

GOVERNMENT OF ZAMBIA

ACT

No. 23 of 1982

Date of Assent: 20th August, 1982

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

[21st August, 1982

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Civil Service (Local Conditions) Pensions (Amendment) Act, 1982, and shall be read as one with the Civil Service (Local Conditions) Pensions Act, hereinafter referred to as the principal Act.

Short title
and
commence-
ment.
Cap. 410

(2) This Act shall be deemed to have come into operation on 1st December, 1980.

2. Section *two* of the principal Act is amended in sub-section (1)—

Amendment
of
section 2

(a) by the deletion of the definition of "appropriate authority" and the substitution therefor of the following definition:

"appropriate authority" in any case means the authority charged by the Constitution with the power to appoint, to exercise disciplinary control over and remove from office the person to whom that case relates;

Cap. 1

(b) by the deletion of the definition of "appropriate Commission" and the substitution therefor of the following definition:

"appropriate Commission" shall have the meaning assigned to that expression in clause (3) of Article 134 of the Constitution;

Cap. 1

(c) by the deletion in the definition of "dependant" of "Permanent Secretary (Establishments)" and the substitution therefor of "Permanent Secretary (Personnel)";

(d) by the deletion of the definition of “ in Division I, II, III or IV ” and the substitution therefor of the following definition:

“ in Division I, II or III ”, as the case may be, in relation to any person, means belonging to the appropriate Division of the three Divisions into which persons serving on local conditions are divided by the Permanent Secretary (Personnel);

(e) by the insertion in the appropriate place of the following new definition:

“ in Division IV ” refers to the appropriate Division of the four Divisions into which persons serving on local conditions were divided prior to 1st May, 1971;

(f) by the deletion in the definition of “ medical board ” of “ Permanent Secretary, Department of Health ” and the substitution therefor of “ Permanent Secretary, Ministry of Health ”;

(g) by the deletion in the definition of “ pensionable service ” of “ in Division IV ” wherever that term occurs and the substitution therefor of “ in Division III or IV ”;

(h) by the deletion of the definition of “ qualifying service ” and the substitution therefor of the following definition:

“ qualifying service ” means—

(a) in the case of a person whose service commenced before the 1st January, 1946, continuous service in Division III or IV; and

(b) in the case of a person whose service commenced after the 31st December, 1945, continuous service in Division III or IV after he attains the age of twenty years;

less any period of temporary suspension arising from misconduct and any period of leave without salary which was not granted on the grounds of public policy with the approval of the Permanent Secretary (Personnel);

3. Section six of the principal Act is amended—

(a) in subsection (2) by the deletion in paragraph (h) of “ Division IV ” and the substitution therefor of “ Division III ”; and

(b) in subsection (5) by the deletion in paragraph (b) of “ Division IV ” and the substitution therefor of “ Division III ”.

4. Section *eight* of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following subsection:

Amend-
ment of
section 8

(1) Subject to the other provisions of this section, an officer or probationer in Division I, II or III shall contribute at the rate of seven and one-quarter per centum of his pensionable emoluments.

5. Section *nine* of the principal Act is amended in subsections (2) and (3) by the deletion of "Permanent Secretary (Establishments)" wherever that term occurs and the substitution therefor of "Permanent Secretary (Personnel)".

Amendment
of
section 9

6. Section *eleven* of the principal Act is amended in subsection (1) by the deletion in paragraph (b) of "Assistant Superintendent" and the substitution therefor of "Chief Officer III".

Amendment
of
section 11

7. Section *thirteen* of the principal Act is amended in paragraph (a) of subsection (1), and in paragraph (a) of subsection (2), by the deletion of:

Amendment
of
section 13

$$KA + \frac{KA \times B}{50}$$

and the substitution therefor of:

$$KA + \frac{KA \times 19}{400}$$

8. Section *eighteen* of the principal Act is amended in subsection (1) by the deletion of:

Amendment
of
section 18

C= (i) in the case of a female officer whose service commenced prior to the commencement of the Civil Service (Local Conditions) Pensions (Amendment) Act, 1973, 660; and

Act No.
30 of 1973

(ii) in any other case, 720; and

and the substitution therefor of:

C= (i) in the case of a female officer whose service commenced prior to 14th September, 1973: 660; and

(ii) in the case of a male officer who opted to retain fifty-five years as his age of retirement and whose service commenced prior to the 1st December, 1980: 660; and

(iii) in any other case: 720; and

9. Section *nineteen* of the principal Act is amended in subsection (2) by the deletion of:

Amendment
of
section 19

C= (i) in the case of a female officer whose service commenced prior to the commencement of the Civil Service (Local Conditions) Pensions (Amendment) Act, 1973, 660; and

Act No. 30
of 1973

(ii) in any other case, 720; and

and the substitution therefor of:

C= (i) in the case of a female officer whose service commenced prior to 14th September, 1973: 660; and

(ii) in the case of a male officer who opted to retain fifty-five years as his age of retirement and whose service commenced prior to 1st December, 1980: 660; and

(iii) in any other case: 720; and

Amendment
of
section 20

10. Section *twenty* of the principal Act is amended by the deletion of:

Act No.
30 of 1973

C= (i) in the case of a female officer whose service commenced prior to the commencement of the Civil Service (Local Conditions) Pensions (Amendment) Act, 1973, 660; and

(ii) in any other case, 720.

and the substitution therefor of:

C= (i) in the case of a female officer whose service commenced prior to 14th September, 1973: 660; and

(ii) in the case of a male officer who opted to retain fifty-five years as his age of retirement and whose service commenced prior to 1st December, 1980: 660; and

(iii) in any other case: 720.

Amendment
of
section 26

11. Section *twenty-six* of the principal Act is amended in the marginal note and in subsections (1), (2), (3) and (4) by the deletion of " Division I or II " and the substitution therefor of " Division I, II or III ".

Amendment
of
section 27

12. Section *twenty-seven* of the principal Act is amended—

(a) in the marginal note by the deletion of " Division I or II " and the substitution therefor of " Division I, II or III "; and

(b) in subsection (1)—

(i) by the deletion of " Division I or II " and the substitution therefor of " Division I, II or III "; and

(ii) by the deletion of:

D= (i) in the case of a male officer, 720; and

(ii) in the case of a female officer, 660; and

and the substitution therefor of:

D= (i) in the case of a male officer who opted to retain fifty-five years as his age of retirement or in the case of a female officer whose service commenced prior to 1st December, 1980: 660; and

(ii) in any other case: 720; and

13. Section *twenty-eight* of the principal Act is amended—
- Amendment
of
section 28
- (a) in the marginal note and in subsection (1) by the deletion of “ Division I or II ” and the substitution therefor of “ Division I, II or III ”; and
- (b) in subsection (2) by the deletion of:
- D= (i) in the case of a male officer, 720; and
(ii) in the case of a female officer, 660; and
- and the substitution therefor of:
- D= (i) in the case of a male officer who opted to retain fifty-five years as his age of retirement or in the case of a female officer whose service commenced prior to 1st December, 1980: 660; and
(ii) in any other case: 720; and^h
14. Section *twenty-nine* of the principal Act is amended—
- Amendment
of
section 29
- (a) by the deletion of “ Division I or II ” (including the marginal note) and the substitution therefor of “ Division I, II or III ”; and
- (b) by the deletion in paragraph (b) of:
- D= (i) in the case of a male officer, 720; and
(ii) in the case of a female officer, 660.
- and the substitution therefor of:
- D= (i) in the case of a male officer who opted to retain fifty-five years as his age of retirement or in the case of a female officer whose service commenced prior to 1st December, 1980: 660; and
(ii) in any other case: 720.
15. Section *thirty* of the principal Act is amended in subsection (1) by the deletion of “ Division I or II ” and the substitution therefor of “ Division I, II or III ”.
- Amendment
of
section 30
16. Section *thirty-one* of the principal Act is amended—
- Amendment
of
section 31
- (a) in the marginal note and in subsection (1) by the deletion of “ Division I or II ” and the substitution therefor of “ Division I, II or III ”; and
- (b) in subsection (2) by the deletion of “ Permanent Secretary (Establishments) ” and the substitution therefor of “ Permanent Secretary (Personnel) ”.
17. Section *forty-five* of the principal Act is amended—
- Amendment
of
section 45
- (a) in subsection (1) by the deletion of “ Division I or II ” and the substitution therefor of “ Division I, II or III ”;

- (b) in subsection (2) by the deletion of "widow" wherever that word occurs and the substitution therefor of "spouse"; and
- (c) by the deletion of subsection (3).

Amendment
of
section 46

18. Section *forty-six* of the principal Act is amended—
- (a) in subsection (1) by the deletion of "Division I or II" and the substitution therefor of "Division I, II or III"; and
 - (b) by the repeal of subsections (2), (3) and (4) and the substitution therefor of the following subsection:
 - (2) A gratuity payable under subsection (1) shall be paid—
 - (i) where there remains a spouse but no children, to the spouse;
 - (ii) where there remain any children of the deceased whether or not there also remains a spouse, to such persons and in such proportions as the appropriate Commission may determine; or
 - (iii) where there is no spouse or child remaining, to the estate of the deceased.

Amendment
of
section 47

19. Section *forty-seven* of the principal Act is amended by the repeal of subsection (3) and the substitution therefor of the following subsection:
- (3) 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 in respect of an officer in Division I, II or III—
 - (i) where there remains a spouse but no children, to the spouse;
 - (ii) where there remain any children of the deceased whether or not there also remains a spouse, to such persons and in such proportions as the appropriate Commission may determine; or
 - (iii) where there is no spouse or child remaining, to the estate of the deceased.

Amendment
of
section 48

20. Section *forty-eight* of the principal Act is amended—
- (a) in the marginal note by the deletion of "widows" and the substitution therefor of "spouses"; and
 - (b) in subsections (1), (2), (3) and (4) by the deletion of—
 - (i) "Division I or II" and the substitution therefor of "Division I, II or III";
 - (ii) "widow" and the substitution therefor of "spouse";

(iii) "her husband" and the substitution therefor of "the spouse".

21. Section *forty-nine* of the principal Act is amended— Amendment of section 49
- (a) in subsection (1) by the deletion of "Division I or II" and the substitution therefor of "Division I, II or III";
 - (b) in subsections (2) and (3) by the deletion of "widow" wherever that word occurs and the substitution therefor of "spouse";
 - (c) in subsection (6) by the deletion in paragraphs (a) and (b)—
 - (i) of "father" and the substitution therefor of "parent"; and
 - (ii) of "stepfather" and the substitution therefor of "step-parent".
22. Section *fifty* of the principal Act is amended— Amendment of section 50
- (a) in subsection (1) by the deletion of "Division I or II" and the substitution therefor of "Division I, II or III"; and
 - (b) in subsections (2), (3) and (5) by the deletion of "widow" wherever that word occurs and the substitution therefor of "spouse".
23. Section *fifty-two* of the principal Act is amended in subsections (1), (2) and (3) by the deletion of "Permanent Secretary (Establishments)" wherever that term occurs and the substitution therefor of "Permanent Secretary (Personnel)". Amendment of section 52
24. Section *fifty-three* of the principal Act is amended in subsection (2) by the deletion of "Division I or II" and the substitution therefor of "Division I, II or III". Amendment of section 53
25. Section *fifty-five* of the principal Act is amended— Amendment of section 55
- (a) in the marginal note and in subsection (1) by the deletion of "Division I or II" and the substitution therefor of "Division I, II or III"; and
 - (b) in subsection (5) by the deletion—
 - (i) in paragraph (a) of "double" and the substitution therefor of "treble"; and
 - (ii) in paragraph (b) of "K20,000" and the substitution therefor of "K30,000".
26. Section *fifty-seven* of the principal Act is amended— Amendment of section 57
- (a) in subsection (1) by the deletion of "Permanent Secretary (Establishments)" and the substitution therefor of "Permanent Secretary (Personnel)";

(b) in subsection (2) by the deletion of "Permanent Secretary, Department of Health" and the substitution therefor of "Permanent Secretary, Ministry of Health"; and

(c) in subsection (3) by the deletion of "Permanent Secretary (Establishments)" and the substitution therefor of "Permanent Secretary (Personnel)".

Amendment
of
section 63

27. Section *sixty-three* of the principal Act is amended in subsection (1) by the deletion of "Permanent Secretary (Establishments)" and the substitution therefor of "Permanent Secretary (Personnel)".

Repeal of
sections 12,
21, 22,
23, 24, 32,
33, 34, 35,
36, 37, 38,
39, 43, 44,
54 and 56

28. The principal Act is amended by the repeal of sections *twelve, twenty-one, twenty-two, twenty-three, twenty-four, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-three, forty-four, fifty-four* and *fifty-six*.
