GOVERNMENT OF ZAMBIA

ACT

No. 15 of 1986

Date of Assent: 11th September, 1986

An Act to amend the Civil Service (Local Conditions) Pensions Act

[19th September, 1986

ENACTED by the Parliament of Zambia. Enactment

1. (1) This Act may be cited as the Civil Service (Local Conditions) Pensions (Amendment) (No. 2) Act, 1986, and shall be read as one with the Civil Service (Local Conditions) Pensions Act, hereinafter referred to as the principal Act. Short title and commencement. Cap. 410

(2) This Act shall be deemed to have come into operation on the 21st April, 1986

(3) The amendments to the principal Act introduced by the Civil Service (Local Conditions) (Amendment) Act, 1986, shall be deemed to have come into effect on 21st April, 1986. Act No. 11 of 1986

(4) Notwithstanding the provisions of subsections (2) and (3), where a person has voluntarily retired between the 1st January, 1986, and the 21st April, 1986, his benefits shall be calculated, with effect from the date of his retirement, according to the revised rates introduced by the said Civil Service (Local Conditions) Pensions (Amendment) Act, 1986, and this Act. Act No. 11 of 1986

2. Section *two* of the principal Act is amended in subsection (1) by— Amendment of section 2

(*a*) the inclusion of the following:

"Board" means the Civil Service (Local Conditions) Pensions Fund Board established under section *seven*; and

(*b*) the deletion in the definition of "child" of "a male officer" and the substitution therefor of "an officer".

Single copies of this Act may be obtained from the Government Printer, P.O. Box 30136, Lusaka. Price 20n.

Amendment of section 6

3. Section *six* of the principal Act is amended in subsection (2) by the deletion of "Permanent Secretary, Ministry of Finance" and the substitution therefor of "Permanent Secretary, (Personnel)".

Amendment of section 8

4. Section *eight* of the principal Act is amended in subsection (3) by the deletion in—

(*a*) paragraph (*a*) of "fifty" and the substitution therefor of "forty-five";

(*b*) paragraph (*b*) of "forty-five" and the substitution therefor of "forty".

Amendment of section 10

5. Section *ten* of the principal Act is amended in subsections (3) and (4) by the deletion of "Permanent Secretary, Ministry of Finance" and the substitution therefor of "Board".

Amendment of section 18

6. Section *eighteen* of the principal Act is amended in subsection (1) by the deletion of "his post to facilitate" and the substitution therefor of "his post or to facilitate".

Amendment of section 47

7. Section *forty-seven* of the principal Act is amended by the repeal of subsections (1) and (2) and the substitution therefor of the following subsections:

(1) Subject to the provisions of Part XI, a gratuity shall be payable in respect of an officer in Division I, II or III who dies, and whose death, in the opinion of the appropriate Commission, was not caused by any wrongful act or ommission on the part of such officer in discharging his official duties.

(2) A gratuity payable under this section shall be equal to the officer's annual pensionable emoluments at the date of his death and shall be paid as follows:

(*a*) where there remains a spouse but no children, to the spouse;

(*b*) where there remain any children of the deceased whether or not there also remains a spouse to such persons and in such proportion as the appropriate Commission shall determine; or

(*c*) where there is no spouse or child remaining, to the estate of the deceased.

Amendment of section 48

8. Section *forty-eight* of the principal Act is amended—

(*a*) in subsection (1) by the deletion of:

C=the number of complete months remaining from the date of the officer's death to the sixtieth anniversary of his birth. ;

and the substitution therefor of:

C=the number of complete months remaining from the date of the officer's death to his pensionable age.; and

(*b*) in subsection (3) by the deletion of:

C=the number of complete months remaining from the date of his death to the sixtieth anniversary of his birth;

and the substitution therefor of:

C=the number of complete months remaining from the date of his death to his pensionable age;.

Amendment of section 58

9. Section *fifty-eight* of the principal Act is amended—

(*a*) in subsections (1), (2), (3) and (4) by the deletion of "Permanent Secretary, Ministry of Finance" and the substitution therefor of "Board"; and

(*b*) in subsections (1), (2) and (3) by the deletion of "that Permanent Secretary" and the substitution therefor of "the Board".

Amendment of section 59

10. Section *fifty-nine* of the principal Act is amended in subsection (1) by the deletion of "Permanent Secretary, Ministry of Finance" and the substitution therefor of "Board".

Amendment of section 66

11. Section *sixty-six* of the principal Act is amended—

(*a*) by the repeal of subsection (1) and the substitution therefor of the following subsection:

(1) An officer who is entitled to a pension may elect before the payment of pension commences, to receive in lieu of either one-third or two-thirds of that pension, a gratuity calculated by multiplying the amount of pension to be commuted by the factor obtained from the Fourth Schedule appropriate to the officer's age on his last day of pensionable service or total service as the case may be:

Provided that if the portion of the pension not so commuted is less than K50, the Board may commute the whole pension.; and

(*b*) in subsection (2) by the deletion of "Permanent Secretary, Ministry of Finance" and the substitution therefor of "Board".

Amendment of Fourth Schedule

12. The principal Act is amended in the Fourth Schedule by the deletion of:

Single cash payment in commutation of pension of K2 (two kwacha) per annum.

and the substitution therefor of:

Single cash payment in commutation of pension of K1 (one kwacha) per annum.