

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE AFRICAN EDUCATION ACT

CHAPTER 135 OF THE LAWS OF ZAMBIA

CHAPTER 135 THE AFRICAN EDUCATION ACT

THE AFRICAN EDUCATION ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 135

AFRICAN EDUCATION

An Act to create a Unified African Teaching Service; to establish a Teaching Service and a Teaching Service Commission; and to provide for matters incidental to or connected with the foregoing.

[15th January, 1952]

38 of 1951
51 of 1955
10 of 1958
11 of 1959
27 of 1960
*(1)29 of 1962
69 of 1965
28 of 1966
Government Notices
292 of 1964
497 of 1964
Statutory Instruments
9 of 1964
123 of 1965

*Act No. 29 of 1962 is deemed to have come into force on 1st November, 1961.

1. This Act may be cited as the African Education Act and shall be read as one with the Education Act.

Short title
Cap. 134

(As amended by No. 28 of 1966)

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

Interpretation

"Ministry" means the Ministry of Education;

"Secretary" means the Permanent Secretary, Ministry of Education.

(As amended by No. 51 of 1955, No. 10 of 1958,
No. 11 of 1959, No. 29 of 1962, G.N. No. 292 of 1964,
No. 69 of 1965 and No. 28 of 1966)

3. (1) There shall be created a Unified African Teaching Service to which shall belong-

Unified African
Teaching Service

- (a) all African teachers who are approved by the Secretary for appointment-
- (i) in local education authority schools and assisted schools;
 - (ii) at such schools or class of schools as may be exempted from all or any of the provisions of the Education Act under subsection (2) of section *three* of that Act; and
- (b) such other persons or classes of persons engaged in the supervision or administration of schools as the Secretary, with the approval of the Minister, may from time to time specify.

Cap. 134

(2) The Unified African Teaching Service shall be governed by regulations made in that behalf under the provisions of this Act:

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Provided that African teachers employed as such by the Government at the date of the introduction of such regulations shall be entitled, if they so desire, to retain their existing terms and conditions of service.

* Act No. 29 of 1962 is deemed to have come into force on 1st November, 1961.

(3) No person shall be permitted to join the Unified African Teaching Service as from the 1st November, 1962.

*(As amended by No. 51 of 1955, No. 10 of 1958,
No. 11 of 1959, No. 29 of 1962
and S.I. No. 123 of 1965)*

4. (1) There is hereby established a Teaching Service to which shall belong all persons who make application to join the said Service and are approved for entry to the said Service by the Secretary.

Teaching Service and
Teaching Service
Commission

(2) Any person who on the 1st November, 1961, was a member of the Unified African Teaching Service may make application to join the Teaching Service with effect from the 1st November, 1961.

(3) Any person who becomes a member of the Unified African Teaching Service after the 1st November, 1961, may make application to join the Teaching Service with effect from the date that he became such a member of the Unified African Teaching Service.

(4) No application to join the Teaching Service under the provisions of subsection (2) or (3) shall be made later than three months after the 16th October, 1962.

(5) The Secretary in his discretion may approve the entry to the Teaching Service of a person who makes application to join the said Service under the provisions of subsection (2) or (3) with effect from such date as is stated in the application of that person.

(6) The Teaching Service shall be governed by regulations made in that behalf under the provisions of this Act.

(7) There is hereby established a Teaching Service Commission which shall advise the Secretary as to the management of the Teaching Service, and which shall be constituted and regulate its procedure in such manner as may be prescribed.

(8) The Minister shall appoint a Regional Teaching Service Committee for each Region, which shall be constituted and regulate its procedure in such manner and carry out such functions as may be prescribed.

(9) The Secretary shall be responsible for co-ordination between the Government, the Teaching Service Commission and the Regional Teaching Service Committees in the control of the Teaching Service and the Unified African Teaching Service.

*(No. 29 of 1962 as amended by S.I. No. 123 of 1965
and No. 28 of 1966)*

5. (1) The Minister may, by statutory instrument, make regulations for all or any of the following purposes: Regulations

- (a) the composition of any board or committee to be constituted under this Act;
- (b) the functions, duties and the conduct of the proceedings of any board or committee constituted under this Act;
- (c) the establishment and control of a Unified African Teaching Service and the control of the Teaching Service and the conditions of service of the members thereof including the classification, discipline, termination of appointment and leave of, and the payment of pensions and gratuities to, such members;
- (d) the establishment of teacher training colleges and the appointment, qualifications, control and the conditions of service of the staffs thereof;
- (e) appeals against any refusal or revocation of registration or against any conditions imposed under regulations made under any of the preceding paragraphs;
- (f) generally to carry out the purposes of this Act and to prescribe anything required to be prescribed thereunder.

(2) Regulations made under the provisions of paragraphs (c) and (d) of subsection (1) and published in the *Gazette* before the 1st January, 1963, may be given retrospective effect to the 1st November, 1961.

(3) Whenever the Minister is satisfied that any regulation made under paragraph (c) or (d) of subsection (1) should have retrospective effect in order to confer a benefit upon, or remove a disability attaching to, any person, that regulation may, notwithstanding the provisions of subsection (2), be given retrospective effect for that purpose.

*(As amended by No. 11 of 1959, *(2)No 27 of 1960,
No. 29 of 1962, G.N. No. 292 of 1964,
S.I. No. 123 of 1965 and No. 28 of 1966)*

*This amendment is deemed to have had effect from 20th June, 1953. (See Act No. 27 of 1960.)

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AFRICAN EDUCATION

THE UNIFIED AFRICAN TEACHING SERVICE REGULATIONS

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PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Unified African Teaching Service Regulations, and shall be deemed to have come into force on the 1st July, 1953. Title and commencement
2. In these Regulations, unless the context otherwise requires— Interpretation
 - "class I employee" means an employee mentioned in Part I of the Schedule;
 - "class II employee" means an employee mentioned in Part II of the Schedule;
 - "class III employee" means an employee mentioned in Part III of the Schedule;

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"confirm" means to confirm a class I or class II employee in a permanent and pensionable appointment in the Service, and "confirmed" and "confirmation" shall be construed accordingly;

"discharge" means termination, by due notice, of the appointment of an employee on the ground of his inability to perform efficiently the duties of his post or on the ground of misconduct;

"dismissal" means the termination, without due notice, of the appointment of an employee on the ground of inefficiency, or on the ground of repeated or serious misconduct or of disobedience;

"due notice" means-

- (a) in the case of an employee employed on a monthly basis, one month's notice; and
- (b) in the case of an employee who has been confirmed, three months' notice, and shall not include any period of leave;

"employee" means a member of the Service;

"manager" means the person acting or appointed as the manager of a school;

"pensionable service" means service which may be taken into account in computing pension under these Regulations;

"probationer" means a class I or class II employee who has not been confirmed;

"qualifying service" means service which may be taken into account in determining whether an employee is eligible by length of service for pension, gratuity or other allowance;

"Regional Committee" means a Regional Teaching Service Committee established under the provisions of section *four* of the Act;

"salary", for the purpose of computing pension, shall not include any allowance or similar emolument whatsoever unless such is specifically approved by the President as pensionable;

"the Service" means the Unified African Teaching Service established under the provisions of subsection (1) of section *three* of the Act;

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"service", for the purpose of computation of leave, shall not include any other period of leave, whether vacation leave, sick leave or leave on urgent private affairs.

(As amended by No. 345 of 1957, No. 34 of 1961
and No. 314 of 1966)

PART II THE SERVICEPART II

THE SERVICE

3. The Secretary may from time to time specify the salary scales applicable to employees and the qualifications necessary for appointment and for promotion to the various grades. Salary scales and qualifications

(As amended by No. 34 of 1961 and No. 314 of 1966)

4. These Regulations shall apply to all employees other than those who have exercised the option, conferred by section *three* of the Act, to retain African Civil Service conditions of service. Application of Regulations

(As amended by No. 34 of 1961)

5. (1) Subject to the provisions of sub-regulation (2), a manager may appoint as a class III employee or as a probationer any African who has been approved by a Regional Committee for entry into the Service. Appointment of class III employees and probationers

(2) An appointment under sub-regulation (1) shall not be effective until it has been approved-

(a) in the case of the appointment of an African who is a native of Zambia, by the Regional Committee of the Region in which the school is situate; and

(b) in the case of the appointment of an African who is not a native of Zambia, by the Secretary;

and in either case approval of the appointment may be withheld without any reason being assigned therefor.

(3) A class III employee or a probationer shall be appointed on a monthly basis and upon approved appointment shall receive a letter of appointment.

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(4) A probationer shall normally serve as such for a period of not less than four years but the Secretary may, in his discretion and in any particular case, reduce or extend the period of probation.

*(As amended by No. 345 of 1957, No. 34 of 1961
and No. 314 of 1966)*

6. (1) Upon the completion of his probationary period a probationer may be confirmed in his appointment by the Secretary, and for this purpose the Secretary may require such reports as he may deem necessary from the manager of the school at which the probationer is serving and from the Regional Committee concerned.

Confirmation of
probationers

(2) It shall be the duty of Regional Committees and of managers to ensure that consideration is given to the confirmation of probationers at the appropriate time.

(3) If at any time during his probationary period it appears that a probationer is unlikely to merit confirmation, the manager of his school shall warn him in writing to that effect and such warning shall state the reasons why the probationer is unlikely to merit confirmation.

(4) The Secretary shall have power to terminate an employee's probationary appointment, without assigning any reason therefor, at any time during the probationary period.

(5) No probationer shall be confirmed until he has been medically examined and passed medically fit.

(6) If a probationer is found to be medically unfit he shall be discharged:

Provided that if, in the opinion of a medical practitioner, such probationer is likely to become medically fit for confirmation after medical treatment, his probationary period may be extended so as to allow such treatment to be undertaken.

(As amended by No. 34 of 1961 and No. 314 of 1966)

7. (1) The normal increments in the salary of an employee may be granted by the manager only after he is satisfied that such employee has performed his duties with diligence, efficiency and fidelity:

Increments

Provided that an increment of a manager of a school who is a member of the Service may only be granted by the proprietor of such school.

(2) Increments in salary are not granted as a matter of right.

(No. 34 of 1961)

8. (1) Promotion shall be by recognised qualifications and by merit and, in the case of limited establishments, subject to the existence of suitable vacancies. Promotion

(2) Promotions shall be made by the Secretary and in all cases other than the case of promotion of a manager, who is a member of the Service, the Secretary shall require to be satisfied by a certificate from the manager of the school at which the employee concerned is at the time serving that such employee is possessed of the necessary qualifications both of ability and character.

(3) Promotion of a manager of a school who is a member of the Service shall be made by the Secretary who shall require to be satisfied by a certificate from the proprietor of such school that such manager is possessed of the necessary qualifications both of ability and character.

(4) The Secretary may require any candidate for promotion to undergo such examination or test as he may consider necessary to prove that such candidate is properly qualified.

(5) The Secretary may prescribe such general examinations or tests for promotion bars as he may deem fit.

(6) Notwithstanding anything in these Regulations contained, the Secretary may in special cases approve the grant of accelerated promotion or the payment of a special salary to an employee.

(As amended by No. 345 of 1957 and No. 34 of 1961)

9. (1) No employee shall retire, resign or be discharged without due notice being given by or to him, as the case may be. Termination of appointment

(2) An employee may retire at any time after he has attained the age of fifty-five years or after completing thirty years' service, whichever is the earlier.

(3) The Secretary may require an employee to retire-

- (a) on the recommendation of a Regional Committee at any time after such employee has attained the age of fifty years or has completed twenty-five years' service, whichever is the earlier; or

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- (b) on grounds of infirmity of mind or body which is likely to be permanent, certified by a registered medical practitioner; or
- (c) because the abolition of the post of such employee or the reorganisation of the Service makes such retirement desirable in the interests of economy or efficiency.

(4) An employee who-

- (a) is required to retire under this regulation; or
- (b) retires or resigns after completing a tour of ten months;

shall be eligible for any leave due to him and, with the approval of the Regional Committee, journey leave and the transport privileges set forth in regulation 28:

Provided that-

- (i) such employee shall be entitled to free transport for himself to the place at which he was appointed to the Service and, if not granted leave, he shall be entitled to rations or a cash allowance in lieu thereof sufficient for the journey;
- (ii) the Secretary may in any particular case waive the giving of notice by such employee or the serving of a tour of ten months.

(5) An employee, on termination of his appointment otherwise than by dismissal, shall be entitled to a Certificate of Service.

(6) For the purposes of this regulation, "service" shall include all periods of continuous service in the Service, in the African Civil Service or as an aided employee in an assisted school, prior to the introduction of these Regulations.

*(As amended by No. 345 of 1957, No. 34 of 1961
and No. 314 of 1966)*

PART III DISCIPLINEPART III

DISCIPLINE

10. (1) Absence from duty without leave or other sufficient cause shall render an employee liable to forfeit his salary for the period of such absence and in addition thereto to any of the penalties set forth in regulation 12.

Absence from duty

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(2) Ill health will not be accepted as a sufficient cause for absence from duty for a period exceeding two days unless the manager is satisfied that the absence from duty is or was in fact due to ill health and was necessary.

(3) Notwithstanding any other provisions of these Regulations, if an employee is absent without leave for more than fourteen consecutive days then-

(a) in the case of a manager who is a member of the Service, his proprietor; and

(b) in the case of any other employee, his manager;

may with the approval of the Secretary summarily terminate the appointment of such employee with effect from the first day of this absence.

(4) Any employee whose appointment has been terminated under the provisions of sub-regulation (3) may be reinstated in his employment if such employee, within two months from the first day of his absence, satisfied the Secretary that there was reasonable cause for his absence.

(As amended by No. 34 of 1961)

11. (1) In any case of repeated serious misconduct or continued inefficiency likely to lead to the discharge or dismissal of an employee- Suspension from duty

(a) in the case of a manager of a school who is a member of the Service, the proprietor of such school; or

(b) in the case of any other employee, the manager under whose supervision such employee is serving;

may, pending the decision in the matter, suspend such employee from duty:

Provided that if an employee is arrested on a criminal charge he shall be suspended from duty with effect from the date of his arrest.

(2) Pending a decision on his case, an employee who has been suspended from duty shall receive no salary but shall receive ration allowance at the rates appropriate to the district in which he is serving and in the case of suspension following arrest such allowance shall be paid to the wife of the employee.

(3) Part or all of any salary withheld under the provisions of sub-regulation (2) may be restored-

(a) in the case of a class I employee, at the discretion of the Secretary; and

(b) in any other case, at the discretion of the Regional Committee;
whether such employee is discharged or not.

(As amended by No. 34 of 1961 and No. 314 of 1966)

12. The following penalties may be imposed upon an employee found guilty of inefficiency or misconduct: Penalties

- (a) dismissal;
- (b) discharge;
- (c) his increment may be stopped and shall not be paid during the period of stoppage. A stopped increment may be restored, and shall then become payable from the date of such restoration until the end of the current incremental period when the employee shall become eligible for further increments;
- (d) his increment may be deferred. When such increment is restored, the date of such restoration shall thereupon become the incremental date of the employee;
- (e) his increment may be suspended. Such increment may at any time thereafter be stopped or deferred or may be restored with effect from the date on which it became due, as circumstances may require:

Provided that if such increment is not so restored, or otherwise dealt with, within a year of the date on which it became due it shall then be either stopped or deferred;

- (f) his salary may be either permanently or temporarily reduced. Such reduction may be to a lower scale but shall in no case be to a point lower than the point at which the employee was appointed. A reduction of salary shall only be to a specific point in a recognised salary scale;

A permanent reduction of salary means one by which an employee will receive less than he would have received until he reaches the maximum of the scale but a permanent reduction of salary shall not debar an employee from being eligible for normal increment;

A temporary reduction of salary means a reduction for a specific number of months not exceeding twelve. At the end of the period of temporary reduction the employee shall revert to his former unreduced rate of salary. If the employee's incremental date falls within the period of temporary reduction his increment may be granted (subject to satisfactory service after the date on which the reduction commenced) and at the end of the period of reduction he shall commence to receive the full rate of salary for which he would have been eligible had his salary not been reduced.

(As amended by No. 378 of 1953 and No. 34 of 1961)

13. The power to award penalties shall be vested in the persons mentioned below and to the extent herein specified- Who may award penalties

- (a) the Secretary may impose upon any employee any of the penalties set out in regulation 12;
- (b) a proprietor may, subject to review and confirmation by the Secretary, impose upon any manager who is a member of the Service any of the penalties set out in regulation 12;
- (c) a manager may, subject to review and confirmation by the Regional Committee, impose upon any employee any of the penalties set out in regulation 12:

Provided that a manager may not discharge or dismiss-

- (i) a class I employee without the prior approval of the Secretary; and
- (ii) a class II employee without the prior approval of the Regional Committee.

(As amended by No. 34 of 1961 and No. 314 of 1966)

14. (1) In any case where it is proposed to impose a penalty upon an employee on the ground of inefficiency he shall, before a penalty is imposed- Procedure

- (a) be informed in writing in what respect he is regarded as inefficient;
- (b) be informed in writing of a specific period within which to improve his standard of efficiency; and
- (c) be afforded an opportunity to make such representations as he may wish.

(2) In any case where it is intended to impose a penalty upon an employee on the ground of misconduct or disobedience he shall, before a penalty is imposed-

- (a) be informed in writing in what respect he has misconducted himself or been disobedient; and
- (b) be afforded an opportunity to exculpate himself.

(3) When an employee is orally warned of inefficiency or misconduct the terms of the warning and of any exculpatory statement shall be entered in his record of service.

(As amended by No. 34 of 1961)

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- 15.** An employee who is dismissed shall- Procedure on dismissal
- (a) forfeit any vacation leave for which he may have qualified and the transport privileges set forth in regulation 28;
 - (b) not be granted any pension or gratuity; and
 - (c) be entitled to free transport for himself only to the place where he was appointed to the Service, together with rations or a cash allowance in lieu thereof sufficient for the journey.
- (As amended by No. 34 of 1961)*
- 16.** An employee who is discharged- Procedure on discharge
- (a) shall be eligible for any leave due to him and the transport privileges set forth in regulation 28 if he has completed a tour of at least ten months;
 - (b) shall be entitled to free transport for himself to the place at which he was appointed to the Service and to rations or a cash allowance in lieu thereof sufficient for the journey if he has not completed ten months' service; and
 - (c) shall, at the discretion of the President, be awarded such pension or gratuity, if any, for which he may be eligible unless the Public Service Commission concurs in the refusal of the President to grant such pension or gratuity or, as the case may be, in his decision to withhold them, reduce them in amount or suspend them.
- (As amended by No. 34 of 1961 and No. 123 of 1965)*
- 17.** No employee who has been discharged or dismissed under the provisions of these Regulations shall be re-employed except with the written permission of the Secretary. Re-employment of discharged or dismissed employee
- (As amended by No. 34 of 1961)*
- 18.** If any employee is convicted of a criminal offence he may be dismissed from the Service. Employee convicted of criminal offence
- (As amended by No. 34 of 1961)*

19. Any employee who-

Sundry offences

- (a) without the consent of the manager of his school engages for personal profit in any commercial or other pursuit;
- (b) conducts himself in any way which interferes with the efficient conduct of the school;
- (c) uses for purposes unconnected with the Service information which he may have gained in the course of his duties, whether such information is oral or in the form of official correspondence or copies thereof;
- (d) receives any valuable present other than the ordinary gifts of personal friends (wherein the Secretary shall be the sole judge) whether in the shape of money, goods or other personal benefits;
- (e) is disobedient or insolent in the course of his duties;
- (f) is negligent or lazy;
- (g) renders himself unfit for his duty by reason of the use of intoxicants or drugs;
- (h) is guilty of immoral conduct;
- (i) does anything by word or deed which is likely to bring the Service into disrepute;
- (j) uses his position as an employee to further the ends of any political party or to expound his own political views;
- (k) uses his position as an employee to encourage disrespect for or disobedience to the lawfully constituted Government or any laws or orders lawfully promulgated;

shall be deemed to be guilty of serious misconduct.

(As amended by No. 34 of 1961 and No. 123 of 1965)

20. (1) Every employee other than a manager shall have the right of preferring, through the manager of the school at which he is serving, any general or special complaint to the Regional Committee which shall investigate the complaint and-

Complaints

- (a) in the case of a class I employee, refer the matter together with its recommendation thereon to the Secretary for a decision; or
- (b) in any other case, give its decision on the complaint.

(2) Every manager of a school who is a member of the Service shall have the right of preferring through a proprietor of such school any general or special complaint to the Secretary who shall investigate the complaint and give his decision thereon.

(As amended by No. 34 of 1961 and No. 314 of 1966)

21. (1) A class III employee or a probationer upon whom a penalty, other than discharge or dismissal, has been imposed by a manager may appeal to the Regional Committee whose decision thereon shall be final.

Appeals

(2) An employee who has been confirmed and upon whom a penalty, other than discharge or dismissal, has been imposed by a manager may appeal to the Regional Committee.

(3) Any person aggrieved by the decision of a Regional Committee in any appeal under sub-regulation (2) may appeal to the Secretary whose decision thereon shall be final.

(4) The following may appeal to the Minister whose decision upon such appeal shall be final:

- (a) any manager upon whom a penalty has been imposed by his proprietor or by the Secretary;
- (b) any manager discharged or dismissed;
- (c) any employee upon whom a penalty has been imposed by the Secretary;
- (d) any employee, other than a manager, discharged or dismissed by a manager.

(5) Any appeal under this regulation shall be notified by the appellant to the person or body hearing the appeal within twenty-one days after the notification of the decision appealed against.

(As amended by No. 34 of 1961 and No. 314 of 1966)

PART IV ADMINISTRATIONPART IV

ADMINISTRATION

22. Quarters, where available, shall be provided free of charge to employees, other than part-time employees. Where no quarters are available, employees shall be given in lieu thereof an allowance to be paid by the Secretary out of moneys appropriated by Parliament for the purpose and the rate of allowance for different grades and different localities shall be fixed by the Secretary.

Quarters

(As amended by No. 34 of 1961 and No. 314 of 1966)

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23. (1) A record of service shall be kept for every employee and shall contain his signature, name, tribe, chief and village, date of employment, rate of salary and medical history. The details of his service, promotion, leave of absence, sick leave, character and any other relevant information shall also be recorded therein from time to time and certified by the manager or, in the case of a manager of a school who is a member of the Service, by the proprietor of such school.

Records of service

(2) An annual confidential report on a manager of a school shall be submitted to the Secretary by the proprietor of such school at the time that the increment certificate is forwarded to the secretary of the Regional Committee and such report shall be filed with the manager's record of service.

(3) An annual confidential report on each class I and class II employee, other than a manager, shall be submitted to the Regional Committee at the time that the increment certificate is forwarded by the manager and such reports shall be filed with the employee's record of service.

(4) Reports of class III employees shall be submitted to the Regional Committee as it may direct.

(5) The Secretary may at any time and for any purpose call for the record of service of any employee and for any report that he may require.

(6) An employee shall not have access to his own record.

(No. 34 of 1961 as amended by No. 314 of 1966)

24. (1) An employee shall be liable to serve in any part of Zambia and for any proprietor.

Liability to serve in any part of Zambia

(2) Notwithstanding the provisions of this regulation-

(a) no manager shall be required to employ an employee who is unacceptable to him; and

(b) no employee shall be required to work for a manager if unwilling to do so; for conscientious or other reasons considered adequate by the Secretary.

(As amended by No. 34 of 1961 and No. 314 of 1966)

PART V LEAVE AND TRANSPORTPART V

LEAVE AND TRANSPORT

25. (1) A manager may grant to an employee, other than a manager who is a member of the Service, and other than a part-time employee, thirty days' leave during the school holidays in each school year and any leave not taken in one year may, subject to the approval of the manager, be carried forward to the next school year up to a maximum of sixty days in any one school year: Leave

Provided that the Regional Committee may in its discretion allow an employee to be granted leave outside the school holidays.

(2) An employee may be granted special leave or an extension of leave for the purpose of attending any course of instruction which the Secretary may think desirable for such period and on such terms as to the payment of salary as the Secretary may approve.

(3) Sundays and public holidays falling during leave periods shall be reckoned as leave.

(4) An employee who is granted leave shall, in addition to such leave, be allowed by the manager as journey leave a reasonable time, not exceeding ten days in any one year, to travel between his place of employment and his home or other destination approved by the manager and return.

(5) Application for leave shall be submitted to the manager in such form as the Secretary may from time to time require.

(6) The provisions of sub-regulations (1) to (5) shall apply to a manager who is a member of the Service:

Provided that the said provisions will in their application to a manager be administered by his proprietor and the discretion invested in the Regional Committee in the proviso to sub-regulation (1) shall be vested in and shall be exercised by the Secretary.

(As amended by No. 34 of 1961 and No. 314 of 1966)

26. (1) Sick leave on full salary up to a maximum of eighteen days in any one period of twelve months may be granted by a manager on the recommendation of a medical practitioner, or, if it is impracticable to obtain such recommendation, on the manager being satisfied that the employee concerned is unfit for duty through sickness not caused by his own default. Sick leave

(2) If the sickness is caused by the employee's own default, sick leave may be without salary or on such reduced salary as may be decided by the manager in the light of the medical report.

(3) If at the end of eighteen days' sick leave an employee is certified by a medical practitioner to be still unfit to resume duty, an extension of sick leave on half-salary up to a maximum of a further thirty-six days may be granted. Any extension of sick leave beyond the total of fifty-four days shall be without salary:

Provided that in the discretion of the Regional Committee the employee may instead of sick leave without salary take whatever vacation leave is due to him.

(4) If a medical practitioner recommends, or the manager is of the opinion, that sick leave should be spent away from the place of employment, the employee may be granted journey leave and the transport privileges set forth in regulation 28 (1) (a). This sub-regulation shall also apply to vacation leave of less than fifty-four days taken in accordance with sub-regulation (3).

(5) If an employee exceeds in any one year of service an aggregate of thirty days' absence from duty on account of sickness, a report shall be obtained by the manager from a medical practitioner as to the employee's physical fitness for further service.

(6) The periods of sick leave specified in this regulation include Sundays and public holidays.

(7) The provisions of sub-regulations (1) to (6) shall apply to a manager who is a member of the Service:

Provided that the said provisions will in their application to a manager be administered by this proprietor and the discretion invested in the Regional Committee in sub-regulation (3) shall be vested in and shall be exercised by the Secretary.

(As amended by No. 34 of 1961 and No. 314 of 1966)

27. (1) An employee, other than a manager who is a member of the Service, may in special circumstances be granted leave on urgent private affairs and such leave shall be without salary:

Leave on urgent
private affairs

Provided that in the discretion of the manager the employee may, instead of such leave, take whatever vacation leave is due to him.

(2) A manager who is a member of the Service may in special circumstances be granted leave on urgent private affairs and such leave shall be without salary:

Provided that in the discretion of his proprietor he may, instead of such leave, take whatever vacation leave is due to him.

(No. 34 of 1961)

28. (1) An employee shall be eligible for free transport for himself and his wife and for his children up to four in number under the age of sixteen years as follows: Transport privileges

- (a) travelling on first appointment, termination of appointment otherwise than by dismissal and transfer-

FARES

<i>Transport</i>	<i>Class</i>
Rail 	Third class
Motor or river 	Second class

BAGGAGE

Single employee-300 lb. or 6 carriers

Married employee-450 lb. or 9 carriers

- (b) travelling on leave but not more than once in every period of three years-

Fares: as in paragraph (a);

Baggage: all employees-200 lb. or 4 carriers:

Provided that this paragraph shall only apply to journeys to the employee's home or to such other destination as the Secretary may in any particular case approve;

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- (c) an employee eligible for the privileges set forth in paragraph (a) or (b) shall also be eligible for an additional 25 lb. if travelling by rail or road for each child under the apparent age of sixteen years, or if travelling on foot, to one extra carrier for every two such children;
- (d) an employee eligible for privileges under paragraph (a) or (b) shall be eligible to such allowance as may be approved by the Regional Committee if he travels by bicycle;

and the weight of baggage indicated in this sub-regulation shall be additional to such weight of baggage as may be allowed free to passengers by the transport contractors.

(2) An employee eligible for free transport shall be bound to travel by the most economical route available having regard to the cost of free fares and baggage allowance and the cost of his salary while travelling:

Provided that-

- (i) in the case of an employee, other than a manager who is a member of the Service, the Regional Committee may, in the public interest, authorise travel by another route;
- (ii) in the case of a manager who is a member of the Service, his proprietor may authorise travel by another route.

(As amended by No. 34 of 1961 and No. 314 of 1966)

PART VI PENSIONS AND GRATUITIESPART VI

PENSIONS AND GRATUITIES

29. (1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service: Service to be unbroken

Provided that any interruption in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purposes of this sub-regulation.

(2) No period during which an employee shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy.

(3) Service while under the age of twenty years shall not be taken into account as qualifying service or pensionable service.

(As amended by No. 34 of 1961)

30. (1) Pensionable status shall attach to class I and class II employees.

Pensions and
gratuities: application

(2) Class III employees, other than part-time employees, shall be eligible to receive a gratuity in accordance with these Regulations.

(3) Nothing in these Regulations shall give, or be construed to give, any employee an absolute right to compensation for past service or to any pension or gratuity under these Regulations.

(4) Where it is established to the satisfaction of the President that an employee has been guilty of negligence, irregularity or misconduct, the pension or gratuity may be reduced or altogether withheld.

(As amended by No. 34 of 1961)

31. (1) A class I or class II employee who has been confirmed shall qualify for a pension after ten years' service.

Qualification for
pension or gratuity

(2) A class III employee, other than a part-time employee, shall qualify for a gratuity after ten years' service.

(3) An employee may retire without sacrificing his claim to a pension or gratuity at the age of fifty-five or after thirty years' service whichever is the earlier.

(4) For the purpose of this regulation, "service" shall include-

- (a) service as a class I or class II employee after confirmation;
- (b) probationer service if the Secretary so approves upon the confirmation of the employee;
- (c) service in the African Civil Service, or as an aided employee in a local education authority school or an assisted school, prior to the introduction of these Regulations.

(As amended by No. 34 of 1961)

32. (1) An employee to whom a pension is granted under these Regulations may, at his option which he may exercise, and, if he has already exercised his option, may revoke, not later than the day immediately preceding the date of his retirement, be paid a reduced pension at the rate of three-fourths or any greater fraction of the basic annual pension for which he is eligible, together with a gratuity equal to ten times the amount of the reduction so made in the basic pension.

Gratuity and reduced pensions

(2) Subject to the provisions of sub-regulation (1), if an employee has exercised his option his decision shall be irrevocable so far as it may concern any pension to be paid to him under these Regulations.

(3) If an employee who has not exercised his option under this regulation dies after he has finally retired, but before a pension has been awarded under these Regulations, it shall be lawful for the Minister to grant a gratuity and reduced pension as provided in sub-regulation (1) as if the employee before his death had exercised the option to be paid a reduced pension at the rate of three-fourths of the basic annual pension for which he would have been eligible, together with a gratuity equal to ten times the amount of the reduction so made in the basic pension.

(As amended by No. 34 of 1961 and No. 292 of 1964)

33. (1) Basic annual pension shall be calculated at the rate of one six-hundredth of the annual salary of the employee at the date of retirement in respect of each completed month of pensionable service:

Basic pension

Provided that where the pensionable service of an employee commenced prior to the 1st January 1946, the basic annual pension which may be awarded in respect of such service prior to the 1st January, 1946, shall be calculated at the rate of one twelve-hundredth of the annual salary at the date of retirement in respect of each completed month of such service and the pension of such employee shall be computed in two parts according to whether the one twelve-hundredth or the one six-hundredth rate applies.

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

(3) A pension granted to an employee under these Regulations shall not exceed two-thirds of the annual salary at the date of retirement.

(4) For the purposes of these Regulations, "pensionable service" means service in the Service or in the African Civil Service prior to the introduction of these Regulations.

(As amended by No. 34 of 1961)

34. (1) Save as in these Regulations provided, an employee to whom a gratuity is granted shall, unless the President, with the concurrence of the Public Service Commission, otherwise directs, be paid a gratuity calculated at the rate of one-twelfth of the retiring monthly salary in respect of each completed month of service:

Gratuities

Provided that where the service which is permitted to count towards gratuity commenced prior to the 1st January, 1946, the gratuity which may be awarded in respect of such service prior to the 1st January, 1946, shall be calculated at the rate of one twenty-fourth of the retiring monthly salary in respect of each completed month of such service, and such gratuity shall be computed in two parts according to whether the one twenty-fourth or the one-twelfth gratuity rate applies.

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

(As amended by No. 34 of 1961 and No. 123 of 1965)

35. (1) An employee who, being qualified for pension but not eligible to retire in terms of regulation 31, is retired under regulation 9 (3) or under sub-regulation (4) may be granted a pension calculated in accordance with regulation 33.

Special pensions or gratuities

(2) A pensionable employee who has completed less than ten years' qualifying service and is retired under regulation 9 (3) or under sub-regulation (4) may be granted a gratuity calculated at the rate of one-twelfth of the retiring monthly salary in respect of each completed month of pensionable service.

(3) A class III employee (other than a part-time employee) who has completed less than ten years' qualifying service and is retired under regulation 9 (3) or under sub-regulation (4) may be awarded a gratuity in accordance with regulation 34.

(4) An employee who has been elected to the National Assembly after having been given permission to stand as a candidate for such election shall be required to retire as from the date of such election.

(5) When an employee is removed from his office on the ground of his inability to discharge efficiently the duties thereof or on grounds of ill health occasioned by his own default and a pension or gratuity cannot otherwise be granted to him under these Regulations, the President shall, if, having regard to all the circumstances of the case, he considers it justifiable, grant such pension or gratuity as he may consider just and proper, unless the Public Service Commission concurs in the refusal of the President to grant such pension or gratuity, but in no case exceeding the pensioner gratuity for which the employee would be eligible were he retired under regulation 9 (3).

(6) Where an employee has been permanently injured in the actual discharge of his duty, without his own default, and by some injury specifically attributable to his duty, and his retirement is thereby necessitated or materially accelerated, the President shall grant such increased pension or gratuity or compassionate allowance if no pension or gratuity is payable under these Regulations, as he may think fit, unless the Public Service Commission concurs in the refusal of the President to grant such increased pension or gratuity or compassionate allowance, as the case may be.

(7) Where an employee who has completed four years' or more service in the Service dies whilst still an employee, the President shall grant to his relatives or dependents a gratuity calculated in accordance with regulation 34, unless the Public Service Commission concurs in the refusal of the President to grant such gratuity.

(8) If an employee dies at any time from injury contracted in the circumstances described in sub-regulation (6), a gratuity shall be granted to his relatives or dependents, unless the Public Service Commission concurs in the refusal of the President to grant such gratuity, and the amount of such gratuity shall not be less than one year's salary.

(9) The decision of the President as to the apportionment of any gratuity granted under sub-regulations (7) and (8) among the relatives or dependents of the deceased shall be final.

(As amended by No. 272 of 1959, No. 34 of 1961, No. 292 of 1964, No. 123 of 1965 and No. 314 of 1966)

36. If any employee to whom a pension has been granted under these Regulations is convicted before any competent court and sentenced to a term of imprisonment without the option of a fine, then in every such case the President may, with the concurrence of the Public Service Commission, direct that the pension shall cease forthwith:

Pension to cease on conviction

Provided that-

- (i) the pension shall be restored with retrospective effect in the case of a person who after conviction as above described has been acquitted on appeal or at any time received a free pardon;
- (ii) where a pension ceases as aforesaid, the President shall cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, and, after the expiration of his sentence, also for the benefit of the pensioner himself, unless the Public Service Commission concurs in the refusal of the President to pay or apply such pension to the benefit of such wife or children, or the pensioner himself, as the case may be;

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- (iii) in determining whether arrears of such pension or allowance are payable to such a person and in computing the amount thereof, account shall be taken of all moneys paid or applied under proviso (ii). t31(As amended by No. 34 of 1961 and No. 123 of 1965)

37. (1) An employee under the age of fifty-five years who has been granted a pension under these Regulations may, if physically fit for service, be called upon to accept until he reaches such age any office in the Service not less in value than the office which he had at the date of the grant of his pension, at the discretion of the Secretary. Further employment of pensioners

(2) If a pensioner called upon under sub-regulation (1) declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has reached the age of fifty-five years.

(As amended by No. 34 of 1961)

38. If an employee to whom a pension has been granted under these Regulations is reappointed to the Service, the payment of his pension may with his consent, if the President, with the concurrence of the Public Service Commission, thinks fit, be suspended during the period of his re-employment. Payment of pension

(As amended by No. 34 of 1961 and No. 123 of 1965)

39. Every application for pension or gratuity shall be submitted to the Public Service Commission in such form as it may from time to time require. Form of application

(As amended by No. 123 of 1965)

40. Any amendment of these Regulations duly made in accordance with the provisions of the Act shall be binding on all persons subject to these Regulations. Liability of employees to amendments

SCHEDULE

(Regulation2)

CLASSES I, II AND III EMPLOYEES

PART I-CLASS I

Manager.
Master.
Mistress.
Technical master.
Technical mistress.
Technical instructor.
African teacher with qualifications not less than T.4 certificate.
Instructor with qualifications not less than Standard IV plus three years' training.
Clerk.
Laboratory assistant.
Part-time teacher applicable to this class.

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PART II-CLASS II

African teacher with qualifications lower than T.4 certificate.
Part-time teacher applicable to this class.

PART III-CLASS III

Untrained teacher.
Part-time teacher applicable to this class.
Handicraft instructor with qualifications as may be prescribed by the Secretary.

(No. 34 of 1961)

THE TEACHING SERVICE REGULATIONS

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PRELIMINARY

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THE SERVICE

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6. Probation
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COMMISSION PART III

REGIONAL COMMITTEES AND THE TEACHING SERVICE COMMISSION

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PART IV
CONDUCT AND DISCIPLINE

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LEAVE

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TRANSPORT AND ALLOWANCES

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PART I

PRELIMINARY

Statutory Instruments
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1. These Regulations may be cited as the Teaching Service Regulations, and shall be deemed to have come into force on the 1st November, 1961. Title and commencement

(As amended by No. 123 of 1965)

2. In these Regulations, unless the context otherwise requires- Interpretation

"agreement" means an agreement entered into in writing by a temporary employee on such conditions as shall be included in such agreement;

"confirm" means to confirm an employee in a permanent and pensionable appointment in the Service and "confirmed" and "confirmation" shall be construed accordingly;

"contract" means an agreement in writing for a specified period of service on such conditions of service as shall be included in the terms of the agreement;

"discharge" means termination, by due notice, of the appointment of an employee;

"dismissal" means the termination, without due notice, of the appointment of an employee;

"Division I employee" means an employee mentioned in Part I of the First Schedule;

"Division II employee" means an employee mentioned in Part II of the First Schedule;

"Division III employee" means an employee mentioned in Part III of the First Schedule;

"due notice" means-

(a) in the case of a confirmed employee in Division I, II or III, three months' notice;

(b) in the case of an unconfirmed employee in Division I, II or III, one month's notice;

(c) in the case of an employee on contract, notice in accordance with the terms of his contract;

(d) in the case of a temporary employee, notice in accordance with the terms of his agreement;

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and in the case of an employee not on the teaching staff of a school, shall not, unless the Secretary so directs or the terms of his contract or agreement so provide, include any period of leave;

"employee" means a member of the Service;

"employer" means-

- (a) in the case of an employee who is on the staff of a school, the manager:

Provided that in the case of an employee who is in charge of a school and who is also the manager of that school, the employer means the proprietor;

- (b) in the case of an employee who is not on the staff of a school, the proprietor;

"manager" means the person acting or appointed as the manager of a school;

"probationer" means an employee who has not been confirmed and who is not serving on contract or as a temporary employee;

"Regional Committee" means a Regional Teaching Service Committee established under the provisions of subsection (8) of section *four* of the Act;

"the Service" means the Teaching Service established under the provisions of subsection (1) of section *four* of the Act;

"service", for the purpose of computation of leave, shall not include any other period of leave;

"Southern Africa" means the Republic of South Africa, Mozambique, Angola, the former High Commission Territories, the former Federation of Rhodesia and Nyasaland, Southern Rhodesia, Malawi, the Republic of Zambia and the Congo Republic;

"Teaching Service Commission" means the Teaching Service Commission established under the provisions of subsection (7) of section *four* of the Act;

"temporary employee" means an employee serving on agreement.

(As amended by No.123 of 1965 and No.315 of 1966)

PART II THE SERVICEPART II

THE SERVICE

3. (1) The Service shall consist of Divisions I, II and III employees.

Composition of the
Service

(2) The salary scales applicable to employees shall be as laid down in the Second Schedule. The Secretary may from time to time specify the qualifications necessary for appointment and promotion to and the entry points in the respective scales and Divisions.

(As amended by No. 123 of 1965)

4. These Regulations shall apply to all employees:

Application of
Regulations

Provided that employers when engaging such employees may, with the prior approval of the Secretary, impose special conditions which, in the opinion of the Secretary, are not incompatible with these Regulations and which are applicable only to such employees while in their employ.

5. (1) No person shall be appointed to Division I or II of the Service unless the Secretary, after considering the advice of the Teaching Service Commission, approves the appointment of such person.

Appointment

(2) No person shall be appointed to Division III of the Service unless the Secretary approves the appointment of such person.

6. (1) An employee appointed to the Service, other than on contract or as a temporary employee, shall normally serve as a probationer for a period of-

Probation

- (a) not less than two years in the case of a Division I employee;
- (b) not less than three years in the case of a Division II employee;
- (c) not less than four years in the case of a Division III employee:

Provided that the Secretary, after considering the advice of the Teaching Service Commission, may in any particular case reduce or extend the period of probation.

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(2) Notwithstanding the provisions of sub-regulation (1), an employee appointed to the Service on transfer from the Unified African Teaching Service, or the Police Force or Civil Service of the former Protectorate of Northern Rhodesia, may be appointed to the Service as a confirmed employee if the Secretary so approves under the provisions of regulation 5.

7. (1) The Secretary, after considering the advice of the Teaching Service Commission, may confirm a probationer in his appointment upon the completion of his probationary period, and for this purpose the Secretary shall require recommendations from the employer and from the Regional Committee concerned in such form as the Secretary shall prescribe. Confirmation

(2) It shall be the duty of Regional Committees and of employers to ensure that consideration is given to the confirmation of probationers at the appropriate time.

(3) If, at any time during his probationary period, it appears to the employer that a probationer is unlikely to merit confirmation, the employer shall warn the employee in writing to that effect and such warning shall state the reasons why the probationer is unlikely to merit confirmation.

(4) It shall be lawful for the Secretary, after considering the advice of the Teaching Service Commission, to terminate an employee's probationary appointment, without assigning any reasons therefor, at any time during the probationary period.

(5) No probationer shall be confirmed until medically examined and passed medically fit.

(6) If a probationer is found to be medically unfit he shall be discharged:

Provided that if, in the opinion of a medical practitioner, such probationer is likely to become medically fit for confirmation after medical treatment, the probationary period may be extended so as to allow medical treatment to be undertaken.

(As amended by No. 315 of 1966)

8. (1) The normal increments in the salary of an employee in Division I or II may be granted by the employer only after the Secretary is satisfied, on the recommendation of the Regional Committee, that such employee has performed his duties with diligence, efficiency and fidelity. Increments

(2) The normal increments in the salary of an employee in Division III may be granted by the employer only after the Regional Committee is satisfied that such employee has performed his duties with diligence, efficiency and fidelity.

(3) Increments in salary are not granted as a matter of right.

(4) Annual confidential reports and increment certificates, in such form as the Secretary may require, shall be submitted to the Regional Committee by the employer-

(a) in the case of an employee in Division I or II, not later than two months before the first day of the month in which the increment will fall due for payment;

(b) in the case of an employee in Division III, not later than one month before the first day of the month in which the increment will fall due for payment.

(As amended by No. 315 of 1966)

9. (1) The Secretary, after considering the advice of the Teaching Service Commission, may make promotions and for these purposes the Secretary shall require to be satisfied by a certificate from the employer and by the recommendation of the Regional Committee concerned that an employee is in possession of the necessary qualifications and is in ability and character suitable for promotion.

Promotion

(2) The Secretary may require any candidate for promotion to undergo such examination or test as he may consider necessary to prove that the candidate is properly qualified.

(3) The Secretary may prescribe such general examinations or tests for promotion bars as he may deem fit.

(4) Notwithstanding any other provision of these Regulations, the Secretary, after considering the advice of the Teaching Service Commission, may in special cases approve the grant of accelerated promotion or the payment of a special salary to an employee.

(As amended by No. 315 of 1966)

10. (1) Subject to the provisions of sub-regulation (2), no employee shall retire, resign or be discharged without due notice being given by or to him, as the case may be:

Termination of appointment

Provided that the Secretary may in any particular case waive the giving of due notice by an employee.

(2) An employee will be required to retire on attaining the pensionable age of, in the case of a male, sixty years and in the case of a female, fifty-five years.

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(3) The Secretary, after considering the advice of the Teaching Service Commission, may approve a male employee's application for permission to retire at any time after such employee attains the age of fifty-five years and a female employee's application for permission to retire at any time after such employee attains the age of fifty years.

(4) It shall be lawful for the Secretary, after considering the advice of the Teaching Service Commission, to require an employee to retire-

- (a) on the recommendation of a Regional Committee at any time after such employee has attained the age of fifty-five years, if male, or fifty years, if female; or
- (b) on the recommendation of a medical board that the employee is suffering from an infirmity of mind or body which is likely to be permanent; or
- (c) because the abolition of the post of the employee or the reorganisation of the Service makes such retirement desirable in the interests of economy or efficiency; or
- (d) in the case of a female, on marriage; or
- (e) in the interests of the Service; or
- (f) on the employee's election, having been given permission by the Secretary to stand for election, to the National Assembly.

(5) An employee who resigns before completing service of a minimum period of two years shall be liable to refund all or such part as the Secretary shall direct of the cost of transport and baggage allowance provided on first appointment under the provisions of regulation 45.

(6) An employee, on termination of his appointment otherwise than by dismissal, shall be entitled to a Certificate of Service.

(7) For the purpose of this regulation, "service" shall include all periods of continuous service in the Service, in the Unified African Teaching Service, or in the Police Force or Civil Service of the former Protectorate of Northern Rhodesia, prior to the introduction of these Regulations.

(8) Notwithstanding the provisions of sub-regulations (2), (3) and (4), an employee to whom the provisions of Part VI or VII of the Teaching Service (Pensions) Regulations apply may retire and may be required to retire in accordance with the provisions of Part VI or VII, as the case may be, of the said Regulations.

*(As amended by No. 292 of 1964, No. 123 of 1965
and No. 315 of 1966)*

PART III REGIONAL COMMITTEES AND THE TEACHING SERVICE
COMMISSIONPART III

REGIONAL COMMITTEES AND THE TEACHING SERVICE COMMISSION

11. (1) The composition of a Regional Committee shall be as follows:

Composition of
Regional Committees

The Chief Education Officer (chairman);

Not less than two and not more than four persons appointed by the Minister and who shall not be employees.

(2) The quorum of a Regional Committee shall consist of the chairman and two members.

(3) Members of a Regional Committee, other than the chairman, shall be appointed in writing for a period of not more than three years, but a member shall be eligible for reappointment at the end of his period of office:

Provided that such appointments may be revoked at any time by the Minister.

(4) Each member of a Regional Committee shall have one vote at any meeting but the chairman shall, in addition to his deliberative vote as a member of the committee, have a casting vote.

(5) The Regional Committee shall have the right to consult with other persons and to require any employee to appear before the Regional Committee for any purpose which it may deem necessary.

(As amended by No. 418 of 1965 and No. 315 of 1966)

12. The functions of a Regional Committee shall be-

Functions of Regional
Committees

(a) to ensure that the administration of the Service within the Region is carried out in accordance with these Regulations;

(b) to make recommendations to the Secretary regarding-

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- (i) the appointment of employees to Division III of the Service;
- (ii) the confirmation in appointment of employees;
- (iii) the promotion of employees;
- (iv) the extension and termination of probationary appointments of employees;
- (v) the renewal and termination of contracts and agreements of employees;
- (vi) retirement of employees before the normal age of retirement;
- (vii) all disciplinary matters which are not within its own competence to decide;
- (viii) the conditions of service of employees;
- (ix) the grant of increments to employees in Divisions I and II;
- (c) to discharge such other functions as the Secretary may require.

(As amended by No. 315 of 1966)

13. To facilitate the expedition of business a Regional Committee may be resolution delegate to the chairman or other member or members any of the functions of the Regional Committee except the making of recommendations on the following matters:

Delegation of functions

- (a) promotions, including promotion bars;
- (b) discipline;
- (c) extension and termination of probationary appointments;
- (d) renewal and termination of contracts and agreements;
- (e) retirement before the normal age of retirement.

(As amended by No. 315 of 1966)

14. (1) The composition of the Teaching Service Commission shall be as follows:

Composition of the
Teaching Service
Commission

The Chairman of the Public Service Commission (chairman);

Not more than two other members to be appointed by the Minister.

(2) The chairman and one member shall constitute a quorum for a meeting of the Teaching Service Commission.

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(3) Members of the Teaching Service Commission, other than the chairman, shall be appointed in writing for a period of not more than three years, but shall be eligible for reappointment at the end of their term of office.

(4) The Minister may in his discretion and at any time terminate the appointment of any member other than the chairman.

(5) A member may resign his office at any time.

(6) In the absence of the chairman or any other member from duty for any reason, the Minister may appoint in writing another person to be a temporary member during such period of absence.

(7) The following persons shall not be eligible for appointment as members:

- (a) members of the National Assembly;
- (b) persons holding office in any society or association which, in the opinion of the Minister, is of a political nature;
- (c) members of any staff association or trade union or other organisation which, in the opinion of the Minister, has as its object, or, as one of its objects, the control or influence of salaries, wages, pensions or conditions of service of any class of employee;
- (d) employees.

(As amended by No. 292 of 1964)

15. The functions of the Teaching Service Commission shall be to advise the Secretary regarding-

Functions of the Teaching Service Commission

- (a) recruitment and selection procedures for employees in Divisions I and II;
- (b) appointments, including promotions and acting appointments for periods of more than three months, in Divisions I and II;
- (c) confirmation in appointment of employees;
- (d) extension and termination of probationary appointments;
- (e) renewal and termination of contracts and agreements of employees;
- (f) retirement before the normal age of retirement;
- (g) any disciplinary matters referred to it in accordance with the provisions of these Regulations and any other disciplinary matters which may be referred to it by the Secretary;
- (h) any other matters affecting the Service which the Secretary may refer to the Teaching Service Commission for advice.

(As amended by No. 123 of 1965)

16. (1) The Secretary shall not be bound to act in accordance with the advice given to him by the Teaching Service Commission.

Powers and procedure

(2) The Teaching Service Commission shall have the right to consult with other persons, to set up selection boards and to appoint to such boards persons who are not members of the Teaching Service Commission, and to require any employee to appear before the Teaching Service Commission for any purpose which it may deem necessary.

(3) Meetings of the Teaching Service Commission shall be presided over by the chairman or, in his absence, by the member authorised by the Teaching Service Commission to act as chairman.

(4) To facilitate the expedition of business the Teaching Service Commission may, by resolution, delegate to the chairman or other member or members any of the functions of the Teaching Service Commission except the making of recommendations on the following matters:

- (a) promotions;
- (b) discipline;
- (c) extension and termination of probationary appointments;
- (d) renewal and termination of contracts and agreements;
- (e) retirement before the normal age of retirement.

(5) Records shall be kept of the members present and of the business transacted at every meeting.

(6) The Teaching Service Commission shall make an annual report to the Secretary.

PART IV CONDUCT AND DISCIPLINEPART IV

CONDUCT AND DISCIPLINE

17. An employee shall be deemed to have committed an act of misconduct if he- Acts of misconduct

- (a) absents himself from his duties without permission or reasonable cause;
- (b) performs his work negligently or fails to perform efficiently any work properly assigned to him or to obey any lawful instructions;
- (c) conducts himself in any way which interferes with the efficient conduct of the school or does anything by word or deed which is likely to bring the Service into disrepute;
- (d) renders himself unfit for his duty by reason of the use of intoxicants or drugs;
- (e) receives any valuable present, other than the ordinary gifts of personal friends, wherein the Secretary shall be the sole judge, whether in the shape of money, goods or other personal benefits;
- (f) engages without the consent of his employer and for personal profit in any commercial or other pursuit;
- (g) uses for purposes unconnected with the Service information which he may have gained in the course of his duties, whether such information is oral or in the form of official correspondence or copies thereof;
- (h) uses his position as an employee to further the ends of any political party or to expound his own political views;
- (i) uses his position as an employee to encourage disrespect for the lawfully constituted Government or any laws, orders or regulations lawfully promulgated.

(As amended by No. 123 of 1965)

18. (1) The following penalties may be imposed upon an employee found guilty of misconduct: Penalties

- (a) dismissal;
- (b) discharge;
- (c) reduction in rank;

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- (d) reduction in salary which may be permanent or temporary and may be to a lower salary scale but shall in no case be to a point lower than the point at which the employee was appointed and which shall only be to a specific point in a recognised salary scale;
- (e) deferment of increment;
- (f) stoppage of increment;
- (g) suspension of increment;
- (h) fine, subject to the amount thereof not exceeding five days' salary in one month or seven days' salary in two consecutive months;
- (i) severe reprimand;
- (j) reprimand.

(2) For the purposes of this regulation-

- (a) "reduction in rank" means that an employee who is reduced in rank shall be subject to the conditions of service of, and shall be paid salary appropriate to, such lower rank, and the salary to be drawn and the employee's future incremental date shall be the salary and incremental date determined by the Secretary:

Provided that no Division I or II employee shall be reduced in rank to a post in Division III of the Service;

- (b) "reduction in salary" means, in the case of a permanent reduction in salary, that an employee shall receive less than he would have received until he reaches the maximum of his salary scale but shall remain eligible for his normal increment and, in the case of a temporary reduction of salary, that such reduction shall be for a specific number of months not exceeding twelve, at the end of which period of temporary reduction of salary the employee shall revert to his former unreduced rate of salary, and that if an employee's incremental date falls within such period of temporary reduction of salary his increment may be granted (subject to satisfactory service after the date on which the reduction commenced) and at the end of such period of reduction of salary he shall commence to receive the full rate of salary for which he would have been eligible had his salary not been reduced;
- (c) "deferment of increment" means that the increment which has been deferred shall not be paid to the employee during the period of deferment and the date on which such increment is restored shall thereupon become the incremental date of such employee;

- (d) "stoppage of increment" means that the increment which has been stopped shall not be paid to the employee during the period of stoppage but may be restored and shall then become payable from the date of such restoration until the end of the current incremental period when the employee shall become eligible for further increment;
- (e) "suspension of increment" means that the increment which has been suspended shall not be paid to the employee during the period of suspension and may at any time after being suspended be stopped or deferred or may be restored with effect from the date on which it became due, as circumstances may require.

(3) Any penalty imposed upon an employee under paragraphs (c) to (j) inclusive of sub-regulation (1) shall be entered in the employee's record of service.

19. (1) Absence from duty without permission or reasonable cause shall render an employee liable to forfeit his salary for the period of such absence and in addition thereto to any of the penalties set forth in regulation 18. Absence from duty

(2) Ill health will not be accepted as a reasonable cause for absence from duty unless the employer is satisfied that the absence from duty is or was in fact due to ill health and was necessary.

(3) Notwithstanding any other provision of these Regulations, if an employee is absent without permission for more than fourteen consecutive days, the employer may, with the approval of the Secretary, summarily dismiss such employee with effect from the first day of his absence.

(4) Any employee who has been dismissed under the provisions of sub-regulation (3) may be reinstated in his employment if such employee within two months from the first day of his absence satisfies the Secretary that there was reasonable cause for his absence.

20. (1) In any case of misconduct likely to lead to the dismissal of an employee, the employer may, pending the decision in the matter, suspend such employee from duty: Suspension from duty

Provided that if an employee is arrested on a criminal charge he shall be suspended from duty with effect from the date of his arrest.

(2) Pending a decision on his case an employee who has been suspended from duty may receive only one-half of his salary:

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Provided that an employee convicted of a criminal charge shall not receive any salary from the date of conviction, pending consideration of his case, but he may be granted an alimentary allowance if the Secretary considers him to be in need of such assistance.

(3) Part or all of the salary withheld from an employee suspended from duty may be restored at the discretion of the Secretary whether the appointment of such employee is terminated or not.

21. The power to award penalties shall be vested in the following persons and to the extent herein specified: Who may award penalties

- (a) the Secretary may impose upon any employee any of the penalties set out in regulation 18;
- (b) the employer may, subject to review and confirmation by the Regional Committee, impose upon an employee any of the penalties set out in regulation 18:

Provided that an employer may not discharge or dismiss an employee or reduce an employee in rank without the prior approval of the Secretary.

(As amended by No. 315 of 1966)

22. When an employer proposes to impose a penalty upon an employee he shall, before a penalty is imposed- Procedure by the employer

- (a) inform the employee in writing of the regulation under which he is charged and in what respect he has misconducted himself, together with the whole evidence supporting the charge;
- (b) afford the employee an opportunity to state in writing before a day which shall be specified any grounds upon which he relies to exculpate himself;
- (c) forward to the Regional Committee a copy of the charge, the evidence, any exculpatory statement with his comments thereon and a statement of the penalty which he proposes to impose.

(As amended by No. 315 of 1966)

23. In any case where the penalty proposed is other than the discharge or dismissal or reduction in rank of an employee, the Regional Committee shall- Procedure by the Regional Committee

- (a) investigate the matter in such manner as it shall think proper; and
- (b) if it is satisfied that the case warrants proceedings with a view to a penalty being imposed, confirm to the employer that the penalty proposed or any other penalty with which the employer agrees may be imposed.

(As amended by No. 315 of 1966)

24. If an employer proposes a penalty of discharge or dismissal or reduction in rank of an employee, the Regional Committee shall-

Procedure for discharge or dismissal or reduction in rank

- (a) investigate the matter in such manner as it shall think proper, ensuring that the employee has access to any documentary evidence used against him and is afforded the opportunity of being present to put questions to any witnesses who might be called for examination;
- (b) forward the relevant documents together with its recommendation to the Secretary who shall seek the advice of the Teaching Service Commission concerning any penalty to be imposed or further action to be taken.

(As amended by No. 315 of 1966)

25. If an employer proposes a penalty of dismissal of an employee whose salary exceeds K1,400 a year and if the employee does not furnish any exculpatory statement within the time specified by the employer or he fails to exculpate himself to the satisfaction of the Secretary, the Secretary, if he considers that the case warrants proceedings with a view to dismissal, shall appoint a committee of not less than three persons to inquire into the matter, one of whom shall be a solicitor or barrister and none of whom shall be officers of the Ministry and all of whom shall be selected with due regard to the standing of the employee.

Appointment of committee of inquiry

(As amended by No. 123 of 1965)

26. The committee, having been appointed, shall-

Functions of committee of inquiry

- (a) inform the employee that on a specified day the charges made against him will be investigated and that he will be allowed or, if the committee so determine, will be required to appear before it to defend himself;
- (b) ensure that if witnesses are examined by the committee the employee shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses;
- (c) ensure that no documentary evidence shall be used against the employee unless he has previously been supplied with a copy thereof or given access thereto;
- (d) in its discretion, permit the employer or the employee to be represented by a legal practitioner provided that where the committee permit the employer to be so represented it shall permit the employee to be so represented;
- (e) if during the course of the inquiry grounds for the preferring of additional charges are disclosed so inform the Secretary who shall follow the same procedure as was adopted in preferring the original charges;
- (f) forward its report to the Teaching Service Commission together with the record of the charges preferred, the evidence led, the defence and other proceedings relevant to the inquiry and shall include-
 - (i) a statement whether in its opinion the employee has or has not committed the offence or offences charged and a brief statement of the reasons for that opinion;
 - (ii) details of any matters which in its opinion aggravate or alleviate the gravity of the case; and

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- (iii) a summing-up and such general comments as will indicate clearly the opinion of the committee on the matter under inquiry, but it shall not make any recommendation regarding the form of penalty.

27. The Teaching Service Commission, after consideration of the report of the committee-

Procedure following report of committee of inquiry

(a) may, if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the committee for further investigation and report;

(b) shall forward the written proceedings of the inquiry to the Secretary with its advice as to the penalty, if any, which should be imposed on the employee.

28. Notwithstanding the provisions of regulations 17 to 27, the Secretary may, after considering the advice of the Teaching Service Commission and having regard to all the circumstances of the case, require any employee to retire in the interests of the Service.

Proceedings for retirement in the interests of the Service

29. If an employee is adjudged guilty in any court of a criminal charge likely to warrant disciplinary proceedings, the Regional Committee shall forward a copy of the charge and of the judgment, together with a copy of the proceedings if they are available, to the Secretary who shall refer the matter to the Teaching Service Commission which shall advise the Secretary whether it considers that the employee should be dismissed or subjected to some lesser penalty on account of his conviction for the offence of which he has been adjudged guilty, without any of the proceedings prescribed in regulations 24 to 27 inclusive being instituted.

Proceedings against an employee who has been convicted on a criminal charge

(As amended by No. 315 of 1966)

30. An employee who is dismissed shall forfeit any leave and travel benefits.

Procedure on dismissal

31. An employee who is discharged-

Procedure on discharge

(a) shall be eligible for any leave and travel benefits due to him;

(b) shall be entitled to free transport for himself only to the place where he was appointed to the Service if he has not qualified for travel benefits.

32. No employee who has been discharged or dismissed under the provisions of these Regulations shall be re-employed except with the written permission of the Secretary.

Re-employment of discharged or dismissed employee

33. Every employee shall have the right of preferring, through his employer, any general or special complaint to the Regional Committee which shall investigate the complaint and refer the matter together with its recommendation thereon to the Secretary for a decision.

Complaints

(As amended by No. 315 of 1966)

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34. (1) An employee upon whom a penalty, other than discharge or dismissal or reduction in rank, has been imposed may appeal to the Regional Committee. Appeals

(2) Any employee aggrieved by the decision of a Regional Committee in any appeal under sub-regulation (1) may appeal to the Secretary whose decision thereon shall be final.

(3) The following may appeal to the Minister whose decision upon such appeal shall be final:

(a) any employee upon whom a penalty has been imposed by the Secretary;

(b) any employee discharged or dismissed or reduced in rank by his employer.

(4) Any appeal under this regulation shall be notified by the appellant to the person or body hearing the appeal within twenty-one days of his receipt of notification of the decision against which he wishes to appeal.

(As amended by No. 315 of 1966)

PART V ADMINISTRATIONPART V

ADMINISTRATION

35. (1) Every employee in Division I or II who is provided with quarters will pay rent at the rate of 12 1/2 per centum of his salary, subject to a maximum amount which shall be specified by the Secretary from time to time: Rent

Provided that employees in Division I or II who are provided with quarters constructed of other than permanent materials or which, in the opinion of the Secretary, are below standard will pay rent at such rates as shall be specified by the Secretary from time to time.

(2) Employees in Division III who are provided with quarters shall not be required to pay rent.

(3) For the purposes of this regulation, "salary" means the basic salary of an employee and does not include any form of allowance.

(4) Except in cases where the employer considers it necessary for the proper performance of his duties for an employee to live in the particular quarters provided for him, no employee will be compelled to occupy the quarters provided for him.

(5) Subject to the approval of the employer, an employee who is absent from his station, whether on leave or duty, may retain the quarters provided for him and will continue to pay the appropriate rent.

36. (1) A record of service shall be kept for every employee in such form and by such persons as the Secretary may require. Records of service

(2) A copy of every annual confidential report made to the Regional Committee in accordance with the provisions of sub-regulation (4) of regulation 8 shall be submitted to the Secretary together with the Regional Committee's comments, if any, thereon-

- (a) in the case of an employee in Division I or II, when the increment certificate is forwarded to the Secretary for approval;
- (b) in the case of an employee in Division III, at such time as the Secretary shall direct.

(3) In the case of an employee who has reached the maximum of his salary scale or is serving on a fixed salary, the anniversary of the date on which an increment was last granted or the anniversary of the date on which the employee was appointed to the Service, as the case may be, shall be the date used in determining when an annual confidential report falls due.

(4) The Secretary may at any time and for any purpose call for the record of service of any employee and for any report that he may require.

(5) An employee shall not have access to his own record of service.

(As amended by No. 315 of 1966)

37. (1) The initial posting of an employee shall be made by the Secretary to Government schools. Postings

(2) The posting of employees within a Region shall be made by Regional Committees to the various employers.

(3) An employee shall be liable to serve in any part of Zambia and for any employer.

(4) Notwithstanding the provisions of sub-regulation (3)-

(a) no employer shall be required to employ or to continue to employ an employee who is unacceptable to him; and

(b) no employee shall be required to work for an employer if unwilling to do so; for conscientious or other reasons considered adequate by the Secretary.

(As amended by No. 315 of 1966)

PART VI LEAVEPART VI

LEAVE

38. (1) All leave is subject to the exigencies of the Service and no employee is entitled to demand leave as a right. Leave

(2) Subject to the exigencies of the Service and the requirements of the employer, an employee on the teaching staff of a school shall be deemed to be on leave during the school holidays:

Provided that-

- (i) if such employee leaves the Service for any reason before he has completed one year's service, he shall, unless the Secretary otherwise authorises, repay the amount of salary paid to him in respect of all or any part of school holiday periods deemed to have been taken as leave;
- (ii) if such employee resigns or is discharged from the Service, any period of school holiday falling within the period of due notice shall be deemed as leave;
- (iii) subject to the provisions of sub-regulation (2) of regulation 10, if an employee on the teaching staff of a school retires or is retired from the Service, all or any part of a school holiday immediately following the expiration of the period of due notice shall be deemed as leave.

(3) Subject to the exigencies of the Service and the requirements of the employer, an employee not on the teaching staff of a school may, in such form as the Secretary shall prescribe, be granted leave with salary in respect of each month of service at the following rates:

Division I .. 4 days

Division II .. 3 1/2 days

Division III .. 2 1/2 days:

Provided that-

- (i) no such employee may accumulate leave or be granted leave for a continuous period in excess of one hundred and fifty days;
- (ii) no such employee may be granted leave until he has completed six months' service;
- (iii) if such employee resigns or is discharged or dismissed from the Service for any reason before he has completed one year' service, he shall, unless the Secretary otherwise authorises, repay the amount of the salary paid to him in respect of any period of leave that he may have been granted.

(4) For the purposes of sub-regulation (3), Sundays and public holidays falling during a leave period shall be reckoned as leave.

(5) An employee not on the teaching staff of a school who retires from the Service in accordance with the provisions of subregulation (2) of regulation 10 may be granted the full cash equivalent of any leave due to him or balance of leave due to him, as the case may be, at the date of retirement, calculated at the rate of salary received immediately before the date of retirement.

39. (1) An employer, with the approval of the Chief Education Officer, may in special circumstances grant leave on urgent private affairs to an employee on the teaching staff of a school during a school term and such leave shall be without salary:

Leave on urgent
private affairs

Provided that the Secretary, on the recommendation of the Regional Committee, may restore in part or in full the salary forfeited for the period of absence.

(2) An employer, with the approval of the Chief Education Officer, may in special circumstances grant leave on urgent private affairs to an employee not on the teaching staff of a school and such leave shall be without salary:

Provided that in the discretion of his employer he may, instead of such leave, take whatever vacation leave is due to him.

(3) An employee who resigns or is discharged or dismissed from the Service before he has completed one year's service shall, unless the Secretary otherwise authorises, repay the amount of any salary paid to him in respect of leave on urgent private affairs.

(As amended by No. 315 of 1966)

40. (1) Sick leave may be granted to an employee who is unable to perform his duties because of illness or injury not caused by his own default or failure to take reasonable precautions, or who has undergone dental treatment, or who, being on leave, is confined to his house or to hospital or similar institution for a period of not less than fourteen days, but only for the period during which he is so confined.

Sick leave

(2) Subject to the provisions of sub-regulations (3) and (4), an employee may be granted sick leave on full salary or half-salary:

Provided that if the illness or injury is caused by the default of the employee, sick leave may be without salary or on such reduced salary as may be determined by the Secretary in the light of the medical report and on the recommendation of the Regional Committee.

(3) An employee other than a temporary employee may, during the period of two years ending on the last day of sick leave granted, be granted sick leave up to a total of not more than one hundred and eighty days on full salary and one hundred and eighty days on half-salary.

(4) A temporary employee may, during the period of two years ending on the last day of the sick leave granted, be granted sick leave up to a total of not more than ninety days on full salary and ninety days on half-salary.

(5) If an employee is unable to perform his duties because of illness or injury it shall be his duty to inform his employer without delay and failure to do so may be construed as misconduct.

(6) An employer may grant sick leave to an employee without a certificate by a medical practitioner or dental surgeon for a continuous period-

- (a) not exceeding two days, if the employer is satisfied that the absence from duty of the employee is or was due to illness or injury not caused by the employee's default;
- (b) exceeding two days but not exceeding fourteen days, if the employer is satisfied that it is or was impracticable for the employee to obtain a certificate by a medical practitioner or dental surgeon and that the absence from duty of the employee is or was due to illness or injury not caused by the employee's default.

(7) The employer may, with the prior approval of the Regional Committee and on the certificate of a medical practitioner, grant an employee sick leave on full salary up to a total of ninety days, including any sick leave previously granted to the employee in the period of twelve months ending on the last day of the sick leave requested.

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(8) If the certificate of a medical practitioner recommends a period of sick leave in excess of the ninety days authorised under sub-regulation (7) or at the end of ninety days' sick leave an employee is certified by a medical practitioner to be still unfit to resume duty, the Secretary, on the recommendation of a medical practitioner and of the Regional Committee, may grant an extension of sick leave up to the maximum authorised under sub-regulations (3) and (4).

(9) The Secretary may at any time require any employee to submit himself for medical examination by a medical practitioner or by a medical board.

(10) The periods of sick leave specified in this regulation include Sundays and public holidays.

(11) Any period of sick leave granted to an employee shall be reported by the employer to the Regional Committee in such form as the Secretary shall prescribe and shall be entered into the record of service of the employee.

(As amended by No. 315 of 1966)

41. (1) An employer may grant an employee special leave-

Special leave

(a) for the purpose of sitting an examination necessary for his advancement in the Service:

Provided that the prior approval of the Secretary must be obtained before an employee is given special leave to sit an examination outside Zambia;

(b) if the employee is required to undergo a period of continuous military training prescribed under any written law;

(c) if the employee in circumstances approved by the Director of Medical Services is, on the recommendation of a medical practitioner, absent from duty because of contact with an infectious disease.

(2) Special leave granted to any employee under paragraphs (a) and (c) of sub-regulation (1) shall be with full salary. Special leave granted under paragraph (b) of sub-regulation (1) shall be governed by such conditions as may be prescribed from time to time.

(3) Without prejudice to the provisions of sub-regulation (1) of this regulation, the Ministry may grant an employee special leave of absence from duty-

(a) for secondment to a teachers' association recognised by the Minister under section twenty-eight of the Education Act, to perform duties thereof;

(b) for secondment to the Zambia Council for the handicapped.

(4) The period of secondment referred to in sub-regulation (3) above shall be determined by the Secretary from time to time, and during the said period of secondment the employees shall be required to continue making his pension contributions in terms of the Teaching Service (Pensions) Regulations.

(As amended by S.I. No. 35 of 1970)

42. Study leave may be granted to an employee on such terms and conditions of salary as may be prescribed by the Secretary from time to time. Study leave

PART VII TRANSPORT AND ALLOWANCESPART VII

TRANSPORT AND ALLOWANCES

43. (1) The class of accommodation for travel by rail or motor bus at public expense for which an employee shall be eligible shall be- Class of travel

	<i>Rail</i>	<i>Motor Bus</i>
Division I employees	First class	First class
Division II employees- (above K2,400)	First class	First class
(above K2,400)	Second class	First class
Division III employees	Third class	Second class

(2) The class of accommodation for which an employee is eligible shall be that which is applicable to him on the day on which he commences his journey.

(3) Subject to the provisions of sub-regulation (1), an employee eligible for transport at public expense shall travel by the most economical route and means of transport available, having regard to the cost of fares and baggage allowance and the cost of his salary while travelling:

Provided that the Secretary may, in the interests of the Service, authorise travel by another route and/or by other means of transport.

44. (1) Subject to such conditions as shall be prescribed by the Secretary, the baggage allowance for which employees travelling on first appointment, transfer, or retirement, within Southern Africa shall be eligible at public expense shall be- Baggage allowance

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	<i>Employee only</i>	<i>Employee and wife</i>	<i>Each child</i>
Divisions I and II	1364 kg	2273 kg	91 kg
Division III	273 kg	410 kg	12 kg

(2) Subject to such conditions as shall be prescribed by the Secretary, baggage allowance for any employee who is travelling on leave at public expense shall be 200 1b., plus 100 1b. for his wife, plus 25 1b. for each child under the age of nineteen years and dependent on him, within Zambia only.

45. Transport and baggage allowance at public expense shall be provided for an employee travelling on first appointment, transfer or retirement and also in respect of his wife and his children who are under the age of nineteen years and dependent on him.

Travelling on first appointment, transfer or retirement

46. (1) An employee in Division I or II who takes not less than thirty days' leave shall be eligible once in every two years of service for the cost of return rail fares to a place not further distant than Cape Town from the point of departure by rail nearest to his station, and, if he departs from or returns to a station which is not served by rail, he may in addition be granted transport at public expense in a form approved by the Secretary between that station and the appropriate point of departure by rail and, additionally or alternatively, as the case may be, the appropriate point of arrival by rail and his station.

Travelling on leave

(2) An employee in Division III who takes not less than thirty days' leave shall be eligible once in every three years of service for transport at public expense between his station and his home or other destination within Zambia, as shall be approved by the Regional Committee, and which shall not involve any additional public expenditure.

(3) An employee travelling on leave is eligible for similar benefits in respect of his wife and his children who are under the age of nineteen years and dependent on him.

(4) Leave travel benefits shall first be granted to an employee in Division I or II after a period of not less than twenty-two months has elapsed since the date of his appointment, and to an employee in Division III after a period of not less than thirtyfour months has elapsed since the date of his appointment:

Provided that the Secretary may authorise the grant of leave travel benefits after a lesser period in the case of an employee appointed to the Service on transfer from the Unified African Teaching Service, the Police Force or Civil Service of the former Protectorate of Northern Rhodesia, the Zambia Police Force or the Civil Service of Zambia.

(5) Leave travel benefits shall subsequently be granted to an employee in Division I or II after a period of not less than twenty-three months has elapsed between the first day of the leave in which leave travel benefits were last granted and the first day of the leave in which leave travel benefits are requested.

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(6) Leave travel benefits shall subsequently be granted to an employee in Division III after a period of not less than thirty-five months has elapsed between the first day of the leave in which leave travel benefits were last granted and the first day of the leave in which leave travel benefits are requested.

(7) A married woman employee shall not be eligible in her own right for any assistance at public expense in respect of travelling on leave.

(8) Benefits in respect of travelling on leave shall be granted only if the employee undertakes in writing, in such form as the Secretary shall prescribe, that he will proceed on leave to a named destination by a named route and return to duty for a minimum period of two years.

(9) Any employee who fails to comply with the undertaking given under sub-regulation (8) shall, unless the Secretary otherwise authorises, refund the cost of transporting himself and his dependants on leave.

*(As amended by No. 123 of 1965
and No. 315 of 1966)*

47. Upset allowance may be paid to employees transferring between stations for other than disciplinary reasons at rates which shall be prescribed by the Secretary. Upset allowance

48. Travelling and subsistence allowances may be paid to employees at rates which shall be prescribed by the Secretary. Travelling and subsistence allowances

49. Special responsibility allowance may be paid to employees carrying out duties of special responsibility at rates which shall be prescribed by the Secretary. Special responsibility allowance

50. Acting allowances may be paid to employees carrying out the duties of a higher post during the absence of the substantive holder of the higher post and on conditions which shall be prescribed by the Secretary. Acting allowances

51. A transfer allowance shall be paid to an employee, other than a married woman, who was eligible for overseas passages at public expense at the date of his transfer to the Service and shall be at such rates and on such conditions as shall be prescribed by the Secretary. Transfer allowance

52. Housing allowance may be paid at such rates and on such conditions as shall be prescribed by the Secretary. Housing allowance

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FIRST SCHEDULE

(Regulation 2)

DIVISION I, II AND III EMPLOYEES

PART I-DIVISION I

Senior Principal.

Principal.

Headmaster/Headmistress.

Senior Master/Mistress/Lecturer.

Senior Technical/Master/Mistress.

Master/Mistress/Lecturer (graduate).

Master/Mistress/Lecturer (non-graduate with recognised qualification) with salary exceeding K a year.

Technical Master/Mistress (graduate or equivalent).

Technical Master/Mistress (non-graduate) with salary exceeding K2,400 a year.

Non-teaching staff as prescribed by the Secretary.

PART II-DIVISION II

Master/Mistress/Lecturer (non-graduate with recognised qualification) with salary not exceeding K a year.

Technical Master/Mistress (non-graduate) with salary not exceeding K2,400 a year.

Senior Teacher, Grade I.

Senior Trades Instructor, Grade I.

Senior Teacher, Grade II.

Senior Trades Instructor, Grade II.

Instructor on E scale.

Teacher on E scale.

Assistant Lecturer.

Non-teaching staff as prescribed by the Secretary.

PART III-DIVISION III

Teacher on J scale.

Instructor on G or J scale.

Non-teaching staff on G scale.

SECOND SCHEDULE

(Regulation 3)

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SALARY SCALES AND TITLES OF POSTS

DIVISIONS I AND II

TEACHING PROFESSION GROUP

Scales

E.8
E.7
E.6
E.5
E.4
E.3
E.2
E.1

Titles

E.8-7 Teacher, Trades Instructor, Assistant Lecturer.
E.7-5 Master, Mistress, Lecturer (non-graduate without recognised Teaching Certificate).
E.7-4 Master, Mistress, Lecturer (non-graduate with recognised qualification).
E.6 Senior Teacher, Grade II, Senior Trades Instructor, Grade II.
E.6-4 Technical Master, Technical Mistress (non-graduate).
E.6-3 Master, Mistress, Lecturer (graduates); Technical Master, Technical Mistress (graduate or equivalent).
E.5 Senior Teacher, Grade I, Senior Trades Instructor, Grade I.
E.3-2 Headmaster, Headmistress, Senior Master, Senior Mistress, Senior Lecturer, Senior Technical Master, Senior Technical Mistress.
E.1 Principal.
Super-scale K: Senior Principal.

Promotion bars at maximum of each segment of the scale for employees whose posts carry a salary scale consisting of two or more segments.

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EXECUTIVE GROUP

Scales

B.5
B.4
B.3
B.2
B.1

Titles

B.5 Executive Assistant.
B.4 Executive Officer, Grade II.
B.3 Executive Officer, Grade I.
B.2 Senior Executive Officer, Grade II.
B.1 Senior Executive Officer, Grade I.

Promotion bars at the maximum of each segment of the scale for employees whose posts carry a salary scale consisting of two or more segments.

CLERICAL AND ANALOGOUS GROUP

Scales

F.3
F.2
F.1

Titles

F.1 Clerical Officer, Grade I.
F.2 Clerical Officer, Grade II.
F.3 Clerical Officer, Grade III.

Stenographers are Clerical Officers, Grade III-II, and have the scale:

Promotion bars:

At K2,200 for employees on the combined F.2-1 scale.

At K1,190 and K1,470 in scale F.3 for employees other than stenographers and typists.

At the K, K and K points for stenographers. Passage over the promotion bars is dependent on shorthand/typewriting speeds attained.

At K950 for typists who enter the scale at that point, and at a point three points above the point of entry in the scale for any other typist. Passage over the promotion bar is dependent on typewriting speeds attained.

DIVISION III

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TEACHING PROFESSION GROUP

Scales

J.4

J.3

J.2

J.1

Titles

J.4 Teacher (qualifications lower than Standard VI plus 2 years' vocational training).

J.3-2 Teacher (Standard VI plus 2 years' vocational training).

J.3-1 Teacher (Standard VIII plus 2 years' vocational training), Trades Instructor (Standard VI or Standard VIII plus 5 years' vocational training).

Efficiency bars at the maximum of each segment of the scale for employees whose posts carry a salary scale of two or more segments. In addition, there are efficiency bars at the K236, K260, K332 and K356 points in scale J.4, at the K428, K482 and K554 points in scale J.3-2, and at the K518 and K554 points in scale J.3-1. Employees to whom all or any of these efficiency bars apply and the conditions to be fulfilled before an efficiency bar may be passed shall be as prescribed by the Secretary.

GENERAL GROUP

Scale

G

Titles

Clerical Assistant.

Junior Trades Instructor.

Laboratory Assistant (untrained).

Efficiency bars at the K260, K308, K392, K404, K428, K440, K452 and K500 points in the scale. Employees to whom all or any of these efficiency bars apply and the conditions to be fulfilled before an efficiency bar may be passed shall be as prescribed by the Secretary.

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1. These Regulations may be cited as the Teaching Service (Pensions) Regulations, and shall be deemed to have come into force on the 1st November, 1961. Title and commencement

(As amended by No. 123 of 1965)

2. (1) In these Regulations, unless the context otherwise requires- Interpretation

"additional pension" means a pension awarded under sub-regulation (2) of regulation 22 or under sub-regulation (2) of regulation 24;

"average pensionable emoluments" means-

(a) in the case of an established officer who-

(i) has held the same post; or

(ii) has held different posts carrying the same maximum annual rate of pensionable emoluments;

for a period of three years immediately preceding the date on which he retires or is discharged, the annual rate of the pensionable emoluments payable to him at that date:

Provided that the officer shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period;

(b) in the case of any other established officer, one-third of the aggregate of his pensionable emoluments during the period of three years immediately preceding the date on which he retires or is discharged:

Provided that-

(i) the average pensionable emoluments of an officer calculated in accordance with this paragraph shall in no case be less than they would have been had he retired or been discharged immediately prior to his appointment to any post he held during the last three years of his service;

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

"Board" means the Teaching Service (Pensions) Fund Board established by regulation 4 A;

"Beneficiary" means a legitimate or legitimated child, posthumous child, step-child, or legally adopted child of a guaranteed officer, if the child is under the age of twenty one years and-

(a) in the case of a male child, is not under the age of eighteen years;

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(b) in the case of a female child, has not been married and is not under the age of eighteen years;

"Child" means an unmarried legitimate or legitimated son or daughter (including a post humous child, a step-child or a child legally adopted) under the age of eighteen years, of an established officer or pensioner;

"contribute" means to pay pension contributions in accordance with these Regulations;

"contributions" means the amounts of pension contributions made in accordance with these Regulations;

"date of transfer" means the date on which an officer is transferred to or from pensionable service in the Service;

"dependant", in relation to a living or deceased officer, or a retired or discharged officer, means the wife, widow, child or such other relative dependent on him for maintenance as the Permanent Secretary may recognise for the purposes of these Regulations;

"discharge" means to terminate the appointment of an officer by due notice;

"dismiss" means to terminate the appointment of an officer without notice;

"due notice" means-

(a) in the case of an officer on probation, the period of notice specified in the instrument of appointment of such officer;

(b) in the case of an established officer, three months' notice;

"established officer" means an employee in Division I, II or III of the Teaching Service who is not serving on probation or as an unestablished person;

"Fund" means the Teaching Service (Pensions) Fund established by regulation 4
(As amended by S.I. No. 98 of 1987)

"gratuity" means a lump sum payment;

"interest" means compound interest calculated in such manner as may be prescribed by the Secretary;

"medical board" means a board composed of medical practitioners appointed and constituted from time to time by the Permanent Secretary for the purpose of carrying out any functions imposed under these Regulations on a medical board;

"month" means a calendar month;

"Officer" means an established officer or employee serving on probation in Division I, II or III of the Teaching Service except that for the purposes of Part IV and Regulations 32, 35 and 36 of these Regulations, any employee in the Service shall be deemed an officer;

"other public service" means Public Service not in the Service;

"pension" means an annual pension payable during the lifetime of the recipient unless under these Regulations it is payable for a shorter period;

"pensionable age" means the fifty-fifth anniversary of an officers' date of birth.

"pensionable emoluments" means-

(i) in the respect of employment in Division I, Division II or Division III of the Teaching Service-

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(a) salary; and

(b) personal allowance;

(ii) in respect of other public service, emoluments which count for pension in accordance with the provisions of any law dealing with such service:

Provided that full pensionable emoluments shall be deemed to have been received during any period of leave with reduced pensionable emoluments or without pensionable emoluments;

"pensionable service" means pensionable service in Division I, II or III of the Teaching Service in respect of which contributions have been or are being paid;

"pensioner" means a person who is in receipt of a pension under these Regulations but does not, except in regulation 15, include a person in receipt of a pension under regulation 27, 28, 32 or 33;

"Permanent Secretary" means

(a) in the case of institutions dealing with pre-university or pre-college training or studies, the Permanent Secretary responsible for those institutions;

(b) in the case of institutions dealing with post-primary school and post-secondary school training or studies, the Permanent Secretary responsible for those institutions.

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

"public service" means-

(a) service in a civil capacity under the Government of Zambia or any other country or territory in the Commonwealth, or under the East Africa High Commission or the East African Railways and Harbours Administration or the East African Posts and Telecommunications Administration;

(b) service which is pensionable-

(i) under the Oversea Superannuation Scheme;

(ii) under any Acts relating to the superannuation of teachers in the United Kingdom;

(iii) under any Acts relating to the superannuation of persons employed by a local authority in the United Kingdom;

(iv) under the National Health Service of the United Kingdom;

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(c) any other service that the Permanent-Secretary may determine to be public service for the purpose of any provision of these Regulations;

"Secretary" means the Secretary of the Board appointed under regulation 4C;

"Service" means service in Division I, II or III of the Teaching Service;

"service in Zambia" means pensionable service in the employment of the Government of the former Protectorate of Northern Rhodesia, or the Government of Zambia, other than service in Division I or Division II of local conditions, and for the purposes of these Regulations includes service counting for pension under the United African Teaching Service Regulations;

"special pension" means a pension or part of a pension payable to a widow, child or beneficiary under the provisions of Part VI;

"unestablished person" means a person who is or was appointed to Division I, II or III of the Teaching Service in a temporary capacity and is not required to contribute under regulation 5;

"year" means a calendar year.

*(As amended by No. 123 of 1965)
SI No. 98 of 1987 and No. 26 of 1990)*

(2) References in these Regulations to the "widow" of a pensioner or an established officer shall be so construed as to refer to a "widower" if such pensioner or established officer was a female.

(As amended by S.I. No. 156 of 1985)

3. These Regulations shall apply to all members of the Teaching Service. Application

(As amended by No. 123 of 1965)

4. (1) There is hereby established a Fund to be called the Teaching Service (Pensions) Fund. Establishment of Fund

(2) All the contributions and other payments made by members of the Teaching Service to the general revenues of the Republic shall be transferred to the Fund.

(3) The Fund shall periodically be valued by an actuary appointed by the Minister.

(4) The Fund shall be administered by the Minister

subject to any general or special directions given by the President.

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4A. There is hereby established the Teaching Service (Pensions) Fund Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to the provisions of these Regulations, to do all such acts and things as a body corporate may do by law.

Establishment of Board

4B. (1) The Board shall consist of-

Composition of Board and quorum

- (a) the Permanent Secretary responsible for general education as Chairman;
- (b) the Permanent Secretary responsible for higher education as Vice-Chairman;
- (c) four members appointed by the Minister responsible for general education; and
- (d) two members appointed by the Minister responsible for higher education.

(2) At all meetings of the Board four persons shall form a quorum and the chairman shall have a deliberative and casting vote.

4C. (1) There shall be a Secretary to the Board who shall be appointed by the Board on such terms and conditions as the Board may, with the approval of the Minister determine.

Secretary and other staff

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Board under the general supervision of the Board.

(3) The Board may appoint such other staff as it may consider necessary for the performance of its functions.

4D. The functions of the Board shall be-

Functions of Board

- (a) to manage the Fund and in particular to invest moneys belonging to the Fund in a business-like manner; and
- (b) to establish a scheme for home ownership by teachers and to grant, on such terms and conditions as may be determined by the Board, loans to members of the Fund for the purpose of building or purchasing their own residential properties and meeting any other incidental charges thereto.

4E. The financial year of the Board shall be the period of twelve months ending on 31st December in each year.

Financial year

4F. (1) The Board shall keep proper books of account and other records relating to its accounts. Books of account

(2) Such books of account and other records shall be open for inspection by the Minister or any person authorised by him in that behalf.

4G. (1) The accounts of the Board shall be audited annually and a detailed report thereon submitted to the Minister and to the Board. Audit of Accounts

(2) For the performance of his duties under sub-regulation (1), the auditor to the Board shall have access at all reasonable times to all books of accounts, records, returns, reports and other documents relating to the Board's accounts.

4H. (1) As soon as is practicable, but not later than six months after the expiry of each financial year, the Board shall submit to the Minister a report containing a balance sheet showing the assets and liabilities of the Board as at the last day of the financial year to which the report relates, which report shall be accompanied by an audited statement of income and expenditure for that financial year together with any other statements and returns as may be relevant. Annual Report

(2) The Minister may at any time require the Board in writing to submit to him such additional reports, returns or statements, duly certified by the auditor to the Board, as the Minister considers necessary, and the Board shall comply with such requirements.

(3) The Minister shall, not later than thirty days after the first sitting of the National Assembly next after the receipt of the report referred to in sub-regulation (1) lay it before the National Assembly.

5. (1) Every officer shall contribute at the appropriate rate specified in regulation 6. Officers required to contribute

(2) Notwithstanding the provisions of sub-regulation (1), no person shall contribute in respect of any period of employment in the Teaching Service-

(a) prior to attaining the age of eighteen years;

(b) subsequent to attaining the pensionable age;

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- (c) unless, except in the case of an officer to whom Part V or VI apply, contributions are paid in respect of a period commencing-
 - (i) in the case of a male before, he attains the age of forty-five years;
 - (ii) in the case of a female, before she attains the age of forty years.

6. (1) An officer in any Division shall contribute to the Fund at the rate of seven and one quarter per centum of his basic salary.

Payments into and out of Fund, and other payments

(2) In calculating the monthly rate of contribution any fraction of a ngwee shall be taken as one ngwee.

(3) There shall be paid into the Fund each month from the general revenues of the Republic-

- (a) an amount equal to the sum of the contributions paid into the Fund during that month or such other amount calculated with regard to those contributions as may be fixed by the Minister on the advice of an actuary appointed by the Minister;
- (b) the sum of all benefits paid during that month to persons who have been required to retire from Divisions I, II or III in accordance with paragraphs (a), (b) and (c) of sub-regulation (4) of regulation 11;
- (c) the sum of all payments of special pensions made during that month;
- (d) the sum of all payments made under these Regulations during that month to persons who retired from Divisions I, II or III-
 - (i) on grounds of their age or length of service, if that retirement was by virtue of an election made under regulation 11, to retain a date of retirement earlier than the date of retirement provided for in paragraph (b) of sub-regulation (1) of that regulation;

Provided that this paragraph shall not apply to any payment made in relation to a period after the date on which an officer, had he not retired earlier, would have been required to retire under paragraph (a) of sub-regulation (1) of regulation 11.

(4) There shall be paid into the Fund from the general revenues of the Republic at such intervals as the Minister may determine, the sum of the amounts by which the interest on the investments of the Fund in any year is less than five per centum of the mean balance of the Fund in that year.

(5) Upon the retirement of any person in respect of whom a payment is made to the Fund by virtue of paragraph (b) of sub-regulation (3), there shall be paid from the Fund to the general revenues of the Republic an amount equal to the sum of the aggregate of that person's contributions and the aggregate of the payments to the Fund in relation to him which were made under paragraph (a) of sub-regulation (3).

(6) All benefits payable under Part IV of these Regulations shall be paid from the general revenue of the Republic.

(7) Except as provided in sub-regulation (6) all benefits payable under these Regulations shall be paid from the Fund.

7. (1) An officer who, immediately prior to being required to contribute by reason of the provisions of regulation 5, was employed as an unestablished person may, with the consent of the Permanent Secretary, elect whether he will contribute in respect of all or any of his past continuous employment as an unestablished person:

Contributions for
previous employment

Provided that-

- (i) no such option shall be given in respect of any past continuous employment other than past continuous employment recognised by the Permanent Secretary for the purposes of this regulation;
- (ii) no such option shall be given in respect of any portion of past continuous employment which is not immediately followed by service as an officer;
- (iii) the emoluments upon which arrear contributions are paid by an officer who elects to contribute in respect of past continuous employment shall be the emoluments determined by the Permanent Secretary;
- (iv) past continuous employment in respect of which contributions could not have been paid under regulation 5 if that employment had been as an officer shall not be regarded as employment as an unestablished person for the purposes of this regulation.

(2) Notwithstanding the provisions of regulation 5, a person who elects to contribute in respect of past continuous employment may be appointed as an officer and shall contribute at the appropriate rate with effect from the date of such appointment, if that officer is under the age of fifty-five years and elects to contribute in respect of past continuous employment which commenced before the officer attained the age of forty-five years.

(3) An officer who is permitted to elect under the provisions of sub-regulation (1) shall make his election in writing within one month from the date on which he is called upon to do so and any such election shall be irrevocable.

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(4) With effect from the beginning of the period in respect of which an officer elects to contribute, interest at the rate of five per centum per annum shall be charged on contributions due under this regulation, until payment is made and the contributions, together with interest thereon, shall, unless paid in one sum on demand made by the Permanent Secretary, be paid in such manner as may be determined by the Permanent Secretary.

(5) If the total amount of contributions payable under this regulation has not been paid before the death, retirement, resignation, or discharge of the officer by whom such contributions are payable, the amount, including interest, which remains unpaid shall be deducted in such manner as the Permanent Secretary may determine from any pension or other benefit which would otherwise be payable to the officer, his estate, or dependants.

(As amended by S.I. No. 98 of 1987 and 26 of 1990)

8. While any officer is on leave with reduced pensionable emoluments or without pensionable emoluments, contributions shall be paid on the pensionable emoluments which would have been received by him had the period of leave been with full pensionable emoluments.

Contributions when reduced or no pensionable emoluments are received

9. Notwithstanding the provisions of regulation 8, the Permanent Secretary may exempt an officer to whom leave is granted for the purpose of undergoing a full-time course of study, from the payment of contributions during the period of such leave.

Exemption from payment of contributions

(No. 199 of 1963 as amended by S.I. No. 98 of 1987)

10. (1) Contributions shall be deducted from each and every payment of pensionable emoluments.

(2) Notwithstanding the provisions of sub-regulation (1), contributions in respect of any period of leave with reduced pensionable emoluments or without pensionable emoluments or contributions payable under sub-regulation (3) of regulation 17 shall, unless paid in one sum on demand made by the Permanent Secretary, be paid, together with interest thereon, in such manner as the Permanent Secretary may determine.

Payment of contributions

(3) For the purposes of this regulation, interest shall be compound interest calculated at such rate, being not more than five per centum per annum, as the Permanent Secretary may determine.

(As amended by S.I. No. 98 of 1987)

11. (1) An officer shall retire-

Age of retirement and compulsory retirement

(a) on attaining his pensionable age;

(b) on his election to the National Assembly.

(2) An officer may, on giving due notice-

- (a) retire at any time during the five years before he attains pensionable age;
- (b) retire at any time after completing twenty years' service.

(3) The Permanent Secretary may require an officer to retire-

- a) on the abolition of his post or where in the opinion of the Permanent-Secretary such retirement will facilitate an improvement by which greater efficiency or economy could be affected in the Service;
- b) on medical grounds if he is satisfied that the officer is incapable, by reason of infirmity of mind or body, of discharging the duties of his office and that such infirmity is likely to be permanent; or
- c) on the ground that having regard to the conditions of service, the usefulness of the officer and all other circumstances of the case, it is desirable in the interest of the service that such be retired.

*(As amended by No. 202 of 1964, No. 123 of 1965,
No. 316 of 1966 and S.I. No. 98 of 1987)*

12. A pension, benefit, gratuity or other allowance granted under these Regulations shall not be assignable or transferable except for the purpose of satisfying-

Pensions, etc., not to be assignable

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

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

Provided that the provisions of the Maintenance Orders Act shall apply in relation to any pension, benefit, gratuity or other allowance granted under these Regulations.

(As amended by No. 123 of 1965)

13. (1) Every officer shall, within three months of his first becoming an officer, furnish the Permanent Secretary with proof-

Information to be furnished by contributors

- (a) of the date of his birth; and

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

(2) Every officer who marries while an officer shall, within three months after his marriage, furnish the Permanent Secretary with proof of his marriage and of the date of birth of his wife.

(3) Every officer shall, within three months from the date of the event, furnish the Permanent Secretary with proof of-

- (a) the birth of any child born to him;
- (b) the marriage of any female child or beneficiary;
- (c) the death of his wife or of any of his children or beneficiaries.

(4) After the death of any married officer the widow of such officer shall, within three months from the date of the event, furnish the Permanent Secretary with proof of-

Information to be furnished by widows

- (a) the date of the death of the officer;
- (b) the birth of any posthumous child born to such officer;
- (c) the marriage of any female child or beneficiary of such officer;
- (d) the death of any child or beneficiary of such officer;
- (e) her own remarriage.

(5) No payment of any pension or other benefit to a widow shall be made until proof of marriage to and the date of the death of the husband has been furnished.

(6) No pension in respect of a child or beneficiary shall be paid until proof has been furnished of the eligibility of that child or beneficiary for a pension under these Regulations.

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(7) A male officer or a male pensioner who contracts or who has contracted a marriage under a system permitting of polygamy shall notify the Permanent Secretary of the name of each wife together with the names of the children of each marriage, and shall notify the Permanent Secretary of any dissolution of marriage by death or divorce or any nullification of marriage.

Notification of wives and children of an officer married under a system permitting of polygamy

(8) No pension or other benefit under these Regulations shall be payable to a widow or in respect of the children of a male officer or pensioner married under a system permitting of polygamy unless their names have been notified by the officer or pensioner in terms of sub-regulation (7).

(9) The proof required under this regulation shall be to the satisfaction of the Permanent Secretary.

(As amended by No. 199 of 1963 and S.I. No. 98 of 1987)

14. 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 these Regulations to be furnished, all or any part of the rights under the scheme of the contributor or the widow or any child or beneficiary of the contributor shall be liable to be forfeited at the discretion of the Permanent Secretary.

Penalty for false statement

(As amended by S.I. No. 98 of 1987)

15. If a pensioner is convicted of any offence and is required to undergo a period of imprisonment exceeding three months, the payment of his pension shall, in accordance with the directions, if any, of the Permanent Secretary, be discontinued during the whole or part of the period of imprisonment:

Conviction of pensioner

Provided that the Permanent Secretary shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to authorise payment, authorise the payment of the whole or any portion of the pension in respect of the period during which it has been so discontinued to or for the benefit of such dependant or dependants of the pensioner as the Permanent Secretary may determine.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

16. If a person becoming entitled to or actually in receipt of a pension under these Regulations is found guilty by a court of competent jurisdiction-

Forfeiture of pension

- (a) of misappropriating public moneys or property of the Government; or
- (b) of making a false statement for the purpose of obtaining a pension, knowing the statement to be false or not believing it to be true;

his right to any pension or his pension, as the case may be, shall, in accordance with the directions of the Permanent Secretary and with the concurrence of the appropriate Service Commission, be suspended, reduced or forfeited, as the case may be.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

17. (1) Subject to the provisions of regulation 23 and sub-regulations (2), (3) and (4), the pensionable service with reference to which any pension is to be calculated shall be continuous. Pensionable service

(2) Subject to the provisions of sub-regulations (3) and (4), pensionable service shall include-

- (a) time spent on duty;
- (b) time spent on authorised leave of absence from duty, whether that leave is taken with or without pensionable emoluments;
- (c) any period during which an officer is lawfully prohibited from carrying out the duties of his post;
- (d) any period during which an officer is suspended from duty if followed by his reinstatement in the same post or another post.

(3) If an officer-

- (a) absents himself from duty without leave of absence; or
- (b) is detained or his movements are restricted under any law providing for the detention or restriction of movements of persons; or
- (c) undergoes a period of imprisonment;

and is not dismissed or discharged or called upon to resign, the Permanent Secretary shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to direct, direct-

- (i) that contributions shall be paid on the pensionable emoluments which that officer would have been paid had he not been absent, detained, in prison or his movements restricted, as the case may be, and that such period shall be included in the pensionable service of the officer; or
- (ii) that the period during which that officer is absent, detained, in prison or his movements restricted, shall not count as pensionable service:

Provided that, if the Permanent Secretary gives a direction in accordance with the provisions of sub-paragraph (ii), the period during which the officer is so absent, detained, restricted in his movements or in prison, as the case may be, shall not be regarded as having interrupted the continuity of his pensionable service.

(4) The pensionable service of an officer shall not include any period of time in respect of which he has not made contributions.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

18. (1) (a) If a pension or the aggregate of a pension and an additional pension does not exceed the rate of two hundred kwacha, the Secretary may, in his absolute discretion, at the request of the recipient, commute the whole or any portion of that pension or that pension and additional pension by a single cash payment calculated in the manner determined by the Secretary.

Commutation of
pension

(b) If a pension or the aggregate of a pension and an additional pension exceeds the rate of two hundred kwacha but does not exceed the rate of six hundred kwacha, the Secretary may in like circumstances commute a portion of that pension or that pension and additional pension, not exceeding two hundred kwacha, by a single cash payment likewise calculated:

Provided that if the portion of the pension not so commuted is not more than fifty kwacha, the Secretary may commute the whole pension.

(c) If a pension or the aggregate of a pension and an additional pension exceeds the rate of six hundred kwacha, the Secretary may in like circumstances commute a portion of that pension or that pension and additional pension not exceeding one-third thereof, by a single cash payment likewise calculated.

(2) 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 Third Schedule appropriate to the officer's age on his last day of pensionable service, or total service as the case may be, except that if the portion of pension not so commuted is less than fifty kwacha, the Board may commute the whole pension.

(3) Nothing in this regulation contained shall authorise the commutation of any pension or part of a pension payable to a widow or in respect of a child or beneficiary, or any pension or children's allowance, payable under regulation 32.

(As amended by S.I. No. 98 of 1987)

PART II BENEFITS ON PREMATURE RETIREMENT, RESIGNATION, DISCHARGE OR DISMISSALPART II

BENEFITS ON PREMATURE RETIREMENT, RESIGNATION, DISCHARGE OR DISMISSAL

19. (1) An officer who resigns shall be entitled to be paid if the said officer's pensionable service is- Benefits on resignation

- (a) less than fifteen years, the amount referred to in regulation 21 together with an amount equal to two per centum of the amount referred to in regulation 21 multiplied by the number of complete years, if any, in respect of which contributions have been paid;
- (b) fifteen years or more but less than twenty years, double the amount referred to in regulation 21;
- (c) twenty years or more, double the amount referred to in regulation 21, together with an amount equal to two per centum of double the amount referred to in regulation 21 multiplied by the number of complete years in respect of which contributions have been paid.

(2) If an officer resigns without due notice the Permanent Secretary may, with the concurrence of the appropriate Service Commission, deduct from the amount to which the officer is entitled under this regulation such amount as he may fix, being not more than the pensionable emoluments of the officer for that period of notice.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

20. (1) The following officers, that is to say:

Benefits on discharge
or dismissal

- (a) an officer on probation who is discharged;
- (b) any officer who is dismissed or discharged in consequence of disciplinary proceedings;

shall be entitled to be paid the amount referred to in regulation 21.

(2) Nothing in this regulation contained shall be construed as affecting the right of the Government to set off against the amount aforesaid the amount of any loss, howsoever arising, which the Government may have sustained by reason of the conduct of the officer on account of which the officer was dismissed or discharged.

21. For the purposes of regulations 19, 20 and 29, the amount to be used in calculating benefits shall be the total of the officer's contributions under the provisions of regulations 6 and 51.

Computation of
benefits on
resignation, discharge
or dismissal

22. (1) Subject to the provisions of Parts V, VI and VII, an established officer, who has completed a period of pensionable service amounting to less than ten years and who is retired on the ground that by reason of some disease, disablement, or infirmity of mind or body contracted or occasioned without his default he is incapable of efficiently performing his duties, shall be paid an amount equal to the rate based on the age at which an officer retires expressed in complete months.

Benefits on retirement
for ill health or infirmity

(2) Subject to the provisions of Parts V, VI and VII, an established officer, who has completed a period of pensionable service amounting to ten or more years and who is retired on the ground that by reason of some disease, disablement, or infirmity of mind or body contracted or occasioned without his default he is incapable of efficiently performing his duties, shall be entitled upon retirement-

- (a) to a pension calculated at the rate based on the age at which an officer retires, expressed in complete months; and
- (b) to an additional pension equal to seventy per centum of an officer's pension calculated at the rate based on the age at which an officer retires, expressed in complete months from date of retirement to the date when the officer would attain the pensionable age.

(3) Subject to the provisions of Parts V, VI and VII, an established officer who is retired on the ground that by reason of some disease, disablement or infirmity of mind or body, contracted or occasioned with his default, he is incapable of performing his work, shall be entitled upon retirement-

- (a) his pensionable service is less than ten years, to a pension at the rate based on the age at which he retires, expressed in complete months;
- (b) if his pensionable service is ten years or more, to a pension at the rate based on the age at which he retires, expressed in complete months.

(As amended by S.I. No. 98 of 1987)

23. (1) If any person who is receiving a pension under regulation 22 is, within two years of the date of his retirement, certified under sub-regulation (3) to be fit to resume duty in his former or in any other post and has not attained pensionable age, he may, subject to the provisions of sub-regulation (2), be required by the Permanent Secretary to resume duty in his former or in any other post. If the person refuses to resume duty without reasonable cause, his right to a pension under regulation 22 shall cease with effect from the date on which he is required to resume duty:

Resumption of duty by
officer retired on
grounds of ill health

Provided that the pension shall unless the appropriate Service Commission otherwise concurs be restored to a pensioner with effect from the date that pensioner attains the age of fifty years.

(2) The following provisions shall apply in relation to any person required to resume duty under sub-regulation (1):

- (a) the pensionable emoluments attaching to the post to which he is appointed shall not, without his consent, be less than the pensionable emoluments received by him immediately before the date of his retirement;
- (b) he shall not, without his consent, be appointed to a post other than his former post unless, in the opinion of the Permanent Secretary, the duties thereof correspond to those which he could have been called upon to perform before the date of his retirement;
- (c) the pension which he was receiving under regulation 22 shall cease with effect from the date of his resumption of duty;
- (d) his pensionable service shall not be deemed to have been interrupted by the period while he was receiving a pension under regulation 22, but that period shall not form part of his pensionable service. Any gratuity awarded on his earlier retirement shall be taken into account in determining the amount to be paid by way of pension on his final retirement.

(3) In determining the fitness of the person to resume duty under sub-regulation (1), the Permanent Secretary shall take into account the majority opinion of three medical practitioners, of whom two shall be selected by the Permanent Secretary and one by the person concerned.

*(As amended by No. 123 of 1965,
No. 26 of 1990 and S.I. No. 98 of 87)*

24. (1) An established officer who is retired under paragraph (a) of sub-regulation 3 of regulation 11 shall be entitled upon retirement to a pension calculated at the rate based on the age at which an officer retires, expressed in complete months.

Pension on loss of office

(2) An officer referred to in sub-regulation (1) shall, unless the appropriate Service Commission otherwise concurs, in addition to the pension to which he is entitled under that sub-regulation, be granted an additional pension at the annual rate of one-sixtieth of his average pensionable emoluments for each completed period of three years' pensionable service:

Provided that-

- (i) the addition shall not exceed ten-sixtieths;
- (ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if he had continued until his pensionable age to hold the office held by him at the date of his retirement, having received all increments for which he would have been eligible by that date;
- (iii) no additional pension granted under this sub-regulation shall exceed the difference between the pension payable under sub-regulation (1) and two-thirds of the highest pensionable emoluments of the officer at any time in the course of his service.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

25. An established officer who is retired under the provisions of paragraph (c) of sub-regulation (3) of regulation 11 shall be entitled upon retirement to the benefits to which he would have been entitled under sub-regulation (3) of regulation 22 had he been retired on the grounds of ill health or infirmity.

Benefits on retirement
in the interests of the
Teaching Service

PART III RETIREMENT AND DEATH BENEFITS PART III

RETIREMENT AND DEATH BENEFITS

26. (1) Subject to the provisions of Parts V, VI and VII, an established officer whose pensionable service amounts to less than ten years and who retires-

Benefits of retirement

- (a) with the consent of the appropriate Service Commission at any time during the five years before he attains pensionable age; or
- (b) on his election to the National Assembly; shall be paid an amount on the rate based on the age at which the officer retires, expressed in complete months.

(2) An established officer whose pensionable service amounts to ten or more years who retires-

- (a) on attaining pensionable age; or
- (b) with permission of the appropriate Service Commission at any time during the five years before he attains that age; or

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- (c) on his election, having been given permission by the Permanent Secretary to stand for election to the National Assembly; shall be entitled, as from the date of his retirement, to a pension calculated at the rate based on the age at which the officer retires, expressed in complete months.

*(As amended by No. 292 of 1964,
No. 316 of 1966 and No. 98 of 1987)*

27. (1) Subject to the provisions of regulation 30 and Parts V and VI, if an established officer whose pensionable service amounts to ten or more years, dies and leaves a widow, there shall be paid to the widow a pension equal to forty per centum of the pension and additional pension to which the officer would have been entitled under sub-regulation (2) of regulation 22 had he been retired on the grounds mentioned in that sub-regulation at the date of his death.

Pension for widow

(2) Subject to the provisions of regulation 30 and Parts V and VI, if a pensioner dies and leaves a widow, there shall be paid to the widow a pension equal to forty per centum of the pension and additional pension to which the pensioner was or would have been entitled under these Regulations at the date of his death without regard to any commutation under these Regulations and exclusive of any pension payable to him under regulation 32.

(3) Subject to the provisions of regulation 13, a pension payable under this regulation shall be paid from the day following the date of death of the established officer or pensioner, as the case may be.

(4) Any pension payable under this regulation to a widow shall cease on the date on which the widow remarries.

(5) If, in the opinion of the Permanent Secretary, the widow of a pensioner is cohabiting with any person, the pension payable to her shall, with the concurrence of the appropriate Service Commission, cease as from a date determined by the Permanent Secretary:

Provided that if the Permanent Secretary is satisfied at a subsequent date that the cohabitation has come to an end, he shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to re-grant, re-grant the pension as from that date.

*(As amended by No. 199 of 1963 and
No. 123 of 1965 and No. 98 of 1987)*

28. (1) Subject to the provisions of regulations 13 and 31 and of Parts V and VI, if an established officer whose pensionable service amounts to ten or more years or a pensioner dies and leaves a widow and children, there shall be paid in respect of his children, with effect from the day following the date of his death, a pension equal to the following percentages of the widow's pension calculated under the provisions of regulation 27:

Pension for children.

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For one child-twenty-five per centum;

For two children-forty per centum;

For three children-fifty per centum;

For four children-sixty per centum;

For five or more children-sixty-six and two-thirds per centum:

Provided that on the death or remarriage of the widow, the pension payable in respect of the children shall be at the rates specified in sub-regulation (2).

(2) Subject to the provisions of regulation 13 and sub-regulation (2) of regulation 31 and of Parts V and VI, if an established officer whose pensionable service amounts to ten or more years or a pensioner dies and leaves no widow but leaves children, there shall be paid in respect of those children, with effect from the day following the date of his death, a pension equal to the following percentages of the pension that would have been payable to his widow in terms of regulation 27 had he left one:

For one child-fifty per centum;

For two children-eighty per centum;

For three children-one hundred per centum;

For four children-one hundred and twenty per centum;

For five or more children-one hundred and thirty-three and one-third per centum.

(3) If a child dies or ceases to be a child under the definition of a child in regulation 2, the pension payable under this regulation shall cease or if there are other children shall be adjusted accordingly.

(4) Any pension payable under this regulation shall be paid to such person or persons as shall from time to time be determined by the Permanent Secretary and shall, in accordance with his determination, be paid in respect of one child or apportioned between any two or more of the children.

(5) If the deceased leaves a widow who does not maintain or deserts or abandons a child of herself and the deceased, the Permanent Secretary may direct that such portion of the widow's pension as he thinks fit shall be paid to such person as he may direct and be applied by such person for the benefit of such child.

(6) Notwithstanding any other provision contained in these Regulations, if an allowance or pension is being paid under these Regulations in respect of a child-

- (a) because of the injury or death of the father of that child, no further allowance or pension shall be payable under these Regulations in respect of that child on the injury or death of the step-father of that child;
- (b) because of the injury or death of the step-father of that child, no further allowance or pension shall be payable under these Regulations in respect of that child on the injury or death of the father of that child.

(As amended by No. 199 of 1963 and S.I. No. 98 of 1987)

29. (1) Subject to the provisions of regulations 13 and 30, if, on the death of an established officer, no pension or special pension is payable to his widow or child under these Regulations other than a pension payable under regulation 33, a sum equal to-

Benefits other than pension payable on death

- (a) twice the amount referred to in regulation 21; or
- (b) the amount which would have been payable under regulation 19 had such officer resigned on the date of his death;

whichever is the greater, shall be paid to the widow or child, or, if there is no widow or child, to the estate of the officer.

(2) Subject to the provisions of regulations 13 and 30, on the death of an officer on probation, there shall be paid to the widow or child of that officer in accordance with the provisions of sub-regulation (3), or, if there is no widow or child, to the estate of that officer, an amount equal to the benefits which would have been payable under regulation 19 if that officer had resigned on the date of his death.

(3) Any amount payable under this regulation to a widow or child shall be paid-

- (a) if there is a widow and no child, to the widow;
- (b) if there is a widow and one child, or more than one child, or no widow but one child or more, to such person or persons and in such proportions as shall from time to time be determined by the Permanent Secretary.

(As amended by No. 199 of 1963 and S.I. No. 98 of 1987)

30. (1) When a male officer or a male pensioner who was married under a system permitting of polygamy dies, the pensions or benefits payable under the provisions of regulations 27, 29 and 33 shall be calculated as if there had been only one widow of that male officer or pensioner, as the case may be, and shall be divided equally into the same number of parts as the number of widows surviving at the date of the officer's or pensioner's death.

Payments of pension or benefits to widows of a deceased person who was married under a system permitting of polygamy

(2) Each surviving widow of the deceased male officer or male pensioner, as the case may be, shall be paid one part of the pension or benefit calculated in accordance with sub-regulation (1).

(3) A pension payable to a widow under this regulation shall cease on the date on which she marries or dies or, in the opinion of the Permanent Secretary, cohabits with any person, and the pension for the remaining widow or widows, if any, shall not be increased.

(No. 199 of 1963 and S.I. No. 98 of 1987)

31. (1) Subject to the provisions of sub-regulation (2), when a male officer or a male pensioner who was married under a system permitting of polygamy dies, the pension payable in terms of regulation 28 in respect of the children shall be calculated on the pension payable as if there had been only one widow.

Payments of pensions or benefits to children of a deceased person who was married under a system permitting of polygamy

(2) The proviso to sub-regulation (1) of regulation 28 and paragraph (b) of sub-regulation (3) of regulation 33 shall only apply from the date on which the last widow's pension ceases in terms of sub-regulation (3) of regulation 30.

(No. 199 of 1963)

PART IV PENSIONS AND TEMPORARY ALLOWANCES IN RESPECT OF DEATH OR INJURY IN THE COURSE OF DUTY

PENSIONS AND TEMPORARY ALLOWANCES IN RESPECT OF DEATH OR INJURY IN THE COURSE OF DUTY

32. (1) In this regulation-

"degree of disablement" means the degree of disablement due to an injury expressed as a percentage of total disablement, which shall be taken as one hundred per centum;

"earnings" means, in relation to an injured person-

(a) if he is an officer, his annual rate of pensionable emoluments immediately before the date from which a temporary allowance or a pension first became payable to him or would have become payable to him but for the provisions of sub-regulation (11);

Pensions and benefits in respect of injury in the course of duty

- (b) whose injury manifests itself after that person had ceased to be an officer, the annual rate of his pensionable emoluments at the date he received the injury or, if the date of the injury is not established to the satisfaction of the Permanent Secretary, the annual rate of his pensionable emoluments at a date fixed by the Permanent Secretary;

"injured person" means an officer who has sustained injury even though the injury does not manifest itself until a date when he is no longer an officer, but does not include an officer who is otherwise eligible for compensation in respect of such injury under the provisions of the Worker's Compensation Act;

"injury" means-

- (a) ill health, physical or mental unfitness, physical or mental incapacity, or personal injury which, in the opinion of the Permanent Secretary, is caused by or due to an officer's work; or
- (b) an aggravation to a material extent of ill health, physical or mental unfitness, physical or mental incapacity, or personal injury, which aggravation, in the opinion of the Permanent Secretary, is caused by or due to an officer's work;

without any wrongful act of commission or omission on the part of the officer;

"material extent", in relation to an injury which has been aggravated by the discharge of the officer's work, means-

- (a) where the degree of disablement which would have been applicable had the whole of the condition of the injured person been caused by the performance of his work (hereinafter in this paragraph called the full degree of disablement) is less than twenty per centum, a degree of disablement of five per centum or more which is not less than one-half of his full degree of disablement;
- (b) in cases not falling under paragraph (a), a degree of disablement of at least ten per centum;

"medical certificate" means a certificate given by the medical authority specified in this regulation regarding-

- (a) the fitness or otherwise of an injured person to perform his work;
- (b) the nature of incapacity, if any, of the injured person;
- (c) the period of leave, if any, which, in the opinion of the medical authority, is necessary and indispensable for the recovery of the health of the injured person.

(2) The Permanent Secretary may grant sick leave with salary to an injured person-

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- (a) for a period of, or for periods not exceeding in the aggregate, ninety days on production of a medical certificate given by the medical practitioner or dentist, as the case may be, of the injured person or, if the Permanent Secretary desires the production of a certificate given by a medical practitioner or a dentist, as the case may be, nominated by him, on production of that certificate;
- (b) in addition to sick leave granted under paragraph (a), for a further period of, or for further periods not exceeding in the aggregate, ninety days on production of a medical certificate given by a Government medical officer, or, if the Permanent Secretary desires the production of a certificate given by a medical board, on production of that certificate;
- (c) in addition to any sick leave granted under paragraphs (a) and (b), for such further periods, being not more than one hundred and eighty days each, as may be recommended by a medical board:

Provided that-

- (i) no one continuous period of sick leave granted under this sub-regulation shall exceed five hundred and forty days;
- (ii) no further period of sick leave shall be granted under this sub-regulation if the Permanent Secretary is satisfied, after considering the report of a medical board, that the injured person will be permanently unfit to perform his work and deems his degree of disablement to have reached a final and stationary condition.

(3) Sick leave granted under sub-regulation (2) shall be additional to any sick leave which may be granted under the provisions of the rules and instructions relating to the Teaching Service.

(4) The degree of disablement of an injured person shall be-

- (a) in respect of the disabilities mentioned in the First Schedule, the percentage indicated in that Schedule;
- (b) in respect of any disability not mentioned in the First Schedule, such percentage as may be assessed by the Permanent Secretary after considering the opinion of a medical board on the percentage of disability.

(5) In making a report under paragraph (b) of sub-regulation (4), a medical board shall make a comparison of the injured person's condition with the condition of a normal healthy person of the same age and sex without taking into account the earning capacity, in his disabled condition, of the injured person in his own or any other trade or occupation.

(6) In the case where an injured person has two or more disabilities which are the result of one or more injuries, the degree of disablement shall be determined in relation to the combined disabilities but shall in no case exceed one hundred per centum.

(7) Notwithstanding the provisions of this regulation, if the Permanent Secretary deems the degree of disablement of an injured person to be inadequate by reason of the particular consequences of the disablement in relation to the special nature of that person's occupation, he may assess the degree of disablement at such a percentage, being not more than one hundred per centum, as he may deem equitable in the circumstances:

Provided that, if there is any material improvement in the injured person's earning capacity, the Permanent Secretary may reduce or vary any assessment made under this sub-regulation, so, however, that in no case shall a degree of disablement be assessed at a percentage lower than that fixed by or under the provisions of sub-regulation (4), (6) or (13).

(8) Subject to the provisions of sub-regulation (12), an injured person shall, in addition to any other benefit payable under these Regulations, be entitled-

- (a) until such time as his degree of disablement is deemed by the Permanent Secretary to have reached a final and stationary condition, to a temporary allowance computed under sub-regulation (9) according to his degree of disablement as assessed from time to time;
- (b) when his degree of disablement has been deemed by the Permanent Secretary to have reached a final and stationary condition, to a pension computed under sub-regulation (9) or a sum computed under sub-regulation (11), as the case may be.

(9) The annual rate of a temporary allowance or pension payable to an injured person shall be computed-

- (a) in the case of an injured person whose degree of disablement is one hundred per centum, as an amount equal to the aggregate of two-thirds of his earnings up to and including one thousand three hundred kwacha and one-third of his earnings from one thousand three hundred and one kwacha to three thousand and forty kwacha, both inclusive;
- (b) in the case of an injured person whose degree of disablement is less than one hundred per centum, as an amount equal to one one-hundredth of the allowance or pension computed as in paragraph (a), multiplied by the degree of disablement.

(10) In addition to any temporary allowance or pension payable under sub-regulation (8) to an injured person who has been discharged, there shall be paid in respect of the children of that injured person an allowance-

- (a) if the degree of disablement is one hundred per centum, at the rate of one forty-eighth of his earnings or sixty kwacha per annum, whichever is the greater for the first child, and one-sixtieth of his annual pensionable emoluments or forty-eight kwacha per annum, whichever is the greater, for each additional child;
- (b) if the degree of disablement is less than one hundred per centum, at rates in the same proportion to the rates referred to in paragraph (a) as the degree of disablement bears to one hundred per centum.

Any allowance payable under this sub-regulation shall cease from the date on which a pension becomes payable in respect of any of the children under the provisions of regulation 33.

(11) Notwithstanding the provisions of this regulation, the Permanent Secretary shall, with the consent of the injured person and unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to pay, pay to that person, in lieu of any pension calculated under sub-regulation (9), a lump sum equal to the capitalised value thereof, calculated in terms of the Second Schedule.

(12) Temporary allowances and pension under this regulation shall accrue-

- (a) in the case of a temporary allowance, from a date to be determined by the Permanent Secretary;
- (b) in the case of a pension, from such date as may be determined by the Permanent Secretary as that on which it may be deemed that the degree of disablement has reached a final and stationary condition.

(13) In any case where the degree of disablement of an injured person has been deemed by the Permanent Secretary to have reached a final and stationary condition, the Permanent Secretary may at any time vary the degree of disablement if he is satisfied, after considering the report of a medical board, that there has been a variation of five or more per centum of total disablement in respect of the injured person, and any pension payable to the injured person or any allowance payable in respect of his child under this regulation shall thereupon be computed accordingly.

*(As amended by No. 123 of 1965, No. 316 of 1966
and S.I. No. 98 of 1987)*

33. (1) In this regulation-

"death" means death which, in the opinion of the Permanent Secretary, is caused by the discharge of official duties without any wrongful act of commission or omission on the part of the deceased person;

"deceased person" means a person who-

- (a) immediately before his death was an officer; or

Pensions and benefits in respect of death caused by the discharge of duties

(b) was an officer and whose death occurred after he ceased to be an officer;
but does not include a person in respect of whose death compensation is otherwise payable under the provisions of the Worker's Compensation Act;

"earnings", in relation to a deceased person, means-

- (a) if that person has been awarded compensation in accordance with regulation 32 in respect of the injury which was the cause of his death, his earnings as defined in that regulation;
- (b) if that person has not been awarded compensation in accordance with regulation 32 in respect of the injury which was the cause of his death, the annual rate of his pensionable emoluments at the date he received the injury or, if the date of the injury is not established to the satisfaction of the Permanent Secretary, his pensionable emoluments at a date fixed by the Permanent Secretary.

(2) Subject to the provisions of these Regulations, the widow and children, if any, of a deceased person shall, in addition to any other benefits payable under these Regulations, be entitled-

- (a) in the case of a widow, to an annual pension equal to sixty-six and two-thirds per centum of the pension which would have been payable to the deceased person under paragraph (a) of sub-regulation (9) of regulation 32 had he sustained a one hundred per centum degree of disablement. For the purpose of calculating the pension which would have been payable to the deceased person, "earnings" shall have the meaning assigned thereto in sub-regulation (1);
- (b) in the case of the children, to a pension at the rate of one twenty-fourth of the deceased person's earnings or one hundred and twenty kwacha per annum, whichever is the greater, for the first child and one-fortieth of the deceased person's annual pensionable emoluments at the date of his death or seventy-two kwacha per annum, whichever is the greater, for each additional child:

Provided that, if the person leaves children of a marriage or marriages previous to his marriage to his widow and the children live in households other than that in which the widow resides with her children by the deceased person, the children in those other households shall, unless the appropriate Service Commission otherwise concurs, be entitled to pensions at the rate which would have been appropriate if they were the only children of the deceased person.

(3) Notwithstanding the provisions of sub-regulation (2), the children of a deceased person shall, subject to the provisions of regulation 31, be entitled to pensions at the rate of one-fifteenth of the deceased person's earnings or one hundred and ninety-two kwacha per annum, whichever is the greater, each-

- (a) if the deceased person leaves no widow; or

- (b) with effect from the date the pension to the widow of a deceased person ceases as a result of her marriage or death.

(4) If a deceased person leaves no widow or child but there are other dependants, there shall be paid to those dependants in such proportions as the Permanent Secretary may determine an amount equal to-

- (a) three times the deceased person's earnings; or
- (b) three times the rate of pension which would be payable under paragraph (a) of sub-regulation (9) of regulation 32 to an injured person whose earnings are two thousand eight hundred and eighty kwacha per annum:

whichever is the greater:

Provided that any amount payable in terms of this sub-regulation shall be reduced by the aggregate of any payment made to or on behalf of the deceased person under sub-regulation (8), (10), (11) or (13) of regulation 32.

*(As amended by No. 199 of 1963, No. 123 of 1965
and S.I. No. 98 of 1987)*

34. The following conditions shall apply to a pension payable to the widow and to allowances or pensions payable in respect of children under regulation 32 or 33, as the case may be:

Conditions applicable to pensions and allowances payable in terms of regulation 32 or 33

- (a) the pension shall be payable from the day following the death of the injured person;
- (b) the pension to the widow shall cease from the date on which the widow remarries;
- (c) if, in the opinion of the Permanent Secretary, the widow is cohabiting with any person, the pension payable to her shall, with the concurrence of the appropriate Service Commission, cease as from a date determined by the Permanent Secretary:

Provided that if the Permanent Secretary is satisfied at a subsequent date that the cohabitation has come to an end he shall, if he thinks fit, re-grant the pension as from that date unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to re-grant such pension;

- (d) any allowance payable in respect of a child under sub-regulation (10) of regulation 32 or a pension payable under regulation 33, as the case may be, shall be paid to such person or persons as shall from time to time be determined by the Permanent Secretary;
- (e) if a child dies or ceases to be a child within the definition of a child in regulation 2, the allowance payable under sub-regulation (10) of regulation 32 or the pension payable under regulation 33, as the case may be, shall cease or, if there are other children, shall be adjusted accordingly;

- (f) if the deceased leaves a widow who does not maintain or deserts or abandons a child of herself and the deceased, the Permanent Secretary may direct that such portion of the widow's pension as he thinks fit shall be paid to such person as he may direct and be applied by such person for the benefit of such child;
- (g) for the purposes of this regulation, the provisions of regulations 30 and 31 shall apply in the case of a male officer or a male pensioner married under a system permitting of polygamy.

*(As amended by No. 199 of 1963 No. 123 of 1965
and S.I. No. 98 of 1987)*

35. (1) In this regulation, "injured person", "injury" and "material extent" have the meanings assigned thereto in regulation 32.

Reimbursement of
medical and other
expenses

(2) In any case where an injured person incurs unavoidable expense of a nature other than that referred to in sub-regulations (3) and (4), which the Permanent Secretary is satisfied is directly attributable to his undergoing medical examinations or treatment in respect of his injury, the Permanent Secretary shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to increase or award an allowance or pension-

- (a) in a case where the injured person is in receipt of a temporary allowance or pension under regulation 32, increase the allowance or pension, together with the allowance in respect of children, if any, payable under sub-regulation (10) of that regulation, to an amount not exceeding that which would have been payable had the degree of disablement of the injured person been one hundred per centum, for the period that the injured person undergoes medical examination or treatment and while travelling in connection therewith;
- (b) in a case where the injured person is not in receipt of a temporary allowance or pension under regulation 32, award a temporary allowance, together with the allowances in respect of children, if any, payable under sub-regulation (10) of that regulation, not exceeding that which would have been payable had the degree of disablement been one hundred per centum during the period of the medical examination or treatment and while travelling in connection therewith.

(3) When it is necessary for an injured person to make a journey for the purpose of undergoing medical examination or treatment in connection with his injury, the Permanent Secretary may authorise the payment of subsistence allowance and transport costs at such rates and subject to such conditions as he may determine:

Provided that no subsistence allowance shall be payable for any period during which an injured person is an in-patient at an institution or hospital, the cost of which is paid, in whole or in part, under sub-regulation (4).

(4) An injured person shall be entitled to the payment of such expenses, not exceeding in the aggregate five hundred kwacha, as the Permanent Secretary is satisfied have been reasonably and necessarily incurred by that person as a result of an injury in respect of dental, medical, surgical, hospital or other treatment, including the supply of artificial limbs and appliances:

Provided that-

- (i) if the Director of Medical Services has reported that the treatment of the injury warrants expenditure in excess of five hundred kwacha, the Permanent Secretary may direct the payment of such additional payments in excess of five hundred kwacha as he may approve;
- (ii) where the expenses are related to an injury which is due to aggravation to a material extent by the performance of his work without any wrongful act of commission or omission on his part-
 - A. the sum payable under this sub-regulation in respect of each claim shall not exceed an amount equal to the same proportion of that claim as the actual degree of disablement of the injured person due to the aggravation bears to the degree of disablement which would have been applicable to him had the whole of his disablement been due to an injury;
 - B. the aggregate of the amounts payable under this sub-regulation shall not exceed an amount equal to the same proportion of five hundred kwacha, or such increased amount as the Permanent Secretary may fix under proviso (i), as the actual degree of disablement of the injured person due to the aggravation bears to the degree of disablement which would have been applicable to him had the whole of his disablement been due to an injury.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

36. (1) Any person in receipt of a pension or allowance under regulation 22 or 32 may be required by the Permanent Secretary to submit to a medical examination or to undergo medical or surgical treatment-

Medical examination
or treatment

- (a) if he is receiving a pension under regulation 22, at any time within a period of two years from the date of his discharge;
- (b) if he is an injured person receiving a pension or allowance under regulation 32, at any time.

(2) If any person referred to in sub-regulation (1) fails to submit himself to the examination or to undergo the treatment required by the Permanent Secretary, his right to a pension or allowance under regulation 22 or 32 shall cease as from the date he fails to do so:

Provided that-

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- (i) if at any time thereafter he submits himself to the examination or to undergo the treatment required by the Permanent Secretary, the pension or allowance shall be revived-
 - (a) in the case of a pension payable under regulation 22, where the person is not certified as being fit to resume duty or is not required to resume duty, with effect from the date on which it ceased to be payable;
 - (b) in the case of a pension or allowance payable under regulation 32, with effect from the date on which the person submits himself to that examination or undergoes that treatment;
- (ii) the person may be restored to a pensioner with effect from the date that pensioner attains the age of fifty-five years.

(As amended by S.I. No. 98 of 1987 and 26 of 1990)

PART V PROVISIONS RELATING TO PENSIONS AND OTHER BENEFITS
APPLICABLE ONLY TO OFFICERS TRANSFERRED FROM OR TO THE SERVICE
V

PROVISIONS RELATING TO PENSIONS AND OTHER BENEFITS
APPLICABLE ONLY TO OFFICERS TRANSFERRED FROM OR TO
THE SERVICE OF A SCHEDULED GOVERNMENT

37. In this Part, unless the context otherwise requires-

Interpretation

"emoluments factor" means the aggregate of the pensionable emoluments of a transferred officer during his pensionable service divided by the aggregate of his pensionable emoluments during his pensionable service and the emoluments accepted as pensionable during his pensionable employment:

Provided that, where part only of any employment in a civil capacity is taken into account as pensionable employment, a proportionate part only of the aggregate emoluments during that employment shall be taken into account as pensionable emoluments;

"final pensionable emoluments", in the case of an officer who retires from or dies while in the Service, means the officer's average pensionable emoluments and, in the case of an officer who retires from or dies while serving under a Scheduled Government, means the pensionable emoluments taken for the purpose of calculating the officer's pension by that Government or the pensionable emoluments which would have been taken for the purpose of calculating the officer's pension had he retired on the date of his death, as the case may be;

"pensionable employment", in relation to a transferred officer, means-

- (a) the period of employment under a Scheduled Government or Governments which may be taken into account in computing his pension; and

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- (b) in the case of an officer who was transferred to the Service from service in the former Protectorate of Northern Rhodesia or the Republic and who is subsequently transferred to a Scheduled Government, includes the period of pensionable employment which would otherwise be taken into account for the purposes of Part VI; and
- (c) in the case of an officer who was transferred to the Service from employment which was pensionable under local conditions, includes any period of pensionable employment which may be taken into account for the purposes of the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws;

"Scheduled Government" means the Government of the former Federation of Rhodesia and Nyasaland, the Government of the former Protectorate of Nyasaland, the Government of Southern Rhodesia and Division I and Division II of local conditions:

Provided that, if immediately before the date of his transfer to the Service from service in Division I or Division II of local conditions, a person was a guaranteed officer for the purposes of the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws, the provisions of Part VI of these Regulations shall apply to such officer and any pension, gratuity or other benefit payable to the officer, his widow, child, beneficiary or estate shall be calculated accordingly;

"transferred officer" means an officer transferred from or to the Service to or from a Scheduled Government and includes, for the purposes of this Part, an officer who was transferred to the Service from service in the former Protectorate of Northern Rhodesia or the Republic and who is subsequently transferred to a Scheduled Government.

(As amended by No. 123 of 1965)

38. Notwithstanding anything to the contrary in these Regulations contained, the provisions of this Part shall apply to officers who are transferred to or from the Service from or to a Scheduled Government.

Application of this Part

39. The pensionable age of a transferred officer who retires from a Scheduled Government shall be at the age at which he is permitted or required to retire from that Government.

Pensionable age of transferred officers

40. The provisions of these Regulations shall apply in relation to any pension or other benefit payable to a transferred officer or his widow, child, beneficiary or estate, subject to the following modifications:

Application of these Regulations in respect of officers transferred

- (a) the officer shall, with effect from his date of transfer to the Service, make contributions at the rate specified in regulation 6;
- (b) the officer shall, with effect from the date of his transfer from the Service, cease to make contributions;
- (c) for the purpose of determining whether the officer has completed a period of pensionable service amounting to ten years, the period of his pensionable employment shall be deemed to form part of his pensionable service;
- (d) save in respect of an additional pension or a pension payable under regulation 32, the pension payable to the officer under these Regulations shall be the appropriate pension in respect of a period of service consisting of the aggregate in completed months of his pensionable service and his pensionable employment multiplied by the emoluments factor:

Provided that for the purpose of this paragraph the pension in respect of a period of service consisting of the aggregate in completed months of the officer's pensionable service and his pensionable employment shall be the pension found by reference to his final pensionable emoluments;

- (e) in calculating the amount of an additional pension under regulation 24-
 - (i) the reference in sub-regulation (2) of regulation 24 to the pensionable service of the officer shall be read and construed as a reference to the aggregate of the pensionable service and the pensionable employment of the officer;
 - (ii) the reference in proviso (iii) to sub-regulation (2) of regulation 24 to the pension payable under sub-regulation (1) shall be read and construed as a reference to the pension which would be payable under sub-regulation (1) of regulation 24 if pensionable service included the period of pensionable employment;
- (f) the provisions of sub-paragraph (ii) of paragraph (a) of sub-regulation (2) of regulation 22, of sub-paragraph (ii) of paragraph (b) of sub-regulation (2) of regulation 22, and of sub-regulation (2) of regulation 24 shall not apply in the case of an officer who retires from a Scheduled Government;
- (g) the provisions of Part IV shall not apply in the case of an officer who is injured while serving under a Scheduled Government or where an officer dies as the result of injury received while serving under a Scheduled Government;
- (h) if at the date on which the officer retires from the Service or from a Scheduled Government the aggregate of his pensionable service and pensionable employment is less than ten years, he shall, notwithstanding anything to the contrary in these Regulations contained, be entitled only to a gratuity calculated by multiplying by the emoluments factor with the rate based on the age at which an officer retires, expressed in complete months:

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Provided that this paragraph shall not apply in the case of an officer who is retired from the Service or from a Scheduled Government if such officer is retired on grounds mentioned in paragraph (a) of sub-regulation (4) of regulation 11. An officer who is retired on such grounds shall be eligible for a pension calculated in accordance with paragraph (d) and if he is retired from the Service and is qualified therefore shall be eligible for an additional pension calculated in accordance with sub-regulation (2) of regulation 24.

(As amended by S.I. No. 98 of 1987)

41. (1) If a transferred officer dies and leaves a widow, or a widow and a child or children, or does not leave a widow but leaves a child or children, and the aggregate of the officer's pensionable service and pensionable employment is more than ten years, there shall be paid in respect of the widow, or in respect of the widow and child or children, or in respect of the child or children, as the case may be, an amount or amounts arrived at by multiplying the pension or pensions which would have been paid had the officer's pensionable service and pensionable employment been wholly service in the Service by the emoluments factor.

Rights of dependants
of officers transferred

(2) If a pensioner dies and leaves a widow, or a widow and a child or children, or does not leave a widow but leaves a child or children, there shall be paid in respect of the widow, or in respect of the widow and child or children, or in respect of the child or children, as the case may be, an amount arrived at by multiplying the pension or pensions which would have been paid had the pensioner's pensionable service and pensionable employment been wholly service in the Service by the emoluments factor.

PART VI PROVISIONS RELATING TO PENSIONS AND OTHER BENEFITS
APPLICABLE ONLY TO OFFICERS TRANSFERRED FROM SERVICE IN ZAMBIA
VI

PROVISIONS RELATING TO PENSIONS AND OTHER BENEFITS
APPLICABLE ONLY TO OFFICERS TRANSFERRED FROM SERVICE
IN ZAMBIA

42. In this Part, unless the context otherwise requires-

Interpretation

"approved scheme" means an approved scheme as defined in the Widows and Orphans Pension Act;

Cap. 279

"deficit" means the difference between-

Cap. 279
Cap. 279
Cap. 279

- (a) the aggregate of the annual rate of the pensions which would have been payable to a widow, child or beneficiary, as the case may be, of a guaranteed officer under the Widows and Orphans Pension Act had he died immediately before the date of transfer to the Service; and
- (b) the aggregate of the annual rate of the pensions which at his death are payable to a widow, child or beneficiary, as the case may be, of a guaranteed officer under the Widows and Orphans Pension Act:

Provided that in determining the deficit no account shall be taken of any additional pension payable to a widow, child or beneficiary, as the case may be, by reason of voluntary payments made under the Widows and Orphans Pension Act, unless the guaranteed officer was immediately before his death making the payments referred to in regulation 48 or had paid contributions for the maximum period laid down in that regulation;

"emoluments factor" means the aggregate of the pensionable emoluments of a guaranteed officer during his pensionable service divided by the aggregate of his pensionable emoluments during his pensionable service and the emoluments accepted as pensionable during his pensionable employment:

Provided that, for the purposes of computing the aggregate of the emoluments accepted as pensionable under this definition and under paragraph (i) of regulation 46, a guaranteed officer who has been on leave with reduced pensionable emoluments or without pensionable emoluments during the period of his pensionable employment shall be deemed to have received his full pensionable emoluments during that leave;

Cap. 266

"guaranteed officer" means an officer transferred to the Service from service in the former Protectorate of Northern Rhodesia or the Republic and for the purposes of this Part includes an officer who immediately before the date of his transfer to the Service was a guaranteed officer under the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws, provided that an officer subsequently transferred from the Service shall thereupon cease to be a guaranteed officer;

"pensionable employment" means service in the former Protectorate of Northern Rhodesia or the Republic and any period of employment in the public service which counts as pensionable service for the purposes of the European Officers' Pensions Act or the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, or the Subordinate Police (Pensions) Regulations or the Unified African Teaching Service Regulations, as the case may be.

(As amended by No. 123 of 1965)

43. The provisions of this Part shall, notwithstanding anything to the contrary in these Regulations contained, apply to officers who are transferred from service in Zambia to the Service and are not subsequently transferred from the Service.

Application of this Part

44. (1) If the pension payable to a guaranteed officer on retirement calculated under these Regulations or the pension payable to a guaranteed officer on retirement calculated under these Regulations together with the pension payable in respect of his pensionable employment, as the case may be, is less than the pension which would have been payable to him on retirement from service in Zambia calculated in accordance with the provisions of the European Officers' Pensions Act or the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, or the Subordinate Police (Pensions) Regulations or the Unified African Teaching Service Regulations, as the case may be, on the date of his retirement his pension under these Regulations shall be increased by the difference.

Guarantee in respect
of pension for
transferred officers
Cap 266

(2) In determining for the purposes of this regulation the pension which would have been payable to an officer on retirement from service in Zambia the retiring pensionable emoluments of the officer shall be deemed to be the emoluments which would, in the opinion of the Permanent Secretary, have been pensionable under the European Officers' Pensions Act or the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, or the Subordinate Police (Pensions) Regulations or the Unified African Teaching Service Regulations, as the case may be, had he not transferred to the Service or had he not transferred to local conditions and subsequently transferred to the Service, as the case may be, and had he progressed in the scale of salary or remained on the fixed salary which was applicable to his office which corresponds with the scale of salary or the fixed salary of the office held by him in the Service during the three years immediately preceding his retirement.

Cap. 266
Cap. 133

(As amended by S.I. No. 98 of 1987)

45. *(Revoked by S.I. No. 26 of 1990).*

46. The provisions of these Regulations shall apply in relation to any pension or other benefit payable to a guaranteed officer or his widow, child, beneficiary or estate, subject to the following modifications:

Application of these
Regulations in respect
of guaranteed officers

- (a) the officer shall, with effect from his date of transfer, contribute at the rate appropriate under regulation 6 to a person of the same sex as that officer;
- (b) for the purpose of determining whether the officer has completed a period of pensionable service amounting to ten years, the period of his pensionable employment shall be deemed to form part of his pensionable service and, in the case of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations, any period of employment as an aided employee in a local education authority school or an assisted school which would have been taken into account in determining whether the officer had completed the period of ten years' service necessary to qualify for pension under the Unified African Teaching Service Regulations may be taken into account for the purposes of these Regulations but such employment as an aided employee in a local education authority school or an assisted school shall not be taken into account in the calculation of the pension payable to the officer;
- (c) save in respect of an additional pension or in respect of a pension payable under regulation 32, the pension payable to the officer under these Regulations shall be-

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- (i) in the case of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations, the appropriate pension in respect of a period consisting of the aggregate in completed months of his pensionable service and his pensionable employment multiplied by the emoluments factor, together with a pension in respect of his pensionable employment in the Unified African Teaching Service calculated in accordance with the provisions of the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, appropriate to a person who had been transferred from employment which was pensionable under the African Civil Servants' Pensions Regulations to pensionable employment in other public service;
 - (ii) in the case of any other officer, the appropriate pension in respect of a period of service consisting of the aggregate in completed months of his pensionable service and his pensionable employment multiplied by the emoluments factor;
- (d) in calculating the amount of an additional pension payable under regulation 24-
- (i) the reference in sub-regulation (2) of the said regulation to the pensionable service of the officer shall be read and construed as a reference to the aggregate of the pensionable service and the pensionable employment of the officer;
 - (ii) the reference in proviso (iii) to sub-regulation (2) of the said regulation to the pension payable under sub-regulation (1) shall be read and construed as a reference to the pension which would be payable under sub-regulation (1) of the said regulation if pensionable service included the period of pensionable employment;
- (e) save in respect of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations and who is eligible for pension in accordance with the provisions of paragraph (b) if, at the date on which the officer-
- (i) attains pensionable age;
 - (ii) is retired on the grounds mentioned in sub-regulation (1) or (3) of regulation 22; or
 - (iii) retires under the provisions of sub-regulation (2) or paragraph (e) of sub-regulation (3) of regulation 11;
- the aggregate of his pensionable service and pensionable employment is less than ten years he shall, notwithstanding anything to the contrary in these Regulations contained, be entitled only to a gratuity calculated-

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- A. in the case of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations, by multiplying one one hundred and twentieth of his average pensionable emoluments by the aggregate in completed months of his pensionable service and pensionable employment;
- B. in the case of any other officer, by multiplying by the emoluments factor the amount arrived at by multiplying one one hundred and twentieth of his average pensionable emoluments by the aggregate in complete months of his pensionable service and pensionable employment;
- (f) notwithstanding anything to the contrary in these Regulations contained, in the event of the officer's death during his employment in the Service, there shall be paid to his widow, if any, or in respect of such child or beneficiary, if any, as the Permanent Secretary may determine, in addition to any pension or special pension payable to his widow or in respect of that child or beneficiary, a gratuity equal to the annual rate of his pensionable emoluments at the date of his death;
- (g) if, in the case of any officer who is a female, the aggregate of her pensionable service and her pensionable employment is, at the date of her resignation or the date of her retirement under the provisions of paragraph (f) of sub-regulation (3) of regulation 11-
- (i) less than five years, she shall be entitled to the payment of an amount calculated under regulation 19;
- (ii) five years or more, she shall, subject to the production of proof to the satisfaction of the Secretary of her marriage within three months after that date, be entitled to a gratuity calculated by multiplying one one hundred and forty-fourth of her average pensionable emoluments at the date by the aggregate in completed months, being not more than one hundred and forty-four, of her pensionable service and pensionable employment, reduced by the amount of any gratuity paid in respect of her pensionable employment, in lieu of any other benefit under these Regulations;
- (h) if the officer so elects in writing on or before attaining pensionable age, or before the date of his retirement under sub-regulation (3) of regulation 11, the following provisions shall apply:
- (i) the pension payable to him under paragraph (c) shall be reduced by an amount, being not more than one-quarter of such pension, determined by him when he so elects;
- (ii) he shall, on attaining pensionable age, or on his retirement under sub-regulation (2) or (3) of regulation 11, be entitled to the payment of an amount equal to twelve and one-half times the amount by which that pension is reduced under sub-paragraph (i); and

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- (iii) the provisions of regulation 18 shall not apply to him;
- (i) the average pensionable emoluments of any officer who at the date on which he retires or is discharged, has completed a period of pensionable service in the Service amounting to less than three years shall be calculated on the average of-
 - (i) his pensionable emoluments in the Service; and
 - (ii) the emoluments which are accepted as pensionable in his pensionable employment;

during the period of three years immediately preceding that date:

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

(As amended by S.I. No. 98 of 1987)

47. (1) Subject to the provisions of sub-regulation (6), if a guaranteed officer dies and leaves a widow, child or beneficiary and his pensionable service as determined under paragraph (b) of regulation 46 amounts to less than ten years, there shall be paid to the widow, or, if there is no widow, in respect of the child or beneficiary, as the case may be, a special pension equal to the deficit.

Rights of dependants
of guaranteed officers

(2) Subject to the provisions of sub-regulation (6), if a pensioner who was a guaranteed officer dies or if an established officer who is a guaranteed officer and whose pensionable service as determined under paragraph (b) of regulation 46 amounts to ten or more years dies, and he-

- (a) leaves a widow and no child or beneficiary, the following provisions shall apply:
 - (i) there shall be paid to the widow a pension calculated in accordance with the provisions of sub-regulation (1) of regulation 41;
 - (ii) if the pension payable under sub-paragraph (i) is less than the deficit, there shall be paid to the widow a special pension equal to the difference between that pension and the deficit;
- (b) leaves a widow and child and, additionally or alternatively, a beneficiary, the following provisions shall apply:
 - (i) there shall be paid-
 - A. to the widow, a pension calculated in accordance with the provisions of sub-regulation (1) of regulation 41;
 - B. in respect of the child, if any, a pension calculated under sub-regulation (1) of regulation 28;
 - (ii) if the aggregate of the pension or pensions, as the case may be, payable under sub-paragraph (i) is less than the deficit, there shall be paid to the widow a special pension equal to the difference from time to time between the aggregate and the deficit:

Provided that, if the pension payable to the widow under sub-paragraph (i) ceases to be payable, the provisions of paragraph (c) shall thereafter apply in relation to any child or beneficiary;

- (c) does not leave a widow but leaves a child and, additionally or alternatively, a beneficiary, the following provisions shall apply:
 - (i) there shall be paid in respect of the child, if any, the appropriate pension calculated in accordance with the provisions of sub-regulation (1) of regulation 41;
 - (ii) if the pension or, as the case may be, the aggregate of the pensions payable under sub-paragraph (i) is less than the deficit, there shall be paid in respect of the child a special pension equal to the difference from time to time between the pension and the deficit;
 - (iii) if the pension payable in terms of sub-paragraph (i) ceases to be payable or no pension is payable under that sub-paragraph and there is a beneficiary, there shall be paid in respect of that beneficiary a special pension equal to the deficit.

(3) Any pension or special pension payable under this regulation, other than a pension or special pension payable to a widow, shall-

- (a) be paid to such person or persons as shall from time to time be determined by the Permanent Secretary; and
- (b) in accordance with the direction of the Permanent Secretary be paid in respect of one child or beneficiary or apportioned between any two or more children and, additionally or alternatively, beneficiaries.

(4) Any pension or special pension payable to a widow under this regulation shall cease on the date she remarries.

(5) A widow to whom a pension was payable under this regulation whose pension lapsed on her remarriage shall-

- (a) if her husband dies in her lifetime not being a contributor under these Regulations, be paid the pension which was payable to her before her marriage-
 - (i) as from the date of the death of her husband; or
 - (ii) as from the date that any pension payable in respect of the children or beneficiaries of her marriage with the contributor ceases;

whichever is the later; or

- (b) if she becomes entitled on the death of her husband being a contributor to be paid a pension under these Regulations-
 - (i) if there are children or beneficiaries of her previous marriage who are in receipt of a pension in terms of these Regulations, to be paid the pension to which she becomes entitled on the death of her husband until the pension payable in respect of the children or beneficiaries ceases 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 or beneficiaries of her previous marriage, 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 these Regulations, such subsequent pension shall be paid to the children or beneficiaries, if any, of her remarriage who are living and are eligible for a pension in terms of these Regulations;

- (c) in paragraphs (a) and (b) references to the husband of a widow shall be construed as a reference to her husband by any remarriage.

(6) If a beneficiary dies or ceases to be a beneficiary as defined in regulation 2 and-

- (a) there are no other beneficiaries, the special pension payable in respect of the beneficiary shall cease;
- (b) there are other beneficiaries, the special pension or the portion of that pension, if any, payable in respect of that beneficiary shall, subject to the provisions of sub-regulation (3), be payable in respect of the other beneficiaries.

(As amended by S.I. No. 98 of 1987)

48. (1) A guaranteed officer who, immediately before the date of transfer, was making voluntary payments under the Widows and Orphans Pension Act for the purpose of securing additional benefits for his widow or child, shall, if he so elects in writing on or before that date, in addition to the contributions payable under regulation 46, pay monthly an amount equal to that paid by him immediately before that date for the aforesaid purpose.

Voluntary payment by
guaranteed officers.
Cap. 279

(2) The payments referred to in sub-regulation (1) shall cease-

- (a) on the date when no special pension would be payable to the widow, child or beneficiary of the guaranteed officer under regulation 47 if the officer died; or

- (b) notwithstanding the prior retirement of the guaranteed officer, on the date on which the officer, had he continued to make payments under the Widows and Orphans Pension Act, would have made those payments for an exact number of years terminating on or after his attaining the age of forty-nine years;

whichever is the earlier.

49. Subject to regulation 33, 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 omission on the part of such officer in discharging his official duties.

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

- (a) where there remains any children, to the spouse
- (b) where there remains any children of the deceased, whether or not there also remains a spouse, to such persons, and in such proportions as the appropriate Service Commission shall determine; or
- (c) where there is no spouse or child remaining, to the estate of the deceased

(As amended by S.I. No. 98 of 87)

50. There shall be a review of pensions before the 1st October, 1986, and at such intervals thereafter as the Board may decide.

(As amended by S.I. No. 98 of 1987)

FIRST SCHEDULE

(Regulation 32)

DEGREE OF DISABLEMENT OF AN INJURED PERSON

<i>Item</i>	<i>Nature of disablement</i>	<i>Degree of disablement per centum</i>
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GENERAL

1.	Loss of hand and foot above site of Syme's amputation	100
2.	Injury resulting in the injured person being permanently bedridden	100

INJURY TO UPPER LIMB

3.	Loss of both hands or loss of both arms at higher sites	100
4.	Loss of remaining arm by an injured person who has previously lost one arm	100
5.	Loss of arm at shoulder or below shoulder with stump of less than 8 inches from tip of acromion	70

<i>Item</i>	<i>Nature of disablement</i>	<i>Degree of disablement per centum</i>
6.	Loss of arm from 8 inches below tip of acromion to less than 4 1/2 inches below tip of olecranon	68
7.	Loss of arm 4 1/2 inches below the tip of olecranon	65
8.	Loss of hand at wrist	60
9.	Loss of four fingers and thumb of one hand	60
10.	Loss of four fingers on one hand	35
11.	Loss of thumb:	
	(a) both phalanges	25
	(b) one phalanx	10
12.	Loss of index finger:	
	(a) three phalanges	10
	(b) two phalanges	8
	(c) one phalanx	4
	(d) tip and nail, no bone	2
13.	Loss of middle finger:	
	(a) three phalanges	6
	(b) two phalanges	4
	(c) one phalanx	2
	(d) tip and nail, no bone	1
14.	Loss of ring finger:	
	(a) three phalanges	5
	(b) two phalanges	4
	(c) one phalanx	2
	(d) tip and nail, no bone	1
15.	Loss of little finger:	
	(a) three phalanges	4
	(b) two phalanges	3
	(c) one phalanx	2
	(d) tip and nail, no bone	1
16.	Loss of metacarpal	
	(a) first or second (additional)	3
	(b) third, fourth or fifth (additional)	2
17.	Ankylosis in optimum position:	
	(a) shoulder	35
	(b) elbow	35
	(c) wrist	25

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18. Notwithstanding the foregoing provisions of this Schedule-
- (a) in the case of a right-handed injured person, an injury to the left arm or hand, and in the case of a left-handed injured person an injury to the right arm or hand, shall be rated at 90 per centum of the above percentages;
 - (b) the loss of the thumb and four fingers of one hand shall be equivalent to the loss of a hand;
 - (c) when there are two or more injuries to the hand, the following basis of computing the degree of disablement shall be adopted and for this purpose a thumb shall be regarded as a finger:
 - (i) where two fingers have been injured, the sum total of the percentages for each finger shall be increased by 20 per centum of such sum total;
 - (ii) where three fingers have been injured, the sum total of the percentages for each finger shall be increased by 30 per centum of such sum total;
 - (iii) where four fingers have been injured, the sum total of the percentages for each finger shall be increased by 40 per centum of such sum total.

<i>Item</i>	<i>Nature of disablement</i>	<i>Degree of disablement per centum</i>
INJURY TO LOWER LIMB		
19.	Loss of both feet above site of Syme's amputation or loss of both legs at higher sites	100
20.	Loss of remaining leg by an injured person who has previously lost one leg	100
21.	Loss of leg at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	70
22.	Loss of leg below hip with stump exceeding 5 inches in length measured from tip of great trochanter but not beyond middle thigh	60
23.	Loss of leg below middle thigh but not more than 4 inches below knee	50
24.	Loss of leg below knee with stump exceeding 4 inches	30
25.	Modified Syme's operation:	
	(a) one foot	25
	(b) two feet	70
26.	Loss of foot at tarso-metatarsal joint	25
27.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	25
28.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	15
29.	Loss of all toes of one foot proximal to the proximal inter-phalangeal joint	15
30.	Loss of all toes of one foot distal to the distal inter-phalangeal joint	10
31.	Loss of great toe:	
	(a) both phalanges	5
	(b) one phalanx	2
32.	Loss of toe other than great toe if more than one toe lost, each	1
33.	Ankylosis in optimum position:	
	(a) hip	50
	(b) knee	25
	(c) ankle	15
INJURY TO SIGHT		
34.	Total loss of sight	100
35.	Loss of remaining eye by an injured person who previously had the sight of only one eye	100
36.	Loss of one eye, the other eye being normal	30
37.	Total loss of vision of one eye, the other eye being normal	30
38.	Other degrees of defective vision based on the visual defect as measured after correction with glasses:	

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The capitalised value of a pension shall be determined by multiplying the amount of the pension by the relevant factor shown in the following table according to the age of an injured person on his birthday following the date concerned:

<i>Age next birthday</i>	<i>Factor</i>
Under 20 years	16.00
20 years or more but less than 25 years	15.50
25 years or more but less than 30 years	15.00
30 years or more but less than 35 years	14.50
35 years or more but less than 40 years	14.00
40 years or more but less than 45 years	13.00
45 years or more but less than 50 years	12.00
50 years or more but less than 55 years	11.00
55 years or more but less than 60 years	10.00
60 years or more but less than 65 years	8.50
65 years or more but less than 70 years	7.00

THIRD SCHEDULE

(Regulation 18)

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

Nearest half-age	Cash payment		Nearest half-age	Cash payment	
	Male	Female		Male	Female
	K	K		K	
Up to 20	34.98	35.66	Up to 48 1/2	26.64	28.76
20 1/2	34.88	35.58	48 1/2	26.40	28.56
21	34.78	35.48	49	26.16	28.38
21 1/2	34.68	35.40	49 1/2	25.92	28.18
22	34.58	35.30	50	25.68	28.00
22 1/2	34.48	35.22	50 1/2	25.44	27.80
23	34.38	35.12	51	25.18	27.60
23 1/2	34.28	35.04	51 1/2	24.94	27.38
24	34.16	34.94	52	24.68	27.18
24 1/2	34.06	34.86	52 1/2	24.42	26.96
25	33.94	34.76	53	24.18	26.74
25 1/2	33.84	34.66	53 1/2	23.92	26.52
26	33.72	34.56	54	23.66	26.30
26 1/2	33.60	34.46	54 1/2	23.40	26.60
27	33.48	34.36	55	23.14	25.58
27 1/2	33.36	34.26	55 1/2	22.86	25.58
28	33.24	34.16	56	22.60	25.34
28 1/2	33.12	34.06	56 1/2	22.32	25.10
29	33.00	33.96	57	22.06	24.84
29 1/2	32.88	33.86	57 1/2	21.78	24.60
30	32.76	33.74	58	21.52	24.34
30 1/2	32.62	33.64	58 1/2	21.24	24.06
31	32.50	33.54	59	20.96	23.80
31 1/2	32.36	33.42	59 1/2	20.68	23.52

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32	32.24	33.30	60	20.40	23.26
32 1/2	32.10	33.20	60 1/2	20.12	22.98
33	31.96	33.08	61	19.84	22.70
33 1/2	31.82	32.96	61 1/2	19.56	22.40
34	31.68	32.84	62	19.28	22.12
34 1/2	31.54	32.72	62 1/2	18.98	21.82
35	31.40	32.60	63	18.70	21.52
35 1/2	31.24	32.48	63 1/2	18.42	21.22
36	31.10	32.36	64	18.12	20.92
36 1/2	30.94	32.24	64 1/2	17.84	20.60
37	30.80	32.10	65	17.56	20.30
37 1/2	30.64	31.98	65 1/2	17.26	19.98
38	30.48	31.84	66	16.96	19.66
38 1/2	30.32	31.72	66 1/2	16.68	19.34
39	30.14	31.58	67	16.38	19.02
39 1/2	29.98	31.44	67 1/2	16.10	18.70
40	29.82	31.30	68	15.80	18.38
40 1/2	29.64	31.16	68 1/2	15.50	18.06
41	29.46	31.02	69	15.20	17.72
41 1/2	29.28	30.88	69 1/2	14.92	17.40
42	29.10	30.72	70	14.62	17.06
42 1/2	28.92	30.58	70 1/2	14.32	16.72
43	28.72	30.42	71	14.02	16.38
43 1/2	28.52	30.28	71 1/2	13.72	16.06
44	28.34	30.12	72	13.42	15.72
44 1/2	28.14	29.96	72 1/2	13.12	15.38
45	27.94	29.80	73	12.82	15.04
45 1/2	27.72	29.62	73 1/2	12.54	14.72
46	27.52	29.46	74	12.24	14.38
46 1/2	27.30	29.12	75	11.68	13.70
47 1/2	26.86	28.94			

(S.I. No. 98 of 1987)

Endnotes

1 (Popup - Popup)

*Act No. 29 of 1962 is deemed to have come into force on 1st November, 1961.

2 (Popup - Popup)

*This amendment is deemed to have had effect from 20th June, 1953. (See Act No. 27 of 1960.)