

GOVERNMENT OF ZAMBIA

ACT

No. 9 of 1989

Date of Assent: 14th May, 1989

An Act to provide for the payment of terminal gratuities to holders of certain specified offices upon their ceasing to hold office; to repeal and replace the Specified Offices (Terminal Gratuities) Act, 1988; and to provide for other matters connected with or incidental to the foregoing.

[19th May, 1989

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Specified Offices (Terminal Gratuities) Act, 1989.

Short title
and com-
mencement

(2) This Act shall be deemed to have come into force on the 1st day of February, 1988.

2. In this Act, unless the context otherwise requires—

Interpre-
tion

“earnings” means salary together with special allowance (if any);

“full parliamentary term” in relation to a person who has served as a member of the National Assembly, means the period commencing with his election at a general election as an elected member of the National Assembly, or as the case may be, his appointment as a nominated member of the National Assembly immediately after a general election, and ending with the next dissolution of Parliament;

“specified office” means an office specified in the Schedule;

“terminal gratuity” means terminal gratuity payable under this Act.

Payment of terminal gratuity to holders of certain specified offices

3. (1) After the commencement of this Act, any person who has held one or more specified offices shall, upon his ceasing to hold such office, be entitled to be paid in a lump sum, a terminal gratuity equal to five times the highest earnings of any specified office which has been held by him.

(2) Terminal gratuity is in addition to any other gratuity or other benefit payable under any written law in respect of the office to which the terminal gratuity relates.

(3) Where a person has been paid terminal gratuity, he shall not be paid another terminal gratuity notwithstanding that he has served for a further period in a specified office.

(4) Where a person who has held a specified office is, upon his ceasing to hold that office appointed, nominated or elected to another specified office, he shall, if he has, before ceasing to hold the first mentioned office held one or more specified offices for not less than the ten year period or the two full parliamentary terms referred to in section *four*, be entitled to be paid terminal gratuity based on the highest earnings of a specified office held by him before the expiry of the said period or terms notwithstanding that he continues to hold another specified office.

Minimum qualifying service

4. A person shall only be entitled to terminal gratuity if he has held one or more specified offices for a total period not less than ten years or if he has held office as a member of the National Assembly for not less than two full parliamentary terms consecutively:

Provided that a person shall be entitled to the payment of terminal gratuity if he has held any such office for a period not less than five years and—

- (a) dies; or
- (b) ceases to hold that office on grounds of ill health certified by a medical practitioner; or
- (c) ceases to hold that office by reason of his being appointed, nominated or elected to an office other than a specified office; or
- (d) ceases to hold that office and is not appointed, nominated or elected to any specified office or any other office.

Terminal gratuity to be a charge on general revenues of the Republic

5. Terminal gratuity shall be a charge on the general revenues of the Republic.