1933  
30 of 1933  
1 of 1934  
[5th April, 1929] 24 of 1936  
24 of 1940  
23 of 1941  
1 of 1946  
12 of 1950  
48 of 1950  
45 of 1951  
32 of 1955  
19 of 1956  
1 of 1960  
35 of 1961  
28 of 1962  
32 of 1963  
50 of 1964  
43 of 1969  
*Government Notice*  
341 of 1964  
*Statutory Instrument*  
144 of 1965  
*Act No.*  
22 of 1979.

1. This Act may be cited as the Widows and Orphans Pension Act.

Short title

2. (1) In this Act, unless the context otherwise requires-

"appropriate Commission" shall have the meaning assigned to that expression in the Constitution of the Republic;

"approved scheme" means a scheme or fund for the granting of pensions to the widows and children of officers in the public service, which may have been declared to be an approved scheme for the purposes of this Act by the Governor of the former Protectorate of Northern Rhodesia or which may hereafter be declared by the President to be an approved scheme for the purposes of this Act;

"beneficiary" means and includes-

- (a) the widow of a contributor;
- (b) the children of a contributor, by his marriage with any wife dying in his lifetime, who are alive and of a pensionable age at the death of their father;

"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 public officers who are citizens of Zambia or under such terms and conditions of service as varied from time to time;

"contributor" means a contributor to the scheme and includes a person who has ceased to contribute in such circumstances that he continues to rank for benefit under this Act;

"Crown Agents" means the Crown Agents for Oversea Governments and Administrations;

"East African service" means the service of the Government of any one or more of the following:

The Laws of Zambia

Kenya, Uganda, Nyasaland, Zanzibar, Somaliland, Northern Rhodesia, Tanganyika, the East Africa High Commission, Malawi, Tanzania, Zambia, excluding service in the Civil Service (Local Conditions) or in the Teaching Service, which Governments are referred to as "East African Governments", and also the service of the East African Common Services Organisation;

"European officer" means any officer both of whose parents were of European descent but includes also any other officer who is appointed under the conditions of service ordinarily applicable to Europeans;

"the Governments" shall mean the Government of Zambia, or in respect of any period before the 24th October, 1964, the Government of the former Protectorate of Northern Rhodesia;

"other public service" means public service not under the Governments;

\*(1) of a pensionable age", as applied to children, means in the case of a male, that he is under the age of twenty-one years, and, in the case of a female, that she is under the age of twenty-one years and has not been married. A child shall be deemed to cease to be of a pensionable age within the meaning of this Act, if a male, on attaining the age of twenty-one years or dying under that age, and, if a female, on attaining the age of twenty-one years, or dying or marrying under that age;

\*(1) The words "twenty-one years" were substituted for the words "eighteen years" in the case of males by Act No. 1 of 1946, with effect from 8th May, 1942, provided that where, before 1st January, 1944, by reason of the attainment of the age of eighteen years by a child of a deceased contributor, a pension payable to any other person from the funds of the Governments has been increased, this increase shall cease to be payable on the date aforesaid and not earlier.

(2) For the avoidance of doubts it was declared that where any child of a deceased contributor shall have attained the age of eighteen years on or before 7th May, 1942, the pension thereupon ceasing to be payable to such child shall not become again payable by reason of the alteration in the definition effected by Act No. 1 of 1946.

"prescribed date" means the 1st November, 1961;

\*\*"public service" means-

\* Service with the following bodies shall be public service for this purpose: Colonial Development Corporation. (G.N. No. 57 of 1949.) Central Electricity Board, Federation of Malaya. (G.N. No. 219 of 1950.) Tanganyika Broadcasting Corporation. (G.N. No. 166 of 1958.)

- (a) service in a civil capacity under the Government of the Republic of Zambia or any other country or territory in the Commonwealth; or
- (b) service under the East Africa High Commission, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration or the East African Common Services Organisation; or
- (c) any other service which may have been determined to be public service for the purposes of this Act by the Governor of the former Protectorate of Northern Rhodesia or by the President or which may hereafter be determined by the President to be public service for the purposes of this Act;

"the scheme" means the scheme common to all the territories administered by the East African Governments for granting pensions to the widows and children of European officers in the East African service which it is intended to establish by this Act and by similar legislation in such territories;

"Teaching Service" means the Teaching Service described in the Teaching Service Regulations.

The Laws of Zambia

(2) When the marriage of any contributor has been annulled or dissolved by the decree of any competent court, the wife, party to such marriage, shall for all purposes of this Act be deemed to have died and the contributor to have become a widower at the date of such decree.

*(As amended by No. 1 of 1946, No. 35 of 1961, No. 28 of 1962,  
No. 32 of 1963, G.N. No. 341 of 1964, S.I. No. 144 of 1965  
and No. 43 of 1969)*

3. (1) Subject to the exceptions mentioned in sections *six* and *eight*, every European officer appointed to a post in the service of the Governments after the commencement of this Act shall become a contributor under the provisions of this Act from the date on which he commences to draw any of the salary of the post.

Who shall become contributors

(2) If a European officer who is already a contributor under the scheme is transferred to the service of the Governments from other East African service after the commencement of this Act, he shall contribute under this Act.

(3) Any officer who has claimed exemption from the obligation to become a contributor under this Act under the provisions of section *four* and who subsequently becomes ineligible to continue as a contributor to the Oversea Superannuation Scheme shall become a contributor under the provisions of this Act from the date on which he ceases to be a contributor to the said Scheme unless he is otherwise ineligible or not liable to do so.

*(No. 50 of 1964 as amended by S.I. No. 144 of 1965)*

\*2)4. (1) Any officer who is or becomes a contributor to the Oversea Superannuation Scheme may claim exemption from the obligation to become or to continue to be a contributor under this Act:

Contributors to Oversea Superannuation Scheme

\* This section is deemed to have come into force on 1st January, 1951, (See Act No. 32 of 1955.)

Provided that no such claim shall be effective unless made in writing and received by the Crown Agents before the 1st November, 1955, or within three months from the date upon which such officer first became a contributor to the said Scheme, whichever is the later.

(2) Every claim for exemption made under the provisions of subsection (1) shall take effect from the date upon which the officer concerned first became a contributor to the Oversea Superannuation Scheme and the amount of any contributions which he may have made under the provisions of this Act since such date shall be refunded to him without interest.

The Laws of Zambia

(3) As from the date upon which any claim for exemption made under the provisions of subsection (1) shall take effect, the officer by whom the claim was made shall be deemed, in respect of all rights arising from his contributions made under the provisions of this Act prior to such date, to be subject to the provisions of section *thirty-eight* to the same extent as if he had left the service of the Governments on such date.

(No. 32 of 1955 as amended by S.I. No. 144 of 1965  
and No. 43 of 1969)

5. (1) Any contributor appointed before the 1st August, 1964, serving under a written agreement expressed to continue for a specified period or periods may elect not to continue as a contributor subject to and in accordance with the provisions of this section.

Contributor appointed  
before 1st August,  
1964, ceasing to be  
contributor

(2) An election as aforesaid shall be by written notice addressed to the Permanent Secretary, Ministry of Finance, or to the Crown Agents.

(3) An election as aforesaid shall not be effective unless it is received by the Permanent Secretary, Ministry of Finance, or the Crown Agents before the 1st January, 1965, or before such later date as the appropriate Commission may, in any particular case, specify.

(4) Any contributor making an election as aforesaid shall cease to be a contributor with effect from the first day of the month after that in which his notice of election is received by the Permanent Secretary, Ministry of Finance, or the Crown Agents, as the case may be.

(5) If the person on ceasing to be a contributor as aforesaid is-

(a) a bachelor; or

(b) a widower without children of pensionable age;

the provisions of section *thirty-four* shall apply to him as if he had left the East African service on the date on which he ceased to be a contributor.

(6) If the person on ceasing to be a contributor as aforesaid is married or is a widower with children of pensionable age, the provisions of section *forty-one* shall apply to him as if he had left the East African service on the date on which he ceased to be a contributor.

(No. 50 of 1964 as amended by S.I. No. 144 of 1965)

6. (1) The following shall not be eligible to be contributors:

Who shall not be  
contributors

The Laws of Zambia

- (a) Governors and their Private Secretaries and Aides-de-Camp, if not contributors before they held these positions or holders of substantive appointments entitling them to be contributors.
- (b) Officers, non-commissioned officers and men on the active list of the United Kingdom Navy, Army or Air Force temporarily employed by an East African Government in either a military or a civil capacity and not holding pensionable appointments under the Governments.
- (b) Persons in the service of the Governments by reason only of their membership of the Defence Force and not holding pensionable appointments under the Governments.
- (d) Persons temporarily employed on special missions.
- (e) Females.
- (f) Persons whose engagement, not being for a specified period, is terminable at one month's notice or less.
- (g) Persons who are unmarried and are at the time of employment under the age of twenty-one:

Provided that if they are otherwise liable to contribute under the terms of this Act, they shall, on becoming married or on reaching the age of twenty-one, forthwith become contributors.

- (h) Persons, appointed on or after the 1st August, 1964, serving under written agreements expressed to continue for a specified period or periods, unless the terms of their appointment provide that they shall be eligible to be contributors.
- (i) Persons who transferred to the service of the Governments after the 30th September, 1963, from the public service of the Government of the former Federation of Rhodesia and Nyasaland unless they were contributors at the date they transferred.

\*(3)(2) The following shall not be eligible to become contributors:

Who shall not become contributors

\* This subsection is deemed to have come into force on 1st January, 1951. (See Act No. 32 of 1955.)

- (a) persons who have attained the age of forty-nine years, unless they are transferred from other East African service in which they were contributors under the scheme and have not completed their periods of contribution;



- (b) persons who are contributors to the Oversea Superannuation Scheme, unless they were, at the date when they became contributors to the said Scheme, already contributors under this Act.

**\*\***(4) (3) (a) Subject to the provisions of this subsection, if the appropriate Commission is satisfied that an officer who is required by this Act to become a contributor is a contributor under an approved scheme, the appropriate Commission may, on the application of such officer, direct that he shall, so long as he continues to be a contributor under such approved scheme, be exempt from contributing unless at any time the contributions which, in the absence of this subsection, he would from time to time be required to pay under this Act exceed his contributions under such approved scheme; and so long as the exemption remains in force and the officer continues to be a contributor under such scheme, he shall not contribute under this Act more than the amount (if any) of such excess. Exemption

**\*\*** This subsection is deemed to have come into force on 1st January, 1944. (See Act No. 45 of 1951.)

- (b) The appropriate Commission may require any contributor who has been granted an exemption under this subsection, from time to time to produce the receipts for his contributions, or other evidence of his continuing to be a contributor under such approved scheme, and if he shall fail to do so the appropriate Commission may cancel the exemption.
- (c) No application for exemption under this subsection shall be valid unless it is made in writing and reaches the appropriate Commission not later than three months after the date from which the officer commences to draw salary from the funds of the Governments or after the 1st April, 1952, whichever is the later, or such later date as the appropriate Commission may in any special case determine.

\*This subsection is deemed to have come into force on 1st January, 1951. (See Act No. 32 of 1955.)

**\*\***This subsection is deemed to have come into force on 1st January, 1944. (See Act No. 45 of 1951.)

- (a) Where an officer is, by virtue of an exemption under this subsection, making no contributions under this Act he shall nevertheless be deemed, for the purposes of this Act, to cease or continue to contribute, as the case may be, in any circumstances in which he would he cease or continue if such exemption had not been granted, and all rights of election under sections *thirty-four*, *thirty-five*, *thirty-eight*, *thirty-nine* and *forty-one* may be exercised by him accordingly.

(As amended by No. 24 of 1940, No. 45 of 1951, no 32 of 1955,  
No. 1 of 1960, No. 50 of 1964, G.N. No. 341 of 1964,  
S.I. No. 144 of 1965 and No. 43 of 1969)

The Laws of Zambia

\*5)7. (1) It shall be lawful for the President from time to time, by statutory notice, to declare that, notwithstanding the provisions of this Act, the posts specified in the notice, being posts of which the salaries are provided wholly or partly by more than one of the East African Governments, shall be deemed for the purposes of this Act to be either-

Officers in service common to more than one East African Government

\* Posts in the British East African Meteorological Service shall not be posts in the service of the Governments. (G.N. No. 119 of 1934.)

(a) posts in the service of the Governments; or

(b) posts not in the service of the Governments.

(2) The provisions of subsection (2) of section *nine* shall not apply to any officer holding a post so declared to be in the service of the Governments, who shall, for the purposes of subsection (1) of section *nine*, be deemed to be in receipt of salary from the funds of the Governments equal to the total salary of the post from whatever source it is drawn.

(3) Any notice issued under this section shall have retrospective effect as regards any post to the date from which the holder for the time being thereof entered the East African service.

(4) If the holder of any post declared by notice under this section to be in the service of the Governments has not been required prior to the notice to contribute to the scheme, he may, within three months of the date on which the notice concerning his post is issued or such later date as the President may in any special case allow, elect to be exempted either from the requirement to contribute thereto or from his liability to make contributions in respect of service prior to the date upon which the notice is issued. The date of the election shall be deemed to be the date of the receipt of the written notification addressed either to the Permanent Secretary (Establishments) or to the Crown Agents. Any election duly exercised shall be irrevocable.

(No. 30 of 1933 as amended by No. 1 of 1934, No. 32 of 1963, G.N. No. 341 of 1964, S.I. No. 144 of 1965 and No. 43 of 1969)

\*Posts in the British East African Meteorological Service shall not be posts in the service of the Governments. (G.N. No. 119 of 1934.)

8. (1) Subject to the provisions of subsections (2) and (3), persons who are appointed to the Civil Service (Local Conditions) or to the Teaching Service shall not be eligible to be contributors.

Eligibility of persons appointed or transferred to Civil Service (Local Conditions) or Teaching Service

(2) A contributor who transfers to the Civil Service (Local Conditions) or to the Teaching Service may, on or at any time after so transferring, elect to cease to be a contributor.

The Laws of Zambia

(3) Where a contributor does not elect under the provisions of subsection (2), he shall continue to be a contributor and the provisions of this Act shall apply to such contributor as though he had transferred to other public service.

(4) Where any person ceases to be a contributor under the provisions of this section, the provisions of this Act shall, from the date of his so ceasing, apply to such person as though he had transferred to other public service.

(No. 35 of 1961 as amended by No. 28 of 1962 and S.I. No. 144 of 1965)

9. (1) The rates of contribution shall be as follows:

Rates of contribution

(a) An officer whose salary, determined in accordance with the provisions of section *ten*, exceeds the amount given in any line of the first column below but does not exceed that given in the corresponding line of the second shall contribute at the annual rate given in the corresponding line of the third column.

Column 1	Column 2	Column 3
K	K	K
-- ..	550 ..	24
550 ..	600 ..	30
600 ..	800 ..	36
800 ..	1,000 ..	48
1,000 ..	1,200 ..	60
1,200 ..	1,440 ..	72
1,440 ..	1,680 ..	84
1,680 ..	1,840 ..	96
1,840 ..	2,200 ..	108
2,200 ..	2,400 ..	120
2,400 ..	2,600 ..	130

and so on, the annual contribution increasing by K10 for each step of K200 in the salary scale.

- (b) A contributor who before the date of his first payment of contribution under this Act or within three months after marrying shall by written notice to the Crown Agents so elect may make an additional annual contribution of one-half of the amount specified in the line in column 3 above, which is applicable to him at the date of notification or, if he so decides at the date of notification, of one-half the amount so specified which is applicable to him from time to time. A contributor who has not so elected before the date of his first contribution or within three months after marrying may be permitted so to elect at any time during his contribution term, subject to the approval of the appropriate Commission after examination by a Government Medical Board. If he so elects to make an additional annual contribution, he shall make it accordingly as from the date on which he first became a contributor or as from the first day of the month next after that in which his notice was received by the Crown Agents or as from the first day of the month next after that in which the appropriate Commission's approval was given to his subsequent election, as the case may be.

A contributor who at the time of his appointment or reappointment to the service of the Governments is already making an additional annual contribution under the scheme shall (unless he elects at any time under subsection (1) of section *eleven* to discontinue such additional contribution) continue to pay it as an additional annual contribution under this Act and an officer who has ceased to contribute under the scheme may on being reappointed to the service of the Governments elect to make an additional annual contribution at the rate then applicable to him from time to time.

No officer shall be allowed to make more than one additional annual contribution under the scheme at the same time.

- (c) Any officer contributing at a rate not lower than K120 a year may, whether or not he has exercised a previous option under this paragraph, at any time elect to limit his future annual contributions to such rate provided for by paragraph (a) and not being lower than K120 a year as he shall specify, but he shall not by so electing be entitled to any refund in respect of any contribution made prior to the date of his election.
- (d) An officer who has opted to limit his contributions in accordance with the provisions of paragraph (c) may, subject as hereinafter provided, subsequently revoke the said option.
- (e) An officer who has revoked a previous option under paragraph (d) may-
- (i) subject to the production by him of a satisfactory certificate of physical fitness signed within the preceding three months by a qualified medical practitioner, exercise a further option to limit his contribution at a higher rate; or
  - (ii) subject to the production by him of a satisfactory certificate of physical fitness signed within the preceding three months by a qualified medical practitioner, exercise a further option to revert to the full rate of contribution appropriate to his salary; or
  - (iii) exercise a further option to reduce his contributions to a rate not lower than K120 a year;

and a revocation under paragraph (d) shall take effect only upon the exercise of one of the options conferred under this paragraph.

The Laws of Zambia

- (f) No option may be revoked under this subsection within any period of less than two years from the making of the said option.
- (g) Every option and every revocation of an option made under this section shall be effected by the officer giving written notice thereof to the Permanent Secretary, Ministry of Finance, or to the Crown Agents and shall be deemed to be exercised on the first day of the month next after that in which his notice is received.
- (h) No officer shall after attaining the age of forty-nine contribute at a higher rate than that at which he was contributing immediately before attaining that age.
- (i) The provisions of paragraph (b) shall not apply to any officer who becomes a contributor after the 1st January, 1944.

(2) Where a contributor is in receipt of salary from more than one East African Government, his contributions under this Act shall bear the same proportion to the contributions which he would have paid under this Act had the whole of such salary been payable by the Governments as the salary in fact payable by the Governments bears to his total salary.

*(As amended by No. 1 of 1946, No. 48 of 1950, No. 32 of 1955, No. 19 of 1956, No. 1 of 1960, No. 50 of 1964, G.N. No. 341 of 1964 and S.I. No. 144 of 1965)*

**10.** For the purpose of fixing the rate of contribution-

Determination of "salary"

- (a) in respect of service prior to the 1st April, 1960, no regard shall be had to any personal, duty or acting allowance, nor to any other receipts, emoluments or advantages of any kind which the officer may receive or enjoy; but the contribution shall be assessed with regard only to the amount of the salary of the definite post held by the officer without previous deduction of the amount of his contribution;
- (b) in respect of service on or after the 1st April, 1960, the term salary shall be deemed to include salary, personal allowance (other than a personal allowance awarded in direct consequence of the implementation of recommendations made by the Salaries Commission appointed on the 6th February, 1952) and inducement allowance, but does not include duty allowance, entertainment allowance or any other emoluments whatsoever.

*(No. 50 of 1964 as amended by S.I. No. 144 of 1965)*

**11.** (1) Subject to the provisions of subsection (3), all annual contributions shall be paid in monthly instalments and shall, subject as hereinafter mentioned, be payable until either the contributor dies, or he has contributed for an exact number of years, such period of payment in the latter case terminating on or after the forty-ninth and before the fiftieth birthday of the contributor:

Period and manner of contribution

Provided that a contributor who is making an additional annual contribution may at any time by notification to the Crown Agents elect to discontinue such contribution either as from the next date subsequent to the receipt of his notification of election by the Crown Agents on which the instalments paid on account thereof will amount to one or more full annual contributions, or as from the beginning of the month next after that in which his notification of election is received by the Crown Agents. When a contributor so elects to discontinue an additional annual contribution, only such instalments thereof as form part of a complete annual contribution paid by him shall be taken into account for the purpose of calculating any pension under this Act, and any balance shall not be refunded except in pursuance of the provisions of section *thirty-four*.

(2) The Crown Agents shall deduct the contributions from the salaries of contributors when they are on leave or when their salaries are wholly paid through the Crown Agents or from the pensions of contributors who retire on pension and elect to contribute under this Act and whose pensions are payable through the Crown Agents. When a contributor's salary or pension is not wholly paid through the Crown Agents, his contributions shall be deducted from his salary or pension, as the case may be, by the Government. If a contributor is on leave on half salary or under interdiction, or on leave without salary, he shall still be liable to contribute at the ordinary rate. In the last mentioned case, if the contributor does not himself pay to the Government his contributions during the period when he was on leave without salary, the amount of his contributions in arrear shall be deducted from the first payment of salary subsequent to such leave.

(3) Notwithstanding the provisions of subsections (1) and (2), a contributor who has retired and whose contributions fall to be deducted from his pension may, at any time, elect to pay a lump sum in lieu of the contributions which would be payable between the date on which his election is deemed to have been exercised and the anniversary of the date he became liable to contribute falling on or after his forty-ninth birthday, and such lump sum shall be calculated in accordance with the table and instructions set out in the Third and Fourth Schedules.

(4) Any election made under subsection (3) shall be effected by the officer giving written notice thereof to the Permanent Secretary, Ministry of Finance, or the Crown Agents and shall be deemed to be exercised on the first day of the month next after that in which his notice of election is received:

Provided that any such election shall be void if the full payment of the lump sum contribution is not made within thirty days of the date on which the election is deemed to have been exercised.

(No 43 of 1969)

12. *Repealed by Act No. 22 of 1979.*

**13.** Registers shall be kept by the Crown Agents in which shall be entered the date of the birth of every contributor and, if he be married, the dates of the births of his wife and children (if any), particulars of his contributions, and all other dates and particulars respecting contributors and their families material to be recorded for the purposes of this Act.

Registers of  
contributors to be kept

**14.** (1) Every contributor shall within three months of his first becoming a contributor under the scheme notify to the Crown Agents in writing-

Information to be  
furnished by  
contributors

- (a) the date of his birth; and
- (b) if he is a married man, or a widower with children of a pensionable age, the dates of his marriage and of the births of his wife and children (if any).

(2) Every contributor who marries while a contributor shall within three months after his marriage notify the same to the Crown Agents in writing and state the date of the birth of his wife.

(3) Every contributor shall notify to the Crown Agents in writing within three months from the date of the event-

- (a) the birth of any child born to him or the adoption of any child by him;
- (b) the marriage of any female child under the age of twenty-one;
- (c) the death of his wife and the death or adoption of any of his children of a pensionable age.

(4) After the death of any married contributor the widow of such contributor shall notify to the Crown Agents in writing within three months from the date of the event-

Information to be  
furnished by widows

- (a) the date of the death of the contributor, if he was not at the time in the East African service;
- (b) the birth of any posthumous child born to such contributor;
- (c) the marriage of any female child of such contributor under the age of twenty-one years;
- (d) the death or adoption of any child of such contributor while of a pensionable age;
- (e) her own remarriage or bankruptcy.

The Laws of Zambia

(5) Any such statement or notice shall be proved by the production of birth, death, or marriage certificates or by affidavit or otherwise, to the satisfaction of the Crown Agents. Proof of statements

*(As amended by No. 1 of 1960)*

**15.** (1) A contributor or widow who fails or neglects to comply with any of the requirements of the foregoing section shall, for each default, be liable, at the discretion of the appropriate Commission, to pay a sum not exceeding four kwacha, which may be deducted from his or her salary or pension, as the case may be. Penalty for non-compliance

(2) If a contributor or widow of a contributor shall at any time have wilfully made any false statement respecting any of the particulars required by this Act to be furnished, all or any part of the rights under the scheme of the contributor or the widow or any child of the contributor shall be liable to be forfeited at the discretion of the appropriate Commission. Penalty for false statement

*(As amended by No. 17 of 1932, No. 1 of 1960, G.N. No. 341 of 1964 and S.I. No. 144 of 1965)*

**16.** Upon the death of a contributor who is married or a widower with children of a pensionable age, the full pension registered in his name shall be payable subject to the other provisions of this Act. Pension when officer with beneficiaries dies

*(No. 1 of 1946)*

**17.** The Crown Agents shall calculate the pensions payable under this Act and shall pay the pensions as they become due. Any sum so paid as well as any refunds of contributions paid in accordance with this Act shall be charged to the Fund: Calculation of pensions and mode of charge

Provided that-

- (i) in so far as pensions under this Act are paid at rates greater than those set out in the First Schedule which is deemed to have come into force on the 1st April, 1960, the whole cost of the additional payment shall be met by the Fund;
- (ii) where an officer's contributions under the scheme have been paid partly into the Fund and partly to one or more other East African Government-
  - (a) the amount of the pension to be charged to the Fund in respect of that officer shall be the amount attributable to the contributions paid into the Fund in respect of him and calculated in accordance with the tables applicable to that officer, together with any increase therein calculated in accordance with the provisions of this Act;



The Laws of Zambia

- (b) the amount to be charged to the Fund on account of any refund made to or in respect of that officer shall be the total amount of the contributions paid into the Fund in respect of him, together with any interest thereon calculated as prescribed in this Act.

(No. 43 of 1969)

**18.** Subject to the provisions of this Act-

Pensions to beneficiaries

- (a) where a contributor who ceased to pay contributions before the 1st April, 1960, dies leaving one or more beneficiaries, such beneficiary, or each of such beneficiaries, as the case may be, shall receive a pension calculated in accordance with-
  - (i) the provisions of this Act; and
  - (ii) the pensions tables and instructions; which were in force immediately prior to the said date;
- (b) where a contributor who has paid contributions on or since the 1st April, 1960, dies leaving one or more beneficiaries, such beneficiary or each of such beneficiaries, as the case may be, shall receive with effect from the 1st April, 1960, or from the date of death of the contributor, whichever is the later, a pension calculated in accordance with the pension tables and instructions set out in the First and Second Schedules, which shall be deemed to have come into operation on the 1st April, 1960;
- (c) if pensions are payable to more than one beneficiary, each beneficiary shall receive such a proportion of the pension which he would have received if he had been the only beneficiary as unity bears to the total number of beneficiaries;
- (d) where there are more beneficiaries than one receiving pensions in respect of the same contributor and any of such beneficiaries ceases to exist within the meaning of this Act, the beneficiary or beneficiaries if more than one, remaining in existence shall, or each of them shall, as from the date of such cessation, receive the pension he would have received if he and the other beneficiary, or other beneficiaries, if any, remaining in existence had been the only beneficiary or beneficiaries in existence at the death of such contributor.

(No. 50 of 1964)

**19.** (1) In addition to any other increase effected under the provisions of this Act or any other law, every pension referred to in subsection (2) shall be further increased by an amount of ten per centum.

Bonuses in respect of certain pensions

(2) The pensions to which subsection (1) applies are-

- (a) all pensions being paid under the provisions of this Act on the 31st December, 1957, the increase to take effect from the 1st January, 1958;

The Laws of Zambia

- (b) registered pensions of officers who had ceased to contribute on or before the 31st December, 1957, in so far as they relate to contributions which accrued to the Government of the former Protectorate of Northern Rhodesia;
- (c) those parts of the registered pensions of officers still contributing on the 1st January, 1958, purchased by contributions which fell due on or before the 31st December, 1957, in so far as they relate to contributions which have accrued to the Governments.

(No. 1 of 1960 as amended by S.I. No. 144 of 1965)

**20.** (1) Where a beneficiary consists of the widow of a contributor, the pension payable to such beneficiary shall, subject to any deductions in respect of partial forfeitures under subsection (2) of section *fifteen*, be paid to her and shall cease on her death, bankruptcy or remarriage or on the forfeitures of the whole of such pension in accordance with the provisions of that subsection. Pension to widow

(2) If on such pension ceasing as aforesaid there are no children of the marriage of such widow with the contributor living and of pensionable age, such beneficiary shall be deemed to cease to exist and the pension payable to it shall lapse. Lapse of widow's pension

(3) If on such pension ceasing as aforesaid there are such children living and of pensionable age, such pension shall be continued and paid to such children as hereinafter provided and such children shall be deemed to constitute a beneficiary within the meaning of this Act. Pension to children on lapse of widow's pension

(4) A widow whose pension has on her remarriage lapsed or become payable to the children, if any, of her marriage with the contributor who are living and of pensionable age shall-

- (a) if her husband dies in her lifetime, not being a contributor under this Act, be paid the pension which was payable to her before her remarriage-
  - (i) as from the date of the death of her husband; or
  - (ii) as from the date when such children ceased to be of pensionable age;

whichever is the later; or

The Laws of Zambia

- (b) if she becomes entitled on the death of her husband, being a contributor, to be paid a pension under this Act-
- (i) if there are children of pensionable age of her previous marriage, be paid such pension until such children cease to be of pensionable age and may then elect either to continue to be paid such pension or to be paid in lieu the pension which was payable to her before her remarriage; or
  - (ii) if there are no such children of her previous marriage of pensionable age, elect forthwith either to be paid such pension or to be paid in lieu the pension which was payable to her before her remarriage:

Provided that in the event of a widow electing to be paid the pension which was payable to her before her remarriage in lieu of any pension which may become subsequently due under this Act, such subsequent pension shall be paid to the children, if any, of her remarriage who are living and of pensionable age.

(5) In subsection (4), references to the husband of a widow are references to her husband by any remarriage.

*(As amended by No. 19 of 1956)*

**21.** Where a beneficiary consists of children of a contributor, the pension payable to such beneficiary shall be at the same rate as the pension which their mother received or would have received if she had been alive and entitled to a pension and shall be paid to such children in equal shares while they remain of pensionable age. When any of such children ceases to be of pensionable age his or her share of such pension shall be paid to the surviving children of pensionable age in equal shares, and when the last surviving child of pensionable age ceases to be of pensionable age such beneficiary shall be deemed to cease to exist and the pension payable to it shall lapse.

Pensions to children

**22. (1)** In the award of any pensions which became or become due under this Act after the 1st July, 1955, a child adopted by a contributor while he was or is married to any wife shall be deemed to be the child of the contributor by that marriage if-

Pensions to adopted children

- (a) the contributor adopted the child before he retired from the public service;
- (b) the contributor was under the age of fifty-five at the time of the adoption; and
- (c) the adoption was in accordance with the law of the place where the contributor was resident at the time of the adoption.

(2) The child of a contributor who is adopted by any other person-

- (a) in the lifetime of a contributor, or while a pension is being paid under this Act to the mother of that child, shall be deemed, for the purposes of this Act, to have died at the date of the adoption;

- (b) after the death of the contributor shall, if he is being paid a pension or a share of a pension under this Act, continue to be paid such pension or such share.

(No. 19 of 1956 as amended by No. 1 of 1960)

**23.** (1) Subject to the provisions of this section, and notwithstanding any other provision of this Act, where a child of a contributor who has attained the age of twenty-one years-

Child over 21  
undergoing full-time  
instruction or training

- (a) is receiving full-time instruction at any university, college, school or other educational establishment; or
- (b) is undergoing training by any person (hereinafter referred to as "the employer") for any trade, profession or vocation in such circumstances that he is required to devote the whole of his time to the training for a period of not less than two years;

then, if the said full-time instruction or the said training, as the case may be, was begun before the child attained the age of twenty-one years, he or she shall be paid, or shall continue to be paid, unless the appropriate Commission directs otherwise, a pension or share of a pension under this Act as if he or she had not yet attained the age of twenty-one years.

(2) Where a pension or a share of a pension is paid, or continues to be paid, under subsection (1)-

- (a) the pension or the share, as the case may be, shall be reduced so that when it is added to any bursary, scholarship or other like award receivable in respect of the said full-time instruction or to any emoluments receivable by a child undergoing the said training, or payable by the employer in respect of him, the total does not exceed the yearly sum of K1,200;
- (b) no regard shall be had to emoluments receivable or payable by way of return of any premium paid in respect of the said training;
- (c) the pension or the share, as the case may be, shall cease to be paid when the child attains the age of twenty-five years or, if she marries before attaining that age, shall cease to be paid to a female child on her marriage.

(3) For the purposes of subsection (2), "emoluments" means any salary, fees, wages, perquisites or profits or gains whatsoever, and includes the value of free board, lodging or clothing, and where a premium has been paid in respect of the training of a child all emoluments at any time receivable by him or payable by the employer in respect of him shall be deemed to be receivable or payable by way of return of the premium, unless and except to the extent that the amount thereof exceeds in the aggregate the amount of the premium.

The Laws of Zambia

(4) The appropriate Commission, if it thinks fit and is satisfied that a child's full-time education ought not to be regarded as completed, may direct that this section shall apply to the child notwithstanding that the said full-time instruction, or the said training, as the case may be, was not begun before the child attained the age of twenty-one years.

(5) Notwithstanding any other provisions of this Act, a child to whom this section applies shall be deemed, for all the purposes of this Act, to be of pensionable age.

(6) This section shall be deemed to have come into force on the 1st January, 1958.

(No. 1 of 1960 as amended by G.N. No. 341 of 1964  
and S.I. No. 144 of 1965)

**24.** (1) No widow of a contributor whose marriage with him is contracted after he has left the public service (unless he has elected to contribute under section *thirty-five* and at the date of the marriage is so contributing or has ceased to do so by virtue of subsection (1) of section *eleven*) or has attained the age of fifty-five and no issue of such marriage shall constitute a beneficiary for the purpose of this Act or become entitled to pension.

Who not entitled to  
pension

(2) No widow of a contributor whose husband dies within twelve calendar months of the marriage without issue of such marriage born in his lifetime or in due time after his death shall be capable of constituting a beneficiary or become entitled to any pension under this Act:

Provided that the Crown Agents may grant to such widow all or any part of the pension to which she would have been entitled but for the provisions of this subsection but shall, before granting a pension to such widow, obtain from the territory in which the contributor last served the approval of-

- (a) in respect of Zambia, the appropriate Commission; and
- (b) in respect of any other territory, the appropriate authority therein.

(3) Subsection (1)-

- (a) shall not be inapplicable (notwithstanding the previous operation of that part of section *thirty-eight* which was repealed by Act No. 1 of 1946) by reason only of a contributor's having ceased to contribute before the date of his marriage and before the 1st January, 1944; but

The Laws of Zambia

- (b) shall not apply in respect of any contributor dying before the 8th May, 1942, or, unless the appropriate Commission directs otherwise, in respect of any contributor who ceased to rank for benefit before the 1st January, 1934.

(As amended by No. 1 of 1946, No. 32 of 1963,  
G.N. No. 341 of 1964, S.I. No. 144 of 1965  
and No. 43 of 1969)

**25.** Notwithstanding any other provisions of this Act, a contributor who is dismissed from the East African service or other public service for misconduct shall cease to contribute under this Act, and-

Provisions consequent upon an officer being dismissed for misconduct

- (a) where such contributor is a bachelor, the total amount of his contributions under the Act shall be repaid to him without interest subject to the deduction of any sums due by him to the Government; and
- (b) where such contributor is a widower without children of a pensionable age, the total amount of the contributions which he has paid since the death of his last wife or the ceasing to be of a pensionable age of his last child, whichever event shall have last happened, shall be repaid to him without interest subject to the deduction of any sums due by him to the Government; and
- (c) where such contributor is married or is a widower with a child of pensionable age, he shall continue to rank for benefit to the extent of such part of the pension registered in his name as his past contributions have earned.

(No. 1 of 1946)

**26.** All pensions payable under this Act shall commence upon the death of the contributor in respect of whom they are payable, shall accrue daily, and shall be payable monthly in arrear:

Pension: when to commence and how payable

Provided that a pension may be payable quarterly instead of monthly if the pensioner so desires.

**27.** If a widow's pension ceases in her lifetime by reason of her bankruptcy, and there are no children of hers to whom such pension can be continued in accordance with subsection (3) of section *twenty*, the Crown Agents may, from time to time, during the remainder of her life, or during such shorter period or periods, either continuous or discontinuous, as shall be thought fit, pay to such widow an allowance at a rate not exceeding the rate of such pension, or may apply the same for the maintenance and personal support or benefit of such widow, in such manner as the Crown Agents may, from time to time, think proper, but the Crown Agents shall, before granting such allowance, obtain from the territory in which the contributor last served the approval of-

Allowance in lieu of pension to widow on bankruptcy

- (a) in the case of Zambia, the appropriate Commission; and
- (b) in respect of any other territory, the appropriate authority therein.

(No. 43 of 1969)

**28.** No pension payable under this Act and no rights of any contributor acquired hereunder shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Pension not to be assigned or levied upon

**29.** If the widow of a contributor while in receipt of a pension does not assist or deserts or abandons a child of hers by the contributor whom she is bound by law to maintain and who is of a pensionable age, the appropriate Commission may direct the Crown Agents to pay to a fit and proper person on behalf of such child, such portion of the pension as it may think fit, and the widow shall have no further claim in respect of such portion.

Payment of pension to persons acting on behalf of minors in case of desertion

*(G.N. No. 341 of 1964 as amended by S.I. No. 144 of 1965)*

**30.** In all cases where under this Act the parties entitled to pensions are minors, such pensions may be paid, either to the legal guardian, or guardians, of such minors, or to such minors, or such person or persons as the Crown Agents may, in their discretion, think fit and proper persons to apply the same for the benefit of such minors, and after such payment, the Crown Agents and the Governments shall be free from all responsibility in respect of such payment:

Discretion as to payment of minors' pensions

Provided that the Crown Agents shall not pay such pensions to a person or persons other than the parties entitled to such pensions without the concurrence of the appropriate Commission.

*(As amended by G.N. No. 341 of 1964 and S.I. No. 144 of 1965)*

**31.** The Crown Agents may require such proof as they deem desirable that any person claiming to be entitled to pension or on behalf of whom such claim is made, is alive and entitled to pension, and the payment of any pension may be refused until such proof is furnished to the satisfaction of the appropriate Commission.

Proof of title may be required before payment of pension

Proof of title may be required before payment of pension

*(As amended by G.N. No. 341 of 1964 and S.I. No. 144 of 1965)*

**32.** Increases of contributions shall rank for the purpose of calculating pensions as if they were fresh entrances at the respective ages of husband and wife when the increase takes place.

Increases of contributions

**33.** If the salary, determined in accordance with the provisions of section *ten*, of a contributor be reduced so that he comes under a lower scale of contribution under section *nine*, he may upon giving notice in writing to the Crown Agents of his desire to do so continue to contribute at the rate formerly paid, in which case his widow or children shall be entitled to pension accordingly, but if his rate of contribution be reduced any pension to his widow or children shall be reduced in the same proportion as it would have been increased had his rate of contribution been raised instead of lowered.

Contributions may continue in full if salary reduced

*(As amended by No. 50 of 1964)*

**34.** (1) If a contributor being-

Refund of contributions to bachelor and widower without children of pensionable age

- (a) a bachelor; or
- (b) a widower without children of pensionable age;

leaves, attains the age of fifty-five years while still serving in, or dies in, the East African service, there shall be payable to him or his legal representative-

- A. if such contributor is a bachelor, the total amount of his contributions together with compound interest thereon calculated with annual rests at the rate of two and one-half per centum; and
- B. if such contributor is a widower without children of a pensionable age, the total amount of contributions which he has paid since the death of his last wife or the ceasing to be of a pensionable age of his last child, whichever event shall have last happened, together with compound interest thereon calculated with annual rests at the rate of two and one-half per centum:

Provided that-

- (i) if any such contributor leaves the East African service and is, without break of service, transferred to other public service in which an approved scheme has been established, he may, at his option exercisable within three months after he ceases to draw salary from the Governments, elect not to receive a refund of his contributions with interest thereon as herein-before provided. The total amount to which he would be entitled on such refund shall thereupon remain as part of the funds of the scheme, and, together with an amount representing compound interest calculated as from the date of his transfer with annual rests at the rate of two and one-half per centum shall-
  - (a) if the contributor marries, be taken into account for the purpose of calculating any pension under this Act; or
  - (b) if the contributor dies or retires from the public service, be paid to him or to his legal representative;

Option for bachelor and widower without children of pensionable age who is transferred
- (ii) if any such contributor who so leaves the East African service is transferred to any other public service in which no approved scheme has been established, he may, at his option exercisable within three months after he ceases to draw salary from the Governments, elect not to receive a refund with interest thereon as hereinbefore provided but to continue to contribute under this Act at the rate at which he was contributing immediately before he left the East African service. Such contributor may at any time thereafter cease to continue his contributions and in the event of his so ceasing to contribute-

Option for bachelor and widower without children of pensionable age

is transferred to service which has no approved scheme

  - (a) if he is then married or is a widower with children of a pensionable age, any pension payable on his death shall be reduced so as to correspond with the payments he has made; and
  - (b) in any other case, the provisions of this subsection proceeding provisos (i) and (ii) shall apply as if he had left the East African service at the date on which he so ceased to contribute.

(2) A contributor who has become entitled to a refund of contributions shall cease to rank for benefit by way of pension under this Act.



(3) Where a contributor is entitled to elect under this Act not to receive such refund, he shall not become entitled to a refund unless and until the time prescribed for the exercise of the election has expired and the election has not been exercised.

(No. 1 of 1946 as amended by S.I. No. 144 of 1965)

**35.** (1) Notwithstanding the provisions of section *thirty-four*, any contributor such as is mentioned in that section-

Option given to certain officers who have left the service to elect to continue contributions

- (a) who is, or has been compelled, after the 1st January, 1931, to leave the East African service in consequence of the abolition of his office, or with a view to affecting economy; and
- (b) who is not transferred to other public service; and
- (c) who is in receipt of a pension granted in respect of his service in East Africa;

may, not later than three months after the 31st December, 1932, or one month after the date upon which he leaves the East African service, whichever shall be the later, elect, in lieu of receiving repayment of his contributions under section *thirty-four*, to continue to make contributions, which shall be deducted from his pension, at the rate at which he was contributing immediately before he left the East African service.

(2) The date of the exercise of the option under this section shall be deemed to be the receipt of written notification addressed by the contributor either to the Permanent Secretary (Establishments) or to the Crown Agents.

(3) A contributor who shall have elected under this section to continue to make contributions may, at any time after leaving the East African service, cease to contribute. When such a contributor so ceases to contribute then-

- (a) if he is married or a widower with children of a pensionable age, any pension payable on his death shall be reduced so as to correspond with the payments he has made;
- (b) in any other case, section *thirty-four* shall apply as if he had left the East African service at the date on which he so ceased to contribute.

(No. 24 of 1932 as amended by No. 1 of 1946 and G.N. No. 341 of 1964)

**36.** If a contributor leaves the East African service and is transferred to any other public service, and while in such public service ceases to be married by death or divorce, is without children of pensionable age, and without having remarried, retires or otherwise leaves such public service, or dies, there shall be payable to him, or to his legal representative, the total amount of contributions which he has paid since-

Contributions repayable in certain circumstances

- (a) the death of his last wife; or
- (b) the termination of his marriage by divorce; or
- (c) his youngest child ceased to be of pensionable age;

whichever event shall have last happened, together with compound interest thereon calculated with annual rests at the rate of two and one-half per centum.

(No. 12 of 1950)

**37.** Notwithstanding any other provisions in this Act, where a contributor who has made an election under subsection (3) of section *eleven* dies or ceases to be eligible to contribute under this Act before the expiry of the period in respect of which contributions were made in a lump sum, a refund of contributions calculated in accordance with the table and instructions set out in the Third and Fourth Schedules shall be made-

Refund of contributions made in lump sum

- (a) in the case of a contributor who dies, to his widow, or if there is no widow, to the other beneficiary under the Act, and if there is no beneficiary, to the contributor's legal representative:

Provided that where a beneficiary consists of the contributor's children of pensionable age, the payment due shall be paid to such children in equal shares; and

- (b) in the case of a contributor ceasing to be eligible to contribute under this Act, to the contributor.

(No. 43 of 1969)

**38.** (1) If a contributor in the service of the Governments who is married or who is a widower with children of a pensionable age and whose period of payment of contribution has not expired-

Contributor married or widower with pensionable children leaving East African service on transfer, pension or when of pensionable standing

- (a) is transferred to other public service not being East African service; or
- (b) being an officer who became a contributor prior to the 1st January, 1944, otherwise leaves the East African service, except on retirement on pension, and his service is of such a nature and of such length as would have rendered him eligible for a pension if he had been retired from the East African service on medical certificate;

he may continue to contribute at the rate at which he was contributing immediately before he left the East African service. He may, on or at any time after so leaving the East African service, cease to contribute. If he so ceases to contribute, any pension payable on his death shall be reduced so as to correspond with the payments he has made.

(2) If a contributor under this Act is appointed to the service of another East African Government and he is not in receipt of a salary from the Governments, he shall cease to contribute under this Act as from the date of such appointment.

(As amended by No. 1 of 1946  
and S.I. No. 144 of 1965)

**39.** (1) If a contributor who is married or who is a widower with children of a pensionable age, and whose period of payment of contributions has not expired, retires on pension from the East African service or from other public service and at such date was contributing under this Act, he shall continue to contribute at the rate at which he was contributing immediately prior to the date of his retirement:

Option to contributor retiring on pension to cease or continue contributing

Provided that-

- (i) any such contributor in lieu of so contributing may, at any time, elect at his option-
  - (a) to cease contributing under this Act; or
  - (b) notwithstanding the provisions of section *ten*, to pay contributions assessed on the amount of his pension; or
  - (c) if contributing at a rate in excess of K120 a year, to reduce contributions to any rate which is not lower than K120 a year and is a multiple of K10;

and in the event of his exercising his option the amount of the pension registered in his name shall be adjusted accordingly;

- (ii) should any such contributor after the date of his retirement become a widower without children of a pensionable age, he shall forthwith cease to contribute and shall cease to be entitled to rank for benefit under this Act either by way of pension or return of contributions;
- (iii) a contributor who has elected to pay contributions in a lump sum in accordance with subsection (3) of section *eleven* may not subsequently elect to cease to contribute or to vary the rate of contributions on which that lump sum payment was calculated.

(2) Where any such contributor who has elected under proviso (i) (a) to subsection (1) ceases contributing under this Act dies within two years of his retirement on pension on the grounds of ill health, the full pension registered in his name on the day immediately preceding his retirement shall be payable subject to the other provisions of this Act.

(3) Where any such contributor who has elected under proviso (i) (b) to subsection (1) to pay contributions assessed on his pension dies within three years of the date of his retirement on pension on the grounds of ill health, the full pension registered in his name under this Act on the day immediately preceding his retirement shall be payable subject to the other provisions of this Act.

The Laws of Zambia

(4) Where an officer has elected or been compelled to receive a reduced pension and gratuity, in lieu of a pension which he might have received but for such election or compulsion, his pension shall, for the purpose of calculating his contributions under proviso (i) (b) to subsection (1), be deemed to be the amount of the unreduced pension which he might have so received.

(No. 43 of 1969)

**40.** If a contributor who is married or who is a widower with children of a pensionable age and who has not served the period necessary to qualify him for pension but who is otherwise eligible therefor retires from the East African service or other public service on a medical certificate before his period of contribution has expired, ceases to contribute and dies within two years of the date of his retirement, the full pension registered in his name on the date immediately preceding his retirement shall be payable subject to the other provisions of this Act.

Pension payable when a pensionable officer retires on account of ill health and dies within two years

(No. 1 of 1946)

**41.** (1) A contributor who is married or who is a widower with children of a pensionable age and-

Registered pension in the case of non-pensionable officers leaving the service

- (a) whose service is not of such a nature or is not of such length as would render him eligible for a pension if retired from the East African service on a medical certificate and who retires from the East African service or other public service; or
- (b) whose service is of such a nature and of such length as would have rendered him eligible for pension if he had retired from the East African service on a medical certificate and who, being an officer who became a contributor under this Act on or after the 1st January, 1944, retires from the East African service otherwise than on pension;

shall have registered in his name the pension actually earned by his past contributions and shall not be eligible to continue to contribute after the date of his retirement:

Provided that-

- (i) any such contributor may at his option exercisable as hereinafter provided in lieu of having registered such pension elect to have registered the full pension which was registered in his name at the date of his retirement for a period commencing from such date and equal to one-half of the period during which he contributed under this Act and if he is alive on the expiration of the above-mentioned period during which he was entitled to rank for benefit under the scheme, he shall cease to be entitled to rank for benefit whether by way of pension or return of contributions; and
  - (ii) where any such contributor who has exercised his option and elected under proviso (i) to have the full pension registered in his name is appointed or reappointed to the service of the Governments before the expiration of the period for which the full pension is registered as aforesaid he shall, as from the date of his appointment or reappointment, commence or recommence to pay contributions under this Act, or, if he so elects within three months of his appointment or reappointment, as from the expiration of the said period.
- (2) (a) The option referred to in proviso (i) to subsection (1) shall be exercisable not later than three months after the date on which the contributor ceases to draw salary.
- (b) The date of the exercise of the options under this section shall be deemed to be the date of the receipt of the officer's written notification addressed either to the Permanent Secretary (Establishments) or to the Crown Agents.

*(No. 1 of 1946 as amended by G.N. No. 341 of 1964  
and S.I. No. 144 of 1965)*

**42.** The Pension Tables may be revised from time to time after an investigation by an actuary appointed by the Crown Agents. Such investigations shall take place at such dates as the Crown Agents may from time to time determine, being not more than ten years from the date when the scheme has come into operation or from the date of the last investigation. If after such an investigation the actuary recommends that revised Pension Tables should be adopted, the new Pension Tables shall be brought into use in accordance with instructions scheduled to such Tables.

Periodical revision of  
Pension Tables

*(G.N. No. 341 of 1964 as amended by No. 50 of 1964)*

**43.** All questions and disputes as to who is entitled to be deemed a contributor, or as to the right of a widow or child to a pension, or as to the amount of such pension, or as to the rights and liabilities of any person under this Act shall be referred by the Crown Agents in the case of the contributors concerned serving or having last served-

Questions and  
disputes to be decided  
by appropriate  
Commission or  
authority

- (a) in Zambia, to the appropriate Commission; and
- (b) in any other territory, to the appropriate authority therein; and the decision of the appropriate Commission, or the appropriate authority, as the case may be, shall be binding and conclusive on all parties, and shall be final to all intents and purposes and, save as otherwise provided by the constitutional instruments, shall not be subject to appeal or to be questioned or revised by any court of justice.

*(No. 43 of 1969)*

The Laws of Zambia

**44.** The Government shall bear such proportion as the Crown Agents may from time to time determine of the cost of the management of the scheme including the amount of any expenditure incurred for actuarial advice or investigations in connection with the scheme.

Cost of management of scheme

*(As amended by G.N. No. 341 of 1964 and S.I. No. 144 of 1965)*

**45.** It shall be lawful for the President, from time to time by statutory instrument, to frame rules and regulations, not inconsistent herewith, for the proper carrying out of the provisions of this Act, and from time to time to repeal, alter or vary the same.

Rules and regulations

*(As amended by G.N. No. 341 of 1964 and S.I. No. 144 of 1965)*

**46.** Unless otherwise provided by this Act, all notices of election given by officers under the provisions of this Act shall be irrevocable.

Notices of election irrevocable

**47.** For the payment of contributions or of pensions under this Act the rate or rates of exchange, in all cases where conversion is necessary from sterling to any other currency, shall be such as may be fixed from time to time by the Governments for such purposes.

Rates of exchange

*(As amended by S.I. No. 144 of 1965)*

**48.** (1) Where an officer shall be on leave from the service of the Governments for the purpose of serving with the Defence Force in time of war, or in consequence of having so served, then, notwithstanding anything contained in any other provisions of this Act, his salary shall, for the purpose of computing his contributions under this Act, be deemed to be the salary which he would have received had he remained on duty in his substantive office.

Position of officers on war service

(2) Where an officer shall, with the approval of the appropriate Commission, have left the service of the Governments for the purpose aforesaid, then, notwithstanding anything contained in any other provisions of this Act, so long as it shall be the expressed intention of the Governments and of the officer that he should, as soon as practicable after the termination of this service with the Defence Force return to the service of the Governments, he may, by electing in such manner and within such time as may be directed by the appropriate Commission, continue to contribute. If he so elect his salary shall, for the purpose of computing his contributions, be deemed to be the salary which he would have received, with all increments for which he would have been eligible, if he had continued to hold the substantive office held by him immediately before so leaving the service of the Governments:

Provided that-

- (i) if and so long as the officer shall be in receipt from the funds of the Governments of payment in the nature of salary or other emoluments equivalent to, or greater than, the contributions which would be due from him if he elected under this subsection to continue to contribute, he shall continue to contribute as aforesaid whether he shall or shall not elect so to do; and
- (ii) where and so long as the provisions of this subsection relating to the return of the officer to the service of the Governments are inapplicable by reason only of a proposal that such officer should be appointed to other service under Her Britannic Majesty, this subsection shall continue to apply to him until he is so appointed; and when he shall be so appointed he shall be deemed, for the purposes of this Act, to have been transferred to such other service.

(3) Where in any case to which subsection (1) or (2) applies, payment is being made from the funds of the Governments to the officer in the nature of salary or other emoluments, his contributions may be deducted from the sums so payable; and where no such payment is being made, or if the contributions of the officer exceed such payments, the contributions or the balance thereof, as the case may be, shall be paid by the officer.

(4) If any officer who is entitled, under subsection (2), to elect to continue to contribute does not duly so elect, or if any officer fails to pay when due any sum payable by him under subsection (3), the appropriate Commission may give either or both of the following directions, that is to say:

- (a) that the officer shall cease to contribute as from a date (which may be prior to the date of the direction) to be specified in the direction; and
- (b) that the Pensions (War Service) Act, Chapter 60 of the 1948 Edition of the Laws, shall not apply to this case;

and any such direction shall have the force of law.

(5) This section, notwithstanding anything contained therein, shall not apply where the office in the service of the Governments last held by the officer prior to service in the Defence Force was not a pensionable office for the purposes of the European Officers' Pensions Act, except where in any particular case the appropriate Commission otherwise directs.

Cap. 266

*(No. 24 of 1940 as amended by G.N. No. 341 of 1964 and S.I. No. 144 of 1965)*

The Laws of Zambia

49. Notwithstanding any of the foregoing provisions of this Act, any officer who was a contributor under the Palestine Widows' and Orphans' Pensions Ordinance, 1944, immediately before the termination of His Britannic Majesty's jurisdiction in Palestine, and who is appointed to the service of the Governments, may become a contributor if, not later than three months after such appointment or after the commencement of Act No. 12 of 1950, whichever is the later, such officer makes a lump sum payment under the provisions of this Act, equal to the accumulated contributions he has paid under such Palestine Ordinance, and he shall then be deemed to have been a contributor, from the date he would have become a contributor, had such lump sum been contributed by way of annual contributions under the provisions of this Act.

Officers from Palestine may become contributors

(No. 12 of 1950 as amended by S.I. No. 144 of 1965)

\*(6)FIRST SCHEDULE

(Section 18)

PENSION TABLES

\* This Schedule is deemed to have come into force on 1st April, 1960. (See Act No. 50 of 1964.)

TABLE A

The yearly pension, payable by monthly instalments, which a single payment of 1 will secure.

Age of husband last birthday	Age of wife last birthday									
	20	25	30	35	40	45	50	55	60	65
20	1.429	1.562	1.754	2.000	2.326					
21	1.351	1.493	1.667	1.923	2.222					
22	1.282	1.408	1.587	1.818	2.128					
23	1.220	1.333	1.493	1.724	2.000					
24	1.149	1.250	1.408	1.613	1.887					
25	1.087	1.176	1.316	1.515	1.754	2.128				
26	1.020	1.111	1.235	1.429	1.639	2.000				
27	.962	1.042	1.163	1.333	1.538	1.887				
28	.909	.980	1.087	1.250	1.449	1.754				
29	.855	.926	1.020	1.176	1.370	1.639				
30	.806	.870	.962	1.099	1.282	1.538	1.887			
31	.763	.820	.901	1.031	1.205	1.449	1.754			
32	.719	.769	.847	.962	1.124	1.351	1.639			
33	.680	.725	.794	.901	1.053	1.250	1.538			
34	.641	.680	.741	.840	.980	1.163	1.429			
35	.602	.637	.694	.781	.909	1.075	1.333	1.695		
36	.568	.599	.649	.730	.847	1.000	1.235	1.562		
37	.535	.562	.610	.680	.787	.926	1.136	1.449		
38	.505	.529	.571	.637	.730	.862	1.053	1.333		
39	.478	.498	.535	.595	.680	.800	.971	1.235		
40	.452	.469	.503	.556	.633	.741	.901	1.136	1.493	
41	.429	.442	.472	.521	.588	.690	.833	1.053	1.389	
42	.408	.418	.444	.488	.546	.641	.775	.971	1.282	
43	.388	.395	.418	.457	.510	.595	.719	.901	1.176	
44	.368	.375	.395	.429	.478	.556	.667	.833	1.087	
45	.350	.355	.373	.403	.448	.518	.621	.769	1.000	1.370
46	.333	.337	.352	.379	.420	.483	.578	.714	.926	1.266
47	.317	.319	.333	.357	.395	.450	.538	.662	.862	1.176



The Laws of Zambia

48	.303	.304	.316	.337	.372	.422	.500	.613	.800	1.087
49	.290	.289	.300	.318	.350	.395	.467	.571	.741	1.000
50	.277	.275	.285	.301	.329	.372	.437	.535	.690	.926
51	.266	.263	.271	.286	.311	.350	.408	.500	.641	.862
52	.255	.251	.258	.272	.294	.330	.383	.467	.599	.806
53	.245	.240	.246	.258	.279	.312	.360	.439	.559	.752
54	.236	.230	.235	.246	.265	.294	.339	.412	.524	.704

\* This Schedule is deemed to have come into force on 1st April, 1960. (See Act No. 50 of 1964.)

The Laws of Zambia

TABLE B

The yearly pension, payable by monthly instalments, which a yearly contribution of 1, payable by monthly instalments, will secure.

Age of husband last birth day	Age of wife last birthday									
	20	25	30	35	40	45	50	55	60	65
20	19.67	21.50	24.15	27.53	32.02					
21	18.43	20.10	22.54	25.79	29.93					
22	17.22	18.74	21.00	24.10	27.91					
23	16.05	17.43	19.52	22.45	25.97					
24	14.92	16.17	18.10	20.84	24.11					
25	13.83	14.96	16.74	19.28	22.32	27.08				
26	12.78	13.81	15.44	17.78	20.61	24.96				
27	11.79	12.73	14.21	16.35	18.97	22.94				
28	10.85	11.71	13.04	14.98	17.41	21.01				
29	9.96	10.75	11.94	13.68	15.93	19.17				
30	9.13	9.85	10.90	12.45	14.52	17.42	21.37			
31	8.35	9.00	9.92	11.29	13.18	15.76	19.44			
32	7.62	8.19	9.00	10.20	11.92	14.21	17.59			
33	6.94	7.42	8.13	9.19	10.74	12.76	15.83			
34	6.30	6.70	7.32	8.25	9.63	11.41	14.16			
35	5.69	6.02	6.56	7.38	8.59	10.15	12.59	16.01		
36	5.11	5.38	5.85	6.57	7.62	8.98	11.11	14.07		
37	4.57	4.78	5.19	5.81	6.72	7.89	9.73	12.30		
38	4.06	4.23	4.58	5.11	5.88	6.89	8.46	10.68		
39	3.58	3.72	4.01	4.46	5.10	5.97	7.30	9.21		
40	3.13	3.25	3.48	3.85	4.38	5.13	6.24	7.87	10.34	
41	2.71	2.81	2.98	3.28	3.72	4.36	5.27	6.65	8.72	
42	2.32	2.39	2.52	2.76	3.12	3.65	4.39	5.54	7.22	
43	1.94	1.99	2.09	2.28	2.57	3.00	3.59	4.52	5.86	
44	1.58	1.61	1.69	1.84	2.06	2.40	2.86	3.58	4.64	
45	1.24	1.26	1.32	1.43	1.59	1.84	2.20	2.73	3.54	4.
46	.91	.92	.97	1.05	1.15	1.32	1.60	1.96	2.54	3.
47	.59	.60	.63	.68	.74	.85	1.03	1.25	1.62	2.
48	.29	.29	.31	.33	.36	.41	.50	.60	.78	1.

The Laws of Zambia

TABLE C

The single payment which will secure a yearly pension of 1, payable by monthly instalments.

Age of husband last birthday	Age of wife last birthday									
	20	25	30	35	40	45	50	55	60	65
20	.70	.64	.57	.50	.43					
21	.74	.67	.60	.52	.45					
22	.78	.71	.63	.55	.47					
23	.82	.75	.67	.58	.50					
24	.87	.80	.71	.62	.53					
25	.92	.85	.76	.66	.57	.47				
26	.98	.90	.81	.70	.61	.50				
27	1.04	.96	.86	.75	.65	.53				
28	1.10	1.02	.92	.80	.69	.57				
29	1.17	1.08	.98	.85	.73	.61				
30	1.24	1.15	1.04	.91	.78	.65	.53			
31	1.31	1.22	1.11	.97	.83	.69	.57			
32	1.39	1.30	1.18	1.04	.89	.74	.61			
33	1.47	1.38	1.26	1.11	.95	.80	.65			
34	1.56	1.47	1.35	1.19	1.02	.86	.70			
35	1.66	1.57	1.44	1.28	1.10	.93	.75	.59		
36	1.76	1.67	1.54	1.37	1.18	1.00	.81	.64		
37	1.87	1.78	1.64	1.47	1.27	1.08	.88	.69		
38	1.98	1.89	1.75	1.57	1.37	1.16	.95	.75		
39	2.09	2.01	1.87	1.68	1.47	1.25	1.03	.81		
40	2.21	2.13	1.99	1.80	1.58	1.35	1.11	.88	.67	
41	2.33	2.26	2.12	1.92	1.70	1.45	1.20	.95	.72	
42	2.45	2.39	2.25	2.05	1.83	1.56	1.29	1.03	.78	
43	2.58	2.53	2.39	2.19	1.96	1.68	1.39	1.11	.85	
44	2.72	2.67	2.53	2.33	2.09	1.80	1.50	1.20	.92	
45	2.86	2.82	2.68	2.48	2.23	1.93	1.61	1.30	1.00	.
46	3.00	2.97	2.84	2.64	2.38	2.07	1.73	1.40	1.08	.
47	3.15	3.13	3.00	2.80	2.53	2.22	1.86	1.51	1.16	.
48	3.30	3.29	3.16	2.97	2.69	2.37	2.00	1.63	1.25	.
49	3.45	3.46	3.33	3.14	2.86	2.53	2.14	1.75	1.35	1.
50	3.61	3.63	3.51	3.32	3.04	2.69	2.29	1.87	1.45	1.
51	3.76	3.80	3.69	3.50	3.22	2.86	2.45	2.00	1.56	1.
52	3.92	3.98	3.87	3.68	3.40	3.03	2.61	2.14	1.67	1.
53	4.08	4.16	4.06	3.87	3.59	3.21	2.78	2.28	1.79	1.
54	4.24	4.34	4.25	4.07	3.78	3.40	2.95	2.43	1.91	1.

(No. 50 of 1964)

The Laws of Zambia

\*SECOND SCHEDULE

\* This Schedule is deemed to have come into force on 1st April, 1960. (See Act No. 50 of 1964.)

(Section 18)

*Instructions for the Use of the Pension Tables*

NOTE (1). The registered pension in respect of every married or widowed officer who ceased to contribute before 1st April, 1960, shall continue to be computed on the tables and instructions in force on 31st March, 1960.

NOTE (2). The pension as at 1st April, 1960 ("the original pension") computed on the tables and instructions in force on 31st March, 1960, and registered in respect of each married or widowed officer who began to contribute before, and was still contributing on, 1st April, 1960, shall be recomputed as follows:

- (i) The original pension shall be divided into two parts-
  - (a) the part purchased by contributions which fell due on or before 31st March, 1960; and
  - (b) the part to be purchased by contributions falling due on or after 1st April, 1960.
- (ii) Part (b) shall be recomputed by applying to Table B in the First Schedule the amount of the annual contribution as at 1st April, 1960.
- (iii) The registered pension at 1st April, 1960, shall be obtained by adding the recomputed Part (b) to Part (a), except that if Part (b) before recomputation is greater than the original pension, the recomputed pension shall be equal to the recomputed Part (b). (For examples see Part G.)

NOTE (3). The tables and instructions in the First Schedule shall apply-

- (i) to all pensions registered in respect of officers who began to contribute on or after 1st April, 1960;
- (ii) to all pensions registered in respect of officers who were contributing on 1st April, 1960, for the purpose of computing variations when their rates of contribution rise or fall on or after that date;
- (iii) to all pensions registered on marriage in respect of bachelors who marry on or after 1st April, 1960, in relation to contributions paid both before and after marriage; and
- (iv) to all pensions registered in respect of widowers for the purpose of computing variations if they remarry on or after 1st April, 1960:

Provided that the tables in force on 31st March, 1960, shall continue to apply in the case of any officer who made a contribution between 1st April, 1960, and 1st August, 1964, if such application would be to the advantage of the beneficiaries.

A-CONTRIBUTOR WHO BEGAN TO CONTRIBUTE WHILE A BACHELOR

*I-First Wife's Prospective Pension*

The registered pension to be recorded on marriage is found by adding together the two amounts calculated in accordance with the following Rules:

If the contributor began to contribute on or after 1st July, 1936-apply Rule I (a) (1) and Rule I (b).

If the contributor began to contribute before 1st July, 1936-apply Rule I (a) (2) and Rule I (b).

(a) *Pension in consideration of the contributions paid during bachelorhood.*

Rule I (a) (1). For contributors who began to contribute on 1st July, 1936, or later, accumulate the contributions at 6 per centum compound interest with yearly rests at each 31st December, and multiply the result by the quantity found from Table A corresponding to the respective ages last birthday of the husband and wife at the date of marriage.

The product gives the registered pension on account of the contributions paid during bachelorhood.

Rule I (a) (2). For contributors who began to contribute prior to 1st July, 1936, accumulate the contributions at 8 per centum compound interest with yearly rests at each 31st December up to 31st December, 1935. Add simple interest at 8 per centum per annum up to 30th June, 1936. Add simple interest at 6 per centum per annum on the accumulated contributions thus obtained to 31st December, 1936. Accumulate thereafter at 6 per centum compound interest with yearly

\*This Schedule is deemed to have come into force on 1st April, 1960. (See Act No. 50 of 1964.)

The Laws of Zambia

rests at each 31st December, and multiply the result by the quantity found from Table A corresponding to the respective ages last birthday of the husband and wife at the date of marriage (as at Rule I (a) (1)).

The product gives the registered pension on account of the contribution paid during bachelorhood.

(b) *Pension in consideration of the annual contribution at the date of marriage.*

Rule I (b). Multiply the amount of the annual contribution by the quantity found from Table B corresponding to the respective ages last birthday of the husband and wife at the date of marriage.

The product gives the registered pension on account of the annual contribution at the date of marriage.

*Example:*

Officer born on-4th May, 1934.

Officer began to contribute on-1st January, 1958.

Officer married on-30th September, 1960.

Wife born on-5th September, 1937.

Officer' age last birthday at date of marriage-26.

Wife' age last birthday at date of marriage-23

Annual contribution:	K
1st January, 1958, to 31st December, 1958. . . . .	48.00
1st January, 1959, to 31st December, 1959. . . . .	48.00
1st January, 1960, to date of marriage. . . . .	60.00

Accumulation of contributions paid during bachelorhood:

RULE I (a) (1)	
Contributions from 1st January, 1958, to 31st December, 1958. . . . .	48.00
Contributions during 1959. . . . .	48.00
One year's interest at 6 per centum on K48. . . . .	<u>2.88</u>
	K98.88
Contributions from 1st January, 1960, to date of marriage. . . . .	45.00
Three-quarters year's interest at 6 per centum on K98.88. . . . .	<u>4.45</u>
Total accumulations. . . . .	<u>K148.33</u>

Quantity found from Table A:

Husband aged 26 last birthday

Wife aged 23 last birthday } 1.075\*(7)

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Then the registered pension in consideration of contributions paid during bachelorhood = K148.33 x 1.075 = K159.46.

The Laws of Zambia

RULE I (b)

Annual contribution current at date of marriage = K60.

Quantity found from Table B:

Husband aged 26 last birthday  
 Wife aged 23 last birthday } 13.40\*\*(8)\*

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Then the registered pension in consideration of annual contribution at marriage = K60 x 13.40 = K804.

Total registered pension recorded on marriage of the bachelor-	K
By Rule I (a) (1).....	159.46
By Rule I (b).....	<u>804.00</u>

K963.46

(c) Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is married to his first wife.

Rule I (c). Multiply the amount of the increment to, or the decrement from, the annual contribution by the quantity found from Table B corresponding to the respective ages last birthday of the husband and wife at the date of the variation of the contribution.

\* See F which gives the method of calculation of quantities not immediately available from the tables.

The product gives the amount to be added to the registered pension consequent on the increment to the annual contribution, or, as the case may be, the amount to be deducted from the registered pension consequent on the decrement from the annual contribution.

The cessation of the contribution from any cause except death before the completion of the full period of contribution must be regarded as a decrement from the annual contribution equal to the amount of such annual contribution.

*Example:*

Assume particulars as in example subjoined to Rules I (a) (1) and I (b).

Annual contribution increased on 1st June, 1962, from K60 to K72.

Annual contribution ceased on 15th May, 1963.

1st June, 1962, increment to annual contribution-K12.

Quantity found from Table B:

Husband aged 28 last birthday  
 Wife aged 24 last birthday } 11.54\*(9)

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Then amount to be added to registered pension-K12 x 11.54 = K138.48.

	K
Registered pension a date of marriage.....	963.46
Ada registered pension purchased by increment of K12.....	<u>138.48</u>

Registered pension at 1st June, 1962 K1,101.94

15th May, 1963, decrement from annual contribution due to cessation of payment of contribution-K72.

Quantity found from Table B:

Husband aged 29 last birthday  
 Wife aged 25 last birthday } 10.75\*(10)

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Amount to be deducted from registered pension-K72 x 10.75 = K774.

	K
Registered pension at 1st June, 1962.....	1,101.94
Deduct registered pension due to cessation of contribution of K72.....	<u>774.00</u>

Registered pension at 15th May, 1963. K327.94

*II-Second and Subsequent Wife's Prospective Pension*

## The Laws of Zambia

(a) *Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is a widower.*

Rule II (a). Assume that the contributor is married to a wife of the age that his last preceding wife would have been had she survived to the date of the variation of the contribution, and proceed in accordance with Rule I (c).

Example of the application of Rule II (a):

If the particulars are as in the example subjoined to Rule I (c) except that the first wife, who was born on 5th September, 1937, died on 7th June, 1961, it will be assumed that the contributor was, at the date of each of the two variations of the contribution, married to a wife who was born on 5th September, 1937. The calculations will then be identical with those given in the sample subjoined to Rule I (c).

(b) *Variations of pension consequent on the remarriage of the contributor.*

If the second or subsequent wife was, at the date of the remarriage, of the same age last birthday as the last preceding wife would have been had she survived, the registered pension remains the same.

Rule II (b). If the second or subsequent wife is younger or older than the last preceding wife would have been had she survived, multiply the amount of the registered pension by the quantity found from Table C corresponding to the age last birthday of the husband at the date of remarriage, and the age last birthday which the last preceding wife would have attained had she survived to that date; multiply the product so obtained by the quantity found from Table A corresponding to the respective ages last birthday of the husband and of the second or subsequent wife at the date of the remarriage.

The result gives the registered pension to be recorded on the remarriage of the contributor.

\* See F which gives the method of calculation of quantities not immediately available from the tables.

*Example:*

Assume particulars as in the example subjoined to Rule I (c).

First wife died on 7th June, 1961.

Contributor remarried on 11th September, 1962.

Contributor's age last birthday at date of remarriage-28.

Second wife born on 30th April, 1941.

Second wife's age last birthday at date of remarriage-21.

Age last birthday which the first wife would have attained had she survived to the date of the remarriage-25.

11th September, 1962-the second wife being younger than the first wife would have been had she survived, the registered pension of K1,101.94 (see example subjoined to Rule I (c)) has to be recalculated.

Quantity found from Table C:

Husband aged 28 last birthday

First wife aged 25 last birthday }  $1.02*(11)$

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Quantity found from Table A:

Husband aged 28 last birthday

Second wife aged 21 last birthday }  $.923*(12)$

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Registered pension at 11th September, 1962 = K1,101.94 x 1.02 x .923 = K1,037.43.

(c) *Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is married to his second or subsequent wife.*

Rule II (c). Proceed as in Rule I (c).

## B-CONTRIBUTOR WHO BEGAN TO CONTRIBUTE WHILE MARRIED

### *III-First Wife's Prospective Pension*

## The Laws of Zambia

Where an officer began to contribute while married, the wife at the date of commencement of contributions is to be considered as the officer's first wife, and no particulars are to be recorded respecting any former wife unless there was issue of pensionable age of such former wife (see C, Rule V).

(a) *Pension in consideration of the annual contribution at the date of commencement of contributions.*

Rule III (a). Multiply the amount of the annual contribution by the quantity found from Table B corresponding to the respective ages last birthday of the husband and wife at the date of commencement of contributions.

The product gives the registered pension on account of the annual contribution at the date of commencement of contributions.

*Example:*

Officer born on-2nd May, 1933.

Officer married on-15th April, 1953.

Officer began to contribute on-1st October, 1960.

Annual contribution on 1st October, 1960-K72.

Wife born on-4th February, 1935.

Officer's age last birthday on 1st October, 1960-27.

Wife's age last birthday on 1st October, 1960-25.

Quantity found from Table B:

Husband aged 27 last birthday

Wife aged 25 last birthday } 12.73

Registered pension in consideration of annual contribution at commencement of contributions = K72 x 12.73 = K916.56.

(b) *Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is married to his first wife.*

Rule III (b). Proceed as in Rule I (c).

### *IV-Second and Subsequent Wife's Prospective Pension*

(a) *Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is a widower.*

Rule IV (a). Proceed as in Rule II (a).

\*See F which gives the method of calculation of quantities not immediately available from the tables.

(b) *Variations of pension consequent on the remarriage of the contributor.*

Rule IV (b). Proceed as in Rule II (b).

(c) *Variations of pension consequent on increments to, and decrements from, the annual contribution while the contributor is married to his second or subsequent wife.*

Rule IV (c). Proceed as in Rule I (c).

## C-CONTRIBUTOR WHO BEGAN TO CONTRIBUTE WHILE A WIDOWER

### *V-Prospective Pension to Children by his First Marriage*

So long as a contributor's children by his first marriage are eligible for pension, a pension must be registered on their behalf. If there are no such children, the widower should be treated as if he were a bachelor.

Rule V. For the purpose of calculating the registered pension of the children, assume that the deceased wife lived until the date of commencement of contributions and died immediately afterwards, and proceed in accordance with Rules III (a) and IV (a).

### *VI-Second and Subsequent Wife's Prospective Pension*



## The Laws of Zambia

Rule VI. For the purpose of calculating the registered pension of the wife assume that the deceased wife survived to the date of commencement of contributions and died immediately afterwards; then proceed in accordance with rules applicable to the case of officers who began to contribute while married (*see B*).

### D-CONTRIBUTOR WITH TWO OR MORE BENEFICIARIES

Rule VII. Where there are children eligible for pension by two or more deceased wives, or where there is a wife and also children eligible for pension by one or more previous marriages, the pension of each beneficiary as found by the above rules must be divided by the total number of the beneficiaries then existing in order to find the registered pension of that beneficiary.

### E-TREATMENT OF VOLUNTARY LUMP-SUM CONTRIBUTIONS

Rule VIII (a). If the contributor is a bachelor or a widower without children of pensionable age, the lump-sum contribution should be accumulated as from the date of payment and treated in accordance with Rule I (a) (1) or (2).

Rule VIII (b). If the contributor is married or a widower with children of a pensionable age, the amount of the lump-sum contribution should be multiplied by the quantity found from Table A corresponding to the respective ages last birthday of the husband and wife at the date of payment of the contribution. If the contributor is a widower assume that the deceased wife lived until the date of payment of the lump-sum contribution and died immediately afterwards.

### F-CALCULATION OF QUANTITIES (OR TABULAR RESULTS) FOR AGES NOT GIVEN IN THE TABLES

## The Laws of Zambia

The wife's age in the tables is given at quinquennial intervals only. Ages of husbands and wives younger than the youngest or older than the oldest in the tables are to be dealt with as if identical with the youngest and oldest respectively.

For the intermediate ages of wives, interpolate by exact fifths.

### *Examples:*

To find the quantity in Table A corresponding to the ages of a husband and wife aged respectively 28 and 26 last birthday.

The quantity for ages 28 and 25 given in Table A is .980.

The quantity for ages 28 and 30 given in Table A is 1.087.

The addition of five years to the age of the wife results, therefore, in an addition of .107 to the quantity given in the table for ages 28 and 25.

An addition of one year to the age of the wife accordingly results by proportion, in an addition of one-fifth of .107 to the quantity given in the table for ages 28 and 25.

One-fifth of .107=.021. This figure added to .980 gives 1.001. 1.001 is, therefore, the required quantity corresponding to ages 28 and 26.

Similarly the quantity found from Table B corresponding to the ages of a husband and wife aged respectively 30 and 27 last birthday is two-fifths of 1.05 added to 9.85, which gives 10.27.

In the case of Table C, it must be noted that an addition to the age of the wife results in a deduction from the quantity given in the table.

To find the quantity in Table C corresponding to the ages of a husband and wife aged respectively 35 and 33 last birthday.

The quantity for ages 35 and 30 given in Table C is 1.44.

The quantity for ages 35 and 35 given in Table C is 1.28.

The addition of five years to the age of the wife results, therefore, in a deduction of .16 from the quantity given in the table for ages 35 and 30.

An addition of three years to the age of the wife accordingly results by proportion, in a deduction of three-fifths of .16 from the quantity given in the table for ages 35 and 30.

Three-fifths of .16=.10. This figure deducted from 1.44 leaves 1.34. 1.34 is, therefore, the required quantity corresponding to ages 35 and 33.

G-RECOMPUTATION OF PENSION REGISTERED IN RESPECT OF A MARRIED OR WIDOWED CONTRIBUTOR AT  
1ST APRIL, 1960

The Laws of Zambia

*Example (1):*

Officer born on-9th February, 1937.  
Wife born on-12th September, 1939.  
Annual contribution as at 31st March, 1960-K84.  
Registered pension as at 31st March, 1960-K1,193.63  
Quantity found from Table B in force on 31st March, 1960:  
Husband aged 23 last birthday  
Wife aged 20 last birthday } 13.34

Therefore the part of the registered pension to be purchased by contributions falling due on or after 1st April, 1960, Part (b) is  $K84 \times 13.34$ , i.e. K1,120.56.

Therefore the part of the registered pension purchased by contributions which fell due on or before 31st March, 1960, Part (a), is K1,193.63 minus K1,120.56, i.e. K73.08.

Quantity found from Table B:  
Husband aged 23 last birthday  
Wife aged 20 last birthday } 16.05

Therefore the amount of registered pension to be purchased by contributions falling due on or after 1st April, 1960, Part (b), as recomputed according to the tables in the First Schedule, is  $K84 \times 16.05$ , i.e. K1,348.20.

Part (b) as recomputed (K1,348.20) is to be added to Part (a). The recomputed registered pension is therefore K1,348.20, plus K73.08, i.e. K1,421.28.

*Example (2):*

Officer born on-1st July, 1935.  
Wife born on-1st February, 1939.  
Officer began to contribute on-1st January, 1960.  
Annual contribution as at 31st March, 1960-K60.  
Registered pension as at 31st March, 1960-K750.  
Quantity found from Table B in force on 31st March, 1960:  
Husband aged 24 last birthday  
Wife aged 21 last birthday } 12.65\*(13)

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Therefore the part of the registered pension to be purchased by contributions falling due on or after 1st April, 1960, Part (b), is  $K60 \times 12.65$ , i.e. K759.

Part (b) before recomputation is therefore greater than the registered pension, and the recomputed registered pension is therefore equal to the recomputed Part (b).

Quantity found from Table B in force on 1st April, 1960:  
Husband aged 24 last birthday  
Wife aged 21 last birthday } 15.17\*(14)

\* See F which gives the method of calculation of quantities not immediately available from the tables.

Therefore the amount of registered pension to be purchased by contributions falling due on or after 1st April, 1960, Part (b), as recomputed according to the tables in the First Schedule, is  $K60 \times 15.17$ , i.e. K910.20.

Therefore the recomputed registered pension is K910.20.

(No. 50 of 1964)

\* See F which gives the method of calculation of quantities not immediately available from the tables.

THIRD SCHEDULE

(Sections 11 and 37)

The Laws of Zambia  
COMMUTATION TABLE

Capital value of an annual contribution of 1 payable monthly to the anniversary of the date on which a contributor began to contribute falling on or after his 49th birthday

<i>Capital Number of Years</i>	<i>value of 1 a Year</i>	<i>Capital Number of Years</i>	<i>value of 1 a Year</i>	<i>Capital Number of Years</i>	<i>value of 1 a Year</i>	<i>Capital Number of Years</i>	<i>value of 1 a Year</i>
S	.25	6G	5.40	12K	8.97	19S	11.46
G	.49	6K	5.56	13S	9.09	19S	11.54
K	.73	7S	5.73	13S	9.21	19G	11.62
1S	.97	7S	5.90	13G	9.32	19K	11.70
1S	1.21	7G	6.06	13K	9.44	20S	11.78
1G	1.43	7K	6.22	14S	9.55	20S	11.86
1K	1.66	8S	6.38	14S	9.66	20G	11.94
2S	1.88	8S	6.54	14G	9.77	20K	12.01
2S	2.10	8G	6.69	14K	9.87	21S	12.08
2G	2.32	8K	6.84	15S	9.98	21S	12.16
2K	2.53	9S	6.99	15S	10.08	21G	12.23
3S	2.75	9S	7.14	15G	10.18	21K	12.30
3S	2.96	9G	7.28	15K	10.28	22S	12.37
3G	3.16	9K	7.42	16S	10.38	22S	12.44
3K	3.36	10S	7.56	16S	10.48	22G	12.51
4S	3.56	10S	7.70	16G	10.57	22K	12.57
4S	3.76	10G	7.83	16S	10.67	23S	12.64
4G	3.95	10K	7.97	17S	10.76	23S	12.71
4K	4.14	11S	8.10	17S	10.85	23G	12.77
5S	4.33	11S	8.23	17G	10.94	23K	12.83
5S	4.51	11G	8.36	17K	11.03	24S	12.89
5G	4.69	11K	8.49	18S	11.12	24S	12.95
5K	4.87	12S	8.61	18S	11.21	24G	13.01
6S	5.05	12S	8.73	18G	11.29	24K	13.07
6S	5.23	12G	8.85	18K	11.38	25S	13.13

(No. 43 of 1969)

FOURTH SCHEDULE

(Section 11 and 37)

INSTRUCTIONS FOR THE USE OF THE COMMUTATION TABLE

The Laws of Zambia

1. The amount payable by a contributor who elects to pay his future contributions in a lump sum in accordance with the provisions of subsection (3) of section *eleven* of the Act is the annual contribution payable at the deemed date of election multiplied by the factor in the table appropriate to the period for which he is liable to contribute, such period to be calculated to the nearest quarter of the year.

*Examples:*

- (a) Officer born on. . . . . 4th May, 1932.  
 Officer began to contribute on. . . . . 1st January, 1958.  
 Annual rate of contribution at date of election. . . . . K230.  
 Deemed date of election. . . . . 1st July, 1968.  
 Anniversary of date officer began to contribute. . . . .  
 falling on or after his 49th birthday. . . . . 1st January, 1982.  
 Therefore period for which officer is liable to . . . . .  
 continue to contribute to nearest quarter=. . . . . 13G years;  
 therefore appropriate factor=. . . . . 9.32;  
 therefore capital payment=. . . . .  $K230 \times 9.32 = K2,143.60$ .
- (b) Officer born on. . . . . 3rd February, 1923.  
 Officer began to contribute on. . . . . 18th March, 1956.  
 Officer's annual rate of contribution (having previously elected to pay contributions assessed on the amount of his pension in accordance with the provisions of section *thirty-nine* of the Act). . . . . K60.  
 Deemed date of election. . . . . 1st May, 1968.  
 Anniversary of date officer began to contribute  
 falling on or after his 49th birthday. . . . . 18th March, 1972.  
 Therefore period for which officer is liable to  
 continue to contribute to nearest quarter year=. . . . . 3K years;  
 therefore appropriate factor=. . . . . 3.36;  
 therefore capital payment=. . . . .  $K60 \times 3.36 = K201.60$ .

2. The refund payable in respect of a contributor who has made an election in accordance with the provisions of subsection (3) of section *eleven* of the Act and who dies or ceases to be eligible to contribute in the circumstances set out in section *thirty-seven* of the Act is obtained by multiplying the annual rate of contribution at the deemed date of election by the factor in the table appropriate to the period between the date of his death or his ceasing to be eligible to contribute and the anniversary of the date of his commencing to contribute falling on or after the date on which he reaches or would have reached the age of 49 years, calculated to the nearest quarter of a year.

*Examples:*

- (a) Officer born on. . . . . 7th August, 1927.  
 Officer began to contribute on. . . . . 1st January, 1954.  
 Annual rate of contribution at deemed date of  
 election. . . . . K200.  
 Officer died on. . . . . 1st November, 1967.  
 Anniversary of date officer began to contribute  
 falling after what would have been his 49th birthday. . . . . 1st January, 1977.  
 Therefore period in respect of which contributions  
 were overpaid to nearest quarter of a year=. . . . . 9S years;  
 therefore appropriate factor=. . . . . 7.14;  
 therefore refund=. . . . .  $K200 \times 7.14 = K1,428.00$ .
- (b) Officer born on. . . . . 22nd June, 1920.  
 Officer began to contribute on. . . . . 5th September, 1952.  
 Annual rate of contribution (limited in accordance  
 with section *thirty-nine* of the Act). . . . . K120.  
 Officer ceased to be eligible to contribute (e.g.  
 widower with no children under the age of 21) on. . . . . 3rd April, 1968.  
 Anniversary of date officer began to contribute  
 falling on or after his 49th birthday. . . . . 5th September, 1969.  
 Therefore period in respect of which contributions  
 were overpaid to the nearest quarter of a year=. . . . . 1G years;  
 therefore appropriate factor=. . . . . 1.43;  
 therefore refund=. . . . .  $K120 \times 1.43 = K171.60$ .

NOTE.-The nearest quarter of a year is obtained by calculating the number of days in excess of complete twelve months' periods and-

- any period in excess of 318 days shall count as a year;
- any period in excess of 227 but not exceeding 318 days shall count as three-quarters of a year;

The Laws of Zambia

## Endnotes

### **1 (Popup - Popup)**

(1) The words "twenty-one years" were substituted for the words "eighteen years" in the case of males by Act No. 1 of 1946, with effect from 8th May, 1942, provided that where, before 1st January, 1944, by reason of the attainment of the age of eighteen years by a child of a deceased contributor, a pension payable to any other person from the funds of the Governments has been increased, this increase shall cease to be payable on the date aforesaid and not earlier. (2) For the avoidance of doubts it was declared that where any child of a deceased contributor shall have attained the age of eighteen years on or before 7th May, 1942, the pension thereupon ceasing to be payable to such child shall not become again payable by reason of the alteration in the definition effected by Act No. 1 of 1946.

### **2 (Popup - Popup)**

This section is deemed to have come into force on 1st January, 1951, (See Act No. 32 of 1955.)

### **3 (Popup - Popup)**

This subsection is deemed to have come into force on 1st January, 1951. (See Act No. 32 of 1955.)

### **4 (Popup - Popup)**

This subsection is deemed to have come into force on 1st January, 1944. (See Act No. 45 of 1951.)

### **5 (Popup - Popup)**

Posts in the British East African Meteorological Service shall not be posts in the service of the Governments. (G.N. No. 119 of 1934.)

### **6 (Popup - Popup)**

This Schedule is deemed to have come into force on 1st April, 1960. (See Act No. 50 of 1964.)

### **7 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.

### **8 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.

### **9 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.

### **10 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.

### **11 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.

### **12 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.

### **13 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.

### **14 (Popup - Popup)**

See F which gives the method of calculation of quantities not immediately available from the tables.