

The Laws of Zambia
REPUBLIC OF ZAMBIA

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THE LOCAL AUTHORITIES SUPERANNUATION FUND ACT

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CHAPTER 284

LOCAL AUTHORITIES SUPERANNUATION FUND

An Act to make provision for the establishment of a Superannuation Fund for employees of local authorities and other public bodies; to provide for the vesting of such Fund in a Management Committee and for the powers and duties of such Committee; to provide for the payment of contributions to and pensions and gratuities from such Fund; and to provide for matters incidental to and connected with the foregoing.

[1st May, 1963]

22 of 1962
22 of 1964
69 of 1965
Government Notices
202 of 1964
497 of 1964
Act
52 of 1970
17 of 1989
14 of 1990
26 of 1991
27 of 1992
13 of 1993

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Local Authorities Superannuation Fund Act.

Short title

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

Interpretation

"the actuary" means the actuary appointed under the provisions of subsection (1) of section *nine*;

"admitted in ill health", in relation to a member, means admitted to the Fund on the basis of paragraph (b) of subsection (2) of section *sixteen*, or deemed to have been admitted in ill health by virtue of the provisions of subsection (3) or (4) of the said section;

"annuity" means an annual sum payable out of the Fund during the lifetime of a member or of the widow of a member;

"appointed day" means the date fixed under the provisions of section *four*;

"associated authority" means a local authority declared to be an associated authority under the provisions of subsection (1) of section *thirteen* and a local authority which becomes an associated authority under the provisions of subsection (3) of the said section;

"benefit" means a retirement benefit, additional retirement benefit, annuity, lump sum or other benefit payable to a member or his dependants out of the Fund;

"Board" means the Board of the local Authorities Superannuation Fund established under section *five*;

"continuous service" has the meaning assigned to it by section *three*;

"contributions" includes contributions paid into the existing fund;

"dependant", in relation to a member, means-

- (a) any of the following persons whose name has been notified to the Committee in writing by such member:
 - (i) the spouse or minor child of such member;
 - (ii) a parent, brother, sister, stepchild, minor adopted child or adult child of such member wholly or in part dependent upon such member for support and maintenance; and

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- (iii) any other person who satisfies the Committee that he is wholly dependent upon such member for support and maintenance; or
- (b) where such member has not so notified the Committee of the name of any such person or where there is no person surviving whose name has been so notified to the Committee-
 - (i) the spouse of such member;
 - (ii) if such spouse is deceased, all minor children of such member together with all minor stepchildren and minor adopted children of such member who are wholly or in part dependent upon him for support and maintenance;

"designated employees" means-

- (a) all officers of an associated authority; and
- (b) all servants of an associated authority who belong to a class or description which the associated authority has by a statutory resolution specified as a class or description, the members of, or persons falling within which, are to be designated employees;

"eligible employee" means-

- (a) an officer or servant in the whole time service of a local authority on a permanent engagement; or
- (b) an officer or servant engaged under contract who at the *(1)commencement of Act No. 52 of 1970 is a member of the Fund;

* 27th October, 1970.

who has attained the age of eighteen years and who is a designated employee;

"employer", in relation to any person, means the local authority by which such person is employed;

"existing fund" means the Zambia Local Authorities Superannuation Fund established under the provisions of the Zambia Local Authorities (Superannuation Fund) Rules, 1954;

*27th October, 1970.

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"financial year" means the period between the 1st January in any year and the 31st December next following, both dates included; G.N. No. 314 of 1954

"the Fund" means the Local Authorities Superannuation Fund established under the provisions of section *four*;

"the Inaugural Committee" means the committee managing the existing fund immediately before the commencement of this Act;

"local authority" means-

- (a) city council;
- (b) a municipal council;
- (c) a township council;
- (d) a district council;
- (e) the Committee;
- (f) any other authority or body of persons of Zambia which the Minister may, at the request of such authority or body and with the prior approval of the Committee, declare by statutory notice to be a local authority for the purposes of this Act;

"member" means any employee of a local authority who is contributing to the Fund and any person who is in receipt of an annuity;

"officer" means an employee as to whom either of the following conditions is satisfied, that is to say:

- (a) that his duties are wholly or mainly administrative, professional or technical; or
- (b) that his salary or wages, including cost-of-living allowance, if any, is at a rate greater than five hundred kwacha per annum;

"pension age" means the age of fifty-five years;

"pensionable emoluments" means-

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- (a) salary or wages, including cost-of-living allowance, if any;
- (b) whenever free quarters are provided as a condition of service, an amount equal to one-sixth of the amount mentioned in paragraph (a) of this definition, subject to a maximum of four hundred kwacha; or
- (c) where any allowance is given in lieu of the provision of free quarters, an amount equal to one-sixth of the amount mentioned in paragraph (a) of this definition, subject to a maximum of four hundred kwacha;

but does not include any other allowance or any bonus or payment for overtime;

"retirement benefit" means the benefits mentioned in section *twenty-five*;

"retiring pensionable emoluments" means the members annual salary at the time of retirement;

"servant" means an employee who is not an officer and who has completed two years' unbroken service with an associated authority;

"statutory resolution" means, in relation to an associated authority, a resolution passed in the manner in which an ordinary resolution of the authority may be passed, except that twenty-eight days' notice of the meeting at which the resolution is passed and of the terms of the resolution and the fact that it is to be proposed at that meeting, must be given in the manner in which notice for convening ordinary meetings of the authority may be given;

"whole time service" means service wherein an employee devotes substantially the whole of his time in the employment of one or more local authorities.

*(As amended by No. 22 of 1964, No. 69 of 1965,
Act No. 52 of 1970,
17 of 1989,
No. 14 of 1990
and No. 13 of 1994)*

3. (1) For the purposes of this Act-

Continuous service

"continuous service" means the last unbroken service with a local authority after the attainment of the age of eighteen years, and such service shall be calculated by the year and the month, any fraction of a month being disregarded:

Provided that where a member has made a payment for the purpose of reckoning service in accordance with the provisions of any rule made under paragraph (e) of subsection (1) of section *forty-one*, a local authority shall include a local authority, other than an associated authority, constituted under the law of the country concerned and shall also include a civil service, a public authority or a board where superannuation transfer rights exist in the country concerned between local authorities of that country and such service, authority or board.

(2) In determining the last unbroken service of any person, the following shall not constitute breaks in service:

- (a) authorised leave of absence;
- (b) a break in service regarded as leave without pay or otherwise condoned by the Committee;
- (c) a period of suspension followed by reinstatement in the same or another office or post;
- (d) a break in service whilst transferring from one associated authority to another if such break is condoned by the Committee;
- (e) a period of war service with Her Britannic Majesty's Armed or Civil Defence Forces prior to the 1st January, 1954.

(3) In calculating the period of the continuous service of a member, any period in respect of which such member did not make payments to the existing fund or to the Fund after the local authority concerned first became associated with the existing fund or became an associated authority shall not be taken into account.

(As amended by No. 52 of 1970)

PART II ESTABLISHMENT OF FUND AND MANAGEMENT COMMITTEE PART II

ESTABLISHMENT OF FUND AND MANAGEMENT COMMITTEE

4. As from 1st May 1963 after consultation with the Inaugural Committee, there shall be established and maintained a Fund, to be known as the Local Authorities Superannuation Fund, which shall be vested in the Committee and of which the Committee shall, subject to the provisions of this Act, have the sole management and control.

Establishment of Fund
G.N. 100 of 1963

5. (1) There shall be established a Board to be known as the Board of the Local Authorities Superannuation Fund, 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 to acquire, hold, charge and alienate property, real or personal, and, subject to the provisions of this Act, with power to do all such acts or things as are necessary for or incidental to the performance of the duties and the exercise of the powers imposed or conferred by or under the provisions of this Act.

Establishment of
Committee

(2) Until the Management Committee has been constituted in accordance with rules made under the provisions of section *forty-one*, the Inaugural Committee may exercise the powers and perform the duties conferred or imposed upon the Committee by this Act, but, as soon as the Management Committee has been so constituted, the Minister shall thereupon publish a statutory notice dissolving the Inaugural Committee.

(As amended by Act no 17 of 1989)

PART III FINANCE AND MANAGEMENTPART III

FINANCE AND MANAGEMENT

6. All property, real or personal, and all the rights and liabilities of the existing fund, and all property, real or personal, held by any person on behalf of the existing fund, shall, on the appointed day, vest in the Committee without any conveyance or other instrument or the authority of any court.

Transfer of assets

7. The Fund shall consist of-

Property of Fund

- (a) the assets vested in the Committee under the provisions of section *six*;
- (b) contributions and interest paid into the Fund in accordance with the provisions of this Act;
- (c) income and capital appreciation derived from the holding of the assets of the Fund in any form;
- (d) any other sums or assets accruing to the Fund.

8. There shall be charged on and discharged from the Fund-

Application of Fund

- (a) the payment of benefits in accordance with the provisions of this Act;
- (b) the whole of the expenses incurred in connection with or incidental to the management and administration of the Fund, including the cost of staff and the audit and actuarial investigations of the Fund;
- (c) any losses incurred on the realisation, or decrease in the value, of any assets of the Fund;
- (d) any other payments authorised to be made out of the Fund under the provisions of this Act or rules made thereunder.

9. (1) The Board shall appoint an actuary who shall carry out the duties and exercise the powers imposed or conferred upon him by the provisions of this Act.

Appointment of actuary and officers

(2) The Committee shall appoint a person to be Chief Executive and may appoint such other officers as may be required for the efficient administration of the Fund.

(As amended by Act no 17 of 1989)

10. (1) The Fund shall be valued by the actuary as at the 31st December, 1966, and thereafter at intervals not exceeding five years.

Actuarial valuation of Fund

(2) The actuary shall, upon any valuation of the Fund, prepare a report on the state of the Fund and, in regard to any surplus or deficiency revealed, he shall-

- (a) in the event of there being a surplus, specify therein the amount, if any, of such surplus, as shall be paid to the Government for the purpose of refunding the Government's original contributions to the existing fund:

Provided that no such amount shall be specified when the Government's original contributions have been refunded to the Government;

- (b) in the event of there being a deficiency, state therein what action he recommends should be taken.

(3) The actuary shall submit any report prepared by him under subsection (2) to the Committee which shall forthwith forward a copy to the Minister.

(4) The Committee shall pay to the Government any amount specified in accordance with paragraph (a) of subsection (2), and shall pay due regard to any recommendations made by the actuary and, in doing so may, notwithstanding anything to the contrary contained in this Act-

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- (a) increase or decrease the rates of contribution payable in respect of members:

Provided that contributions payable by associated authorities shall never be lower than the contributions payable by members;

- (b) require any associated authority to pay such sums of money as the actuary may determine to cover any deficiency directly attributable to the action of such authority.

(5) The Committee shall report to the Minister its reasons for failing to carry out any recommendation made by the actuary under subsection (2).

(6) If, within six months of the receipt of a report by the Committee under subsection (3), the Committee fails to carry out any recommendation contained in such report, the Minister may, whether subsection (5) has been complied with or not, exercise any of the powers conferred by subsection (4), and the exercise of such powers by the Minister shall have the same effect as an exercise thereof by the Committee.

11. (1) The Committee shall cause to be kept proper accounts in which shall be recorded all the financial transactions of the Fund and shall cause the books and accounts of the Fund to be balanced as at the end of each financial year, and shall cause statements of income and expenditure, together with a balance sheet, to be prepared for audit.

Accounts and audit

(2) The Minister shall appoint an auditor for each financial year, and such appointment may be made in the name of a partnership.

(3) The auditor appointed under subsection (2) shall audit the accounts of the Fund for the financial year for which he was appointed, and shall make a report to the Committee on the accounts and other documents examined, and such report shall state-

- (a) whether or not the provisions of this Act have been complied with;
- (b) whether or not the auditor has obtained all the information and explanations which he has required;
- (c) whether, in the opinion of the auditor, the balance sheet for the year concerned is properly drawn up so as to exhibit a true and correct view of the state of the Fund according to the best of his information and the explanations given to him and as shown in the books relating to the Fund; and

- (d) whether the expenses of the Committee incurred in the year concerned in connection with or incidental to the management and administration of the Fund exceed seven per centum of the total income of the Fund for the year.

(4) The Committee shall consider any recommendation made by the auditor under paragraph (d) of subsection (3) and may require the associated authority, from which expenses are recommended by the auditor to be recovered, to pay those expenses.

(5) As soon as the accounts of the Fund have been audited, the Committee shall send a copy of the balance sheet and statement of the transactions of the Fund referred to in subsection (1) to the Minister and to every associated authority, together with a copy of the report made by the auditor under subsection (3), and shall keep copies of such balance sheet and statement available for inspection by any member.

(As amended by Act no 17 of 1989)

12. (1) The investment of any moneys of the Fund not required to meet the current charges upon the Fund shall, subject to the provisions of this subsection, be in the discretion of the Committee which is hereby empowered to invest such moneys in any of the following ways:

Investment of Fund
and guarantee of
interest

- (a) in the Post Office Savings Bank or in the Savings Bank of any bank or institution which is governed by any written law of Zambia or by the law of the United Kingdom of Great Britain and Northern Ireland, or on fixed deposit or at call with any such bank or institution;
- (b) in deposits with or in the shares of any registered building society or any registered commercial bank, subject to the prior written approval of the Minister;
- (c) in stocks, securities or funds issued by or on behalf of the Government or in stocks, securities or funds guaranteed by the Government;
- (d) in the stock, funds, debentures or shares of, or in loans to, any local authority or any public body in Zambia authorised by law to borrow money;
- (e) in such other security or securities as may be approved, generally or specially, by the Minister.

(2) If the rate of interest earned on the total money, including any uninvested moneys, of the Fund during any financial year is lower than four per centum, the associated authorities shall, unless the Committee, with the approval of the actuary, otherwise resolves, contribute to the Fund such sum as, on being added to the interest actually earned, would increase such rate to four per centum.

(3) For the purpose of subsection (2), the percentage rate of interest during a financial year shall be calculated by dividing the interest earned during such year by an amount which shall be equal to the mean of the Fund at the beginning and at the end of such year less one-half such interest and by multiplying the result of such calculation by one hundred.

(4) Any contribution payable by the associated authorities under the provisions of subsection (2) shall be contributed by such authorities in proportion to the contributions paid by each such authority in respect of the current service of members during the financial year in respect of which such contribution is payable.

(As amended by Act no 14 of 1990)

PART IV MEMBERSHIP OF FUNDPART IV

MEMBERSHIP OF FUND

13. (1) The local authorities which were associated with the existing fund immediately before the appointed day shall be associated authorities for the purposes of this Act; and for the purposes of this Act the Victoria Falls Electricity Board established under the Victoria Falls Power Act, Chapter 810 of the Revised Edition, and the Northern Electricity Supply Corporation (Private) Limited shall be treated as being so associated with the existing fund. Local authorities

(2) A local authority not referred to in subsection (1) may make application to the Committee for admission to the Fund and, after considering a report made by the actuary on such application, the Committee shall, subject to the approval of the Minister, inform such local authority of the terms and conditions upon, and the date from, which it is prepared to admit such local authority to the Fund.

(3) Upon written notification by a local authority which has made application under subsection (2) to the Committee that such local authority has accepted the terms, conditions and date notified to it under the said subsection, such local authority shall become an associated authority with effect from the said date.

(4) Notwithstanding the provisions of any other written law, an associated authority shall not have power to discontinue its association with the Fund.

14. *(Repealed by No. 52 of 1970)*

15. (1) All persons who were members of the existing fund immediately before the appointed day shall become members of the Fund on that date. Members of Fund

(2) All persons who, on the appointed day, become eligible employees of a local authority declared to be an associated authority under the provisions of subsection (1) of section *thirteen*, shall be eligible for membership of the Fund, and any such person who desires to become a member shall give written notice to such authority accordingly within three months of the appointed day and shall on giving such notice become a member from the appointed day:

Provided that on the appointed day the age of such person does not exceed fifty years and he has not at any time prior to the appointed day been eligible for membership of either the existing fund or the Fund and failed to become a member.

(3) All persons who, after the appointed day, become eligible employees of a local authority declared to be an associated authority under the provisions of subsection (1) of section *thirteen*, shall become members upon the date upon which they become eligible employees if, at that date, their age does not exceed fifty years and if they have not at any time prior to that date been eligible for membership of either the existing fund or the Fund and failed to become members.

(4) Subject to the provisions of subsection (6), where a local authority becomes an associated authority on some date (herein after referred to as the admission date) subsequent to the appointed day-

- (a) any person who was an eligible employee of such authority on the admission date shall be eligible for membership of the Fund, and any such person who desires to become a member shall give written notice to such authority accordingly within three months of the admission date and shall on giving such notice become a member with effect from the admission date:

Provided that on such admission date the age of such person does not exceed fifty years and he has not at any time prior to the admission date been eligible for membership of either the existing fund or the Fund and failed to become a member;

- (b) any person who becomes an eligible employee of such authority after the admission date shall become a member upon the date upon which he becomes an eligible employee if, at that date, his age does not exceed fifty years and if he has not at any time prior to the admission date been eligible for membership of either the existing fund or the Fund and failed to become a member.

(5) An associated authority shall notify the Committee immediately any of its employees become members under the provisions of subsections (2), (3) and (4).

(6) A person who being an eligible employee becomes a member of the Fund shall, subject to the provisions of section *thirty-four*, continue to be a member so long as he continues in the employment of an associated authority, whether or not he remains an eligible employee.

(As amended by No. 52 of 1970)

16. (1) Every person who becomes a member under the provisions of either subsection (2), (3) or (4) of section *fifteen* shall, within one month of becoming a member or within such longer period as the Committee may in its discretion permit, produce to the Committee at the expense of the associated authority of which he is an employee such evidence of his state of health as the Committee may require.

Evidence of health

(2) If, on consideration of the evidence provided by a member under subsection (1), the Committee is of the opinion that such member-

- (a) is in a good state of health, he shall be eligible for full benefits in accordance with the provisions of this Act; or
- (b) is not in a good state of health, he shall be eligible for full benefits except as otherwise expressly provided by this Act.

(3) Any member who fails to comply with the requirements of subsection (1) shall be deemed not to be in a good state of health and to have been admitted in ill health.

(4) Where the Committee is satisfied that a member has knowingly made any false statement, or has knowingly failed to disclose any information relating to his state of health, and that, by reason of such statement or failure, the Committee was wrongly induced to form the opinion that such member was in a good state of health, the Committee may, in its discretion, determine that such member was not in a good state of health at the date of his admission to membership of the Fund and shall be deemed to have been admitted in ill health.

(As amended by No. 52 of 1970)

17. (*Repealed by No. 52 of 1970*)

18. (1) Notwithstanding anything to the contrary in this Act contained, any person, other than an officer or servant who is not a member at the *(2)commencement of Act No. 52 of 1970 and who is engaged under a contract, employed by an associated authority on a temporary engagement who would, if he were on a permanent engagement with the authority, be an eligible employee, shall, after a period of two years on such temporary engagement after attaining the age of eighteen years, become an eligible employee.

Temporary employees

* 27th October, 1970.

(2) Any person who becomes a member after having been employed by an associated authority on a temporary engagement may elect to regard his service on such engagement after attaining the age of eighteen years as continuous service for the purposes of this Act, and any such election shall, within three months of the date upon which such person becomes a member, be notified to the associated authority concerned which shall inform the Committee accordingly.

(As amended by No. 52 of 1970)

PART V CONTRIBUTIONS TO FUND PART V

CONTRIBUTIONS TO FUND

19. (1) Contributions payable to the Fund by a member shall be at the rate of ten per centum of the pensionable emoluments of such member. Contributions by members

(2) Any member who elects to regard temporary service as continuous service under subsection (2) of section *eighteen* shall pay contributions to the Fund, together with two per centum of such contributions in respect of each year or part of a year included in the period concerned in one sum or in such instalments as the Committee may direct, together with interest, at such rate not exceeding eight per centum per annum as the Committee may determine, upon any portion of such amount remaining unpaid after the date upon which he became an eligible employee:

Provided that all contributions under this subsection shall be paid within two years of the date of the first payment made in respect thereof.

*27th October, 1970.

(3) Where payment of contributions is being made by instalments and the member concerned dies or ceases to contribute to the Fund before he has completed the payment of such instalment, any benefit to which he or his dependants or estate are entitled shall be calculated as if he had completed the payment of such instalments and-

- (a) where a lump sum is payable, the balance of such instalments, together with interest at such rate not exceeding eight per centum per annum as the Committee may determine, shall be deducted from such lump sum; or
- (b) where an annuity is payable, the instalments outstanding, together with interest at such rate not exceeding eight per centum per annum as the Committee may determine, shall be deducted from the annuity payments, and, if the member concerned dies before such instalments and such interest are recovered, the balance outstanding shall be deducted from any payments from the Fund which thereupon become payable.

(As amended by Act No. 7 of 1989)

20. (1) The contributions together with any interest to be paid by a member to the Fund shall be a first charge upon the salary or wages payable to such member and shall be deducted by the associated authority employing such member from the payments of such salary or wages.

Method of payment of members' contributions

(2) Every associated authority shall, before the seventh day of every month-

- (a) certify to the Committee in writing the amount of the contributions and interest deducted from members in the employ of such authority during the preceding month and shall pay such amount into the Fund; and
- (b) furnish to the Committee such further information as the Committee may require for the purposes of this Act.

(3) Where any amount payable under subsection (2) remains unpaid by the seventh day in any month, the Committee may, in its discretion, charge the associated authority concerned interest on the amount unpaid at the rate of four per centum per annum.

21. Every associated authority shall pay to the Fund each month an amount equal to two hundred and thirty per centum of the amount paid into the Fund by such authority under paragraph (a) of subsection (2) of section *twenty*, and the provisions of subsection (3) of the said section shall apply in respect of any amount payable under this section.

Contributions by local authorities

(As amended by Act no 17 of 1989).

22. (1) Where a member is on leave with full or reduced pay, he shall continue to contribute to the Fund on the basis of his full pensionable emoluments.

Contributions whilst on leave

(2) Where a member is on leave without pay, he may elect to pay contributions to the Fund for the period of such leave based on the full pensionable emoluments received by him in the month immediately preceding that in which such leave commenced, and for all the purposes of this Act his pensionable emoluments shall be deemed to be those received by him in such month for so long as he is on such leave, but failing such election no contributions shall be payable by or in respect of such member for such period, and such period shall not be reckoned in calculating the continuous service of such member.

(3) An election under subsection (2) shall only be valid if made by the member concerned in writing to the associated authority by which he is employed within one month of his return to duty, and any contributions payable under subsection (2) shall be paid within the said month together with interest at the rate of four per centum per annum:

Provided that the Committee may, upon written application made by such member in that behalf, permit such contributions and interest to be recovered by the associated authority concerned from the emoluments of such member over a period of not more than six months together with additional interest at the rate of four per centum per annum.

23. Notwithstanding any other provisions of this Act, if the appointment of a member is not confirmed by the associated authority concerned after a probationary period not exceeding six months, he shall cease to be a member and all contributions paid by, or in respect of, him shall be refunded to the member or the associated authority concerned, as the case may be:

Probationary service

Provided that-

- (i) where a member who has not completed such probationary period leaves the employment of the local authority concerned and thereupon enters the employment of another associated authority, he shall not cease to be a member and such contributions shall not be refunded as aforesaid;
- (ii) a member whose probationary period is extended by the associated authority concerned beyond six months by not more than another six months shall not cease to be a member and such contributions shall not be refunded as aforesaid if, at the expiry of the first six months of his probationary period, he produces to the Committee a certificate or other evidence from such associated authority that his probationary period has been so extended.

24. (1) If the pensionable emoluments of a member are reduced by his employer for any reason, other than misconduct, he may elect to contribute to the Fund on the basis of his pensionable emoluments immediately prior to such reduction, and in such event his pensionable emoluments for so long as they are less than they were prior to such reduction shall, for all the purposes of this Act, be deemed to be those immediately prior to such reduction.

Reduction of emoluments

(2) Where the pensionable emoluments of a member are temporarily reduced and he has elected to contribute to the Fund on the basis of his pensionable emoluments immediately prior to such reduction, the Committee may, upon written application made in that behalf by the member at the time of such reduction, permit the difference between the contributions payable on the basis of his full pensionable emoluments and his reduced emoluments to be recovered by the associated authority concerned from the emoluments of such member over a period of not more than six months from the restoration of his full pensionable emoluments.

(3) If a member transfers from the service of one associated authority to the service of another such authority, and his pensionable emoluments with such latter authority are less than those he enjoyed immediately prior to such transfer, the provisions of subsection (1) shall, *mutatis mutandis*, apply:

Provided that-

- (i) such member did not leave the service of the former authority on account of misconduct; and

- (ii) the consent of the authority to which he has transferred is first obtained.

PART VI RETIREMENTS AND BENEFITS

RETIREMENTS AND BENEFITS

25. For the purposes of this Act, "retirement benefit" means an annuity at the rate of one six hundred and sixtieth of the retiring pensionable emoluments of the member for each completed month of his continuous service, of which either one-third or two-thirds may, at the option of the member, be commuted at the date of his retirement, for lump sum-

Retirement benefit

- (a) if the member is retired under section *twenty-seven*, at the rate of K28.00 for each K1 of annuity commuted; or
- (b) if the member retires or is retired under section *twenty-six*, *twenty-eight* or *twenty-nine*, at the rate laid down for his age at the date of his retirement in the appropriate Schedules.

26. (1) A member-

Retirement due to age, etc.

- (a) shall retire on attaining pension age;
- (b) may, on giving due notice, retire at any time during the five years before that member attains pension age; or
- (c) shall retire after completing twenty-two years of service;

(2) A member who retires under subsection (1) shall be granted terminal benefits.

(3) A member who dies after completing twenty years of service but before completing twenty-two years of service shall be deemed to have completed twenty-two years of service and shall be entitled to the retirement benefits in accordance with subsection (2).

(As amended by Act no 27 of 1992)

27. (1) If a member is found by the Committee, acting on the advice of a board, to be permanently incapable of efficiently discharging his duties by reason of infirmity of mind or body, he shall be retired from the service of his employer, and in such case if such infirmity-

Retirement due to ill health

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- (a) was not occasioned by his own default, and-
 - (i) if he was admitted to the Fund on the basis of paragraph (a) of subsection (2) of section *sixteen* and has had at least ten years' continuous service, he shall be granted a retirement benefit;
 - (ii) if he was admitted in ill health, he shall be granted the benefit mentioned in section *thirty*;
- (b) was occasioned by his own default, he shall be granted a lump sum in accordance with the provisions of section *thirty-three* as if he had retired voluntarily.

(2) For the purposes of this section, "board" means a medical board consisting of a medical practitioner nominated by the Committee and a medical practitioner nominated by the member:

Provided that, if such practitioners cannot reach agreement, they may appoint a third medical practitioner to act with them as a third member of the board, or, failing such appointment within a reasonable time, the Committee may appoint a medical practitioner to act as such third member, and, in either such case, a report of the majority of the members of the board shall be deemed to be the report of the board.

28. (1) If the employment of a member who has had at least ten years' continuous service is discontinued, through no fault of such member, owing to a reduction in, or reorganisation of, the staff of his employer, or to the abolition of his office or post, or in order to facilitate improvements in efficiency or organisation, or to retrenchment generally-

Retirement due to reorganisation, etc.

- (a) such member shall be granted a retirement benefit; and
- (b) one-third of the retirement benefit payable to such member may be commuted for a lump sum at the rate laid down for his age, at the date of the termination of his service, in the First Schedule.

(2) A member entitled to the benefits mentioned in subsection (1) may elect that the provisions of this subsection shall apply to him instead of the provisions of subsection (1) and if he so elects-

- (a) the retirement benefit to which the member is entitled shall be payable annually until the date on which he attains the pension age and shall then cease:

Provided that in the event of the death of such beneficiary prior to the date on which he would have attained the pension age, his widow and children shall be entitled to a benefit calculated in accordance with the provisions of subsection (2) of section *thirty-five*, and it shall be payable until the date upon which such beneficiary would have attained the pension age and shall then cease; and

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- (b) he shall receive a lump sum equal to the amount of his contributions and of all other contributions paid in respect of his service, together with interest thereon at the rate of four per centum per annum, compounded annually; and

 - (c) one-third of any retirement benefit payable to him may be commuted at a rate laid down for his age, at the date of the termination of his service, in the Third Schedule.
- (3) The employer of a member entitled to the benefits mentioned in subsection (1) or (2) shall, out of its own revenues, refund to the Committee-
- (a) all retirement benefits paid to the member prior to his attaining the pension age; and

 - (b) all benefits paid to the widow and children in accordance with the provisions of paragraph (a) of subsection (2); and

 - (c) such portion of any lump sum paid to the member in commutation of any portion of his retirement benefit as the actuary may recommend.

(4) For the purposes of this section and sections *twenty-nine, thirty-five, forty-one* and *forty-six*-

"child" means a legitimate or legitimated child of a member and includes a stepchild, an adopted child and a posthumous child born of a marriage which took place before his retirement, but excludes a child not legitimated or adopted before his retirement and a child born of his marriage which took place after retirement, on proof of the facts in each case to the satisfaction of the Committee, that such child has not been married and-

- (a) is under the age of eighteen years; or
- (b) is between the age of eighteen years and twenty-one years and is in receipt of full-time instruction at any university, college, school, institute or other educational establishment or is undergoing training by any person for any trade, profession or vocation in such circumstances that-
 - (i) he is required to devote the whole of his time to training for a period of not less than two years; and
 - (ii) while he is undergoing the training, the emoluments receivable by him do not exceed K600 per year, excluding any amount receivable by way of return of any premium paid in respect of the training;

"widow" means-

- (a) the widow of a member not in receipt of an annuity; or
- (b) the widow of a member in receipt of an annuity if she was his wife when he retired:

Provided that if such member had more than one wife, "widow" means the widow who-

- (i) was nominated by the member in a manner prescribed by the Committee; or
- (ii) was selected by the Committee where no nomination was made.

(No. 52 of 1970)

29. (1) Subject to the provisions of this section, if the employment of a member who is not a citizen of Zambia is terminated on a date before he has attained the pension age in order that the post he holds shall become vacant and be open to be held by a citizen of Zambia, the member shall, as from such date, cease to be an eligible employee and shall not become an eligible employee after such date but shall be entitled to be granted-

Retirement in favour of citizens of Zambia

- (a) a retirement benefit for each completed month of continuous service up to the date of termination calculated in accordance with section *twenty-five*; and
- (b) except in the case of a married female member, an additional retirement benefit for each completed month of continuous service, not exceeding a total of three hundred and sixty months, calculated at the rate laid down for his age at the date of termination in the Second Schedule.

(2) Unless a member has elected that the provisions of subsection (3) shall apply to him-

- (a) the benefits to which the member is entitled under subsection (1) shall be payable annually during his lifetime; and
- (b) one-third of any retirement benefit or additional retirement benefit payable to the member may be commuted for a lump sum at the rate laid down for his age at the date of termination in the First Schedule.

(3) A member entitled to the benefits mentioned in subsection (1) may elect that the provisions of this subsection shall apply to him and, if he so elects-

- (a) the retirement benefit to which the member is entitled shall be payable annually until the date on which he attains the pension age and shall then cease:

Provided that, in the event of the death of such beneficiary prior to the date on which he would have attained the pension age, his widow and children shall be entitled to a benefit calculated in accordance with the provisions of subsection (2) of section *thirty-five*, and it shall be payable until the date upon which such beneficiary would have attained the pension age and shall then cease;

- (b) the additional retirement benefit to which the member is entitled shall be payable annually during his lifetime;
- (c) he shall receive a lump sum equal to the amount of his contributions and of all other contributions paid in respect of his service, together with interest thereon at the rate of four per centum per annum, compounded annually; and
- (d) one-third of any retirement benefit or additional retirement benefit payable to him may be commuted-
 - (i) in the case of a retirement benefit, at the rate laid down for his age, at the date of the termination of his service, in the Third Schedule; and
 - (ii) in the case of an additional retirement benefit, at the rate laid down for his age, at the date of the termination of his service, in the First Schedule.

(4) An election made under subsection (3)-

- (a) shall be made in writing to the Committee; and

(b) shall be irrevocable.

(5) An additional retirement benefit to which a member is entitled under paragraph (b) of subsection (1) shall not be construed as an annuity for the purposes of section *thirty-five*.

(6) The aggregate of the retirement benefit and additional retirement benefit to which, before deduction of any commutation, a member is entitled under subsection (1) shall not exceed-

- (a) the retirement benefit which he would have been entitled to be granted had he continued until he attained the pension age to hold the office held by him immediately before the date of termination; or
- (b) forty-seven sixtieths of the annual average of pensionable emoluments on which his retirement benefit is calculated.

(7) Where a member is entitled to the benefits mentioned in subsection (1) and to any sums payable in pursuance of a contract between the member and his employer by way of liquidated damages for breach of that contract, then, notwithstanding the foregoing provisions of this section, no additional retirement benefit or lump sum in commutation of any portion thereof shall be payable to the member under this section until such time as the sums paid in pursuance of the contract are equal to the amount of the additional retirement benefit which would have been payable to the member if this subsection had not been in force.

(8) Where a member receives any benefits under this section, his employer shall, out of its own revenues, refund to the Committee-

- (a) all retirement benefits paid to the member prior to his attaining the pension age;
- (b) all benefits paid to the widow and children in accordance with the provisions of paragraph (a) of subsection (3);
- (c) such proportion of any lump sum paid to the member in commutation of any portion of his retirement benefit as the actuary may recommend;
- (d) all additional retirement benefits paid to the member; and
- (e) any lump sum paid to the member in commutation of any portion of his additional retirement benefit.

(9) The provisions of section *twenty-nine* of the Local Government (Officers) Act shall apply in relation to any dispute between an employer and a member who is not a citizen of Zambia as to whether the termination of the employment of the member is made on the grounds mentioned in section *twenty-eight*, or in order to facilitate the advancement of a citizen of Zambia, as they apply in relation to a dispute between a local authority and any officer in its service connected with the employment of the officer.

Cap. 477 of old edition of the Laws

(10) For the purposes of this section-

"date of termination" means the date on which the termination of the services of a member takes effect;

"married female member" does not include a female member living apart from her husband under a decree of court or a deed of separation.

(No. 22d of as amended by No. 52 of 1970)

30. Notwithstanding the provisions of section *thirty-five*, where any member-

Lump sum where annuity not payable

(a) but for the fact that he has had less than ten years' continuous service, would have been granted on his retirement a retirement benefit under the provisions of this Part; or

(b) was admitted in ill health and dies in the service of his employer or is retired under subsection (1) of section *twenty-seven*;

there shall be paid to him or to his dependants, as the case may be, a lump sum equal to twice the amount of the contributions paid by him together with interest thereon at the rate of four per centum per annum compounded annually.

(As amended by No. 52 of 1970)

31. If a female member is discharged from the service of her employer on her marriage, or if such a member voluntarily retires from such service in contemplation of her marriage and marries within three months thereafter, she shall receive a lump sum equal to the amount of contributions paid by her together with twelve and one-half per centum of such amount for each completed year of continuous service in excess of two years:

Retirement of female member on marriage

Provided that no such lump sum shall exceed twice the amount of contributions paid by such member together with interest thereon at the rate of four per centum per annum compounded annually nor be less than a lump sum calculated in accordance with the provisions of section *thirty-three*.

(As amended by No. 52 of 1970)

32. If a member is dismissed from the service of his employer as a result of his grave misconduct, dishonesty or fraud, or if he is allowed to resign or retire in order to avoid such dismissal, he shall receive a lump sum equal to the amount of the contributions paid by him, and, for the purposes of this section, any resignation tendered by a member during an inquiry into his conduct and before the result of such inquiry is announced shall be deemed to be a resignation in order to avoid dismissal.

Dismissal

33. Subject to the provisions of any rules made under paragraph (f) of subsection (1) of section *forty-one*, if a member, upon leaving the service of his employer, is not eligible to receive any benefit under the foregoing provisions of this Part, he shall, provided the provisions of section *thirty-two* do not apply to him, be granted a lump sum calculated as follows:

Lump sum in other cases

- (a) if such member has had less than seven years' continuous service, a payment equal to the amount of the contributions paid by him together with two per centum of such amount in respect of each complete year by which his continuous service exceeds three years; or
- (b) if such member has had seven years' or more continuous service, a payment equal to twice the amount of the contributions paid by him together with interest thereon at the rate of four per centum per annum compounded annually.

34. If a member leaves the service of his employer in the circumstances in which the provisions of section *twenty-three*, *thirty*, *thirty-one* or *thirty-three* apply to him, and is re-employed in circumstances in which he qualifies as an eligible employee by the same or any other associated authority within twelve months or such longer period as the Committee may approve of the date of his leaving such service, the break in his service shall be condoned and he shall again contribute to the Fund as from the date of his re-employment:

Re-employment of member

Provided that-

- (i) if a lump sum has been paid to such member under section *thirty*, *thirty-one* or *thirty-three* or if contributions have been repaid to him or to an associated authority under section *twenty-three*, he and such authority shall repay, in one sum or in such instalments as the Committee may approve, the amount of such lump sum or contributions, as the case may be, together with interest thereon at such rate not exceeding eight per centum per annum as the Committee may determine, such interest to be compounded annually for each complete financial year and at that rate of simple interest for any incomplete portion of a financial year, from the date of receipt of such lump sum or contribution up to the date or dates of repayment and, where the break in service is longer than twelve months, he shall, subject to such conditions as the actuary may decide, pay such further sum as the Committee, acting upon the advice of the actuary, shall determine;
- (ii) the period of such break in service shall not be reckoned for the purpose of calculating continuous service.

(As amended by No. 52 of 1970)

35. (1) Subject to the provisions of section *thirty*, if a male member dies on or after the *(3)commencement of Act No. 52 of 1970, whilst in the service of his employer-

Death of member

* 27th October, 1970.

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- (a) his widow shall be granted a lump sum equal to one-quarter of his retiring pensionable emoluments and an annuity equal to one-two-thousandth of his retiring pensionable emoluments for each completed month of the period which is the sum of-
- (i) his continuous service; and
 - (ii) one-half of the period from the date of his death up to the date on which he would have attained the pension age had he lived; and
- (b) an annuity shall be granted in respect of his children equal to-
- (i) three-quarters of the annuity payable to his widow for so long as there are three or more children; or
 - (ii) one-half of the annuity payable to his widow for so long as there are two children; or
 - (iii) one-quarter of the annuity payable to his widow for so long as there is one child:

Provided that-

A. if a member's widow so elects, she shall receive a benefit calculated in accordance with the provisions of subsection (3) in lieu of the benefits payable under the provisions of this subsection;

B. if there is no widow of the member, the annuity payable in respect of the children shall be twice that which would have been granted in respect of them, if there was a widow, under the provisions of sub-paragraph (i), (ii) or (iii), as the case may be, and there shall also be paid in respect of such children lump sums which in total shall equal one-quarter of the deceased member's retiring pensionable emoluments.

(2) When a male member who is in receipt of an annuity dies after the commencement of Act No. 52 of 1970-

* 27th October, 1970.

- (a) his widow shall be granted an annuity equal to thirty-six per centum of the annuity, before any commutation, to which he became entitled on retirement; and
- (b) an annuity calculated in terms of sub-paragraph (i), (ii) or (iii) of paragraph (b) of subsection (1), as the case may be, shall be granted in respect of his children.

(3) Subject to the provisions of section *thirty*, if a male member dies whilst in the service of his employer and no annuity is payable under subsection (1), or if a female member dies whilst in the service

*27th October, 1970.

of her employer, there shall be paid to the dependants of such person a lump sum equal to ten per centum of the deceased member's retiring pensionable emoluments for each year of continuous service and five per centum of his or her retiring pensionable emoluments for each year of the period, reckoned in years and complete months, from the date of his or her death up to the date on which he or she would have attained the pension age had he or she lived:

Provided that such lump sum shall not be less than a lump sum calculated in accordance with the provisions of section *thirty*.

(4) If a male member in receipt of an annuity dies within six years of the date of his retirement and no annuity is payable under the provisions of subsection (2), or if a female member in receipt of an annuity dies within six years of the date of her retirement, the dependants of the deceased shall be granted a lump sum equal to the sum of the annuity payable in respect of the unexpired portion of the said period of six years:

Provided that the Committee may, in its discretion, pay such lump sum by instalments, and in such case the Committee may add interest at such rate as it may determine.

(5) If no claim is made by a dependant under subsection (3) or (4) within six months after the death of a member and the Committee has, within such six months, been unable to establish the existence or whereabouts of a dependant, it shall be assumed that no dependants exist, and the provisions of subsection (3) or (4), as the case may be, shall apply with the substitution of the word "estate" for the word "dependant" therein, and there shall be no claim admissible on the Fund after payment has been made accordingly.

(6) Subject to the provisions of this Act-

- (a) an annuity granted to a member shall cease on his death;
- (b) an annuity granted to a widow shall cease on her re-marriage or death, and in such event any annuity granted in respect of the children of her deceased husband shall be doubled;
- (c) the annuity or lump sum payable in respect of any children shall, unless the Committee otherwise determine, be paid to their mother on their behalf:

Provided that the Committee may, in its absolute discretion, apportion the annuity or lump sum amongst the children and pay any child's portion to him direct or to such person on his behalf as it thinks fit.

(7) Notwithstanding anything contained in this Act, when the final annuity payment has been made under subsection (1) or (2) in respect of a deceased member, if the total amount of the payments of lump sum and annuity in terms of subsection (1) or (2) is less than the amount that would have been paid under subsection (3) or (4), as the case may be, where no annuity had become payable, the shortfall shall be paid to such persons and at such times as the Committee deems fit.

(No. 52 of 1970)

36. (1) Except as provided in section *forty-five*, no benefit or right to a benefit shall- Benefits not assignable

(a) be assignable or transferable except for the purpose of satisfying an order of a court for the periodical payment of sums of money towards the maintenance of the wife, or former wife, or minor child of the member concerned; or

(b) be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever.

(2) If any member attempts to assign or transfer any benefit in contravention of subsection (1), the Committee may withhold, suspend or discontinue payment of such benefit, and may direct that the whole or any portion of such benefit be paid to any dependants of such member for such period as it may think fit.

37. (1) If any member in receipt of an annuity is adjudged a bankrupt or is declared insolvent by a court, the payment of such annuity shall forthwith cease. Annuity on insolvency

(2) Where payment of an annuity ceases under subsection (1), the Committee may, in its discretion, from time to time during the remainder of the life of such member, or during such shorter period or periods, continuous or discontinuous, as the Committee shall think fit, pay all or any part of such annuity for the maintenance and personal support of such member or any or all of his dependants, and any such payment made to such member shall be for his own personal use and shall not in any way be attached or appropriated by the trustee in bankruptcy or creditors of such member or form part of his insolvent estate.

(3) Where the payment of an annuity ceases under subsection (1), it shall be revived on the discharge in bankruptcy of the member concerned, and in such event such annuity shall be paid to such member at the same rate and under the same conditions as before the cessation of payment, together with any arrears which may have accrued.

(4) Where a member dies and would, but for the operation of this section, have been in receipt of an annuity at the date of his death, the benefits payable under the provisions of section *thirty-five* shall become payable as though such member was on such date in receipt of an annuity.

(As amended by No. 52 of 1970)

38. (1) If any member in receipt of an annuity is convicted before any court of any crime or offence and is sentenced therefor to death or to imprisonment for a period exceeding twelve months without the option of a fine, such annuity shall cease to be paid to such member and shall, during such member's imprisonment, be paid to his dependants, and, in the case of death, as provided in section *thirty-five*. Effect of conviction

(2) Where an annuity has ceased under subsection (1), it shall revive on the discharge of the member from prison, and he shall receive such annuity at the same rate and under the same conditions as before his imprisonment, together with any arrears which may have accrued.

PART VII MISCELLANEOUSPART VII

MISCELLANEOUS

39. A member who is interchanged between associated authorities for a period not exceeding one year, or who is seconded to another associated authority for a period not exceeding two years, shall continue to make contributions to the Fund through the authority from which he is interchanged or seconded, which shall continue to make contributions to the Fund in respect of such member, such contributions being recoverable by that authority from the authority to which he is interchanged or seconded. Interchange and secondment of members

40. The Committee shall, subject to the provisions of this Act, have power- Powers of Committee

- (a) to decide any doubt as to whether any person is an eligible employee:
Provided that, where it is decided that a person is not an eligible employee, such person may appeal from such decision to the Minister whose decision thereon shall be final;
- (b) to settle all questions in respect of contributions;
- (c) to examine, approve or decide upon the periods of service on which contributions may be made or which may be reckoned for the purpose of the calculation of benefits;
- (d) to adjust and decide upon all claims made upon the Fund by members or their dependants;
- (e) to authorise the payment of claims made upon, or benefits payable out of, the Fund;
- (f) subject to the approval of the Minister, to obtain bank overdraft facilities or borrow, by way of short-term loans, moneys to the extent of the previous year's income of the Fund from any of the associated authorities.

41. (1) The Minister shall, after consultation with the Committee, make rules- Rules

- (a) providing for the establishment and composition of the Committee and the terms of office of the members thereof;

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- (b) providing for the nomination or election of the members of the Committee;
- (c) providing for the formation of sub-committees of the Committee and for the delegation of powers to sub-committees by the Committee;
- (d) regulating the procedure of the Committee and of sub-committees and prescribing the voting powers of members thereof;
- (e) prescribing the terms and conditions upon which service with public authorities, other than associated authorities, within the Commonwealth or countries designated by the Minister for the purpose may be counted as continuous service by persons becoming eligible employees;
- (f) prescribing the terms and conditions upon which benefits may be paid to members who leave the service of associated authorities and who are thereafter employed by public authorities, other than associated authorities, within the Commonwealth or countries designated by the Minister for the purpose and providing for the payment out of the Fund of transfer values, calculated in the manner stated in such rules, to the appropriate pension fund maintained by such authorities upon the transfer of members to employment by such authorities;
- (g) prescribing the extent to which retirement benefits granted prior to a prescribed date shall be increased and providing that the last employer of a member shall, out of its own revenue, refund to the Committee all payments made, in accordance with rules made under this paragraph, to such member or beneficiary, his widow, children or other dependents;
- (h) generally providing for the regulation, management and administration of the Fund and all matters arising therefrom.

(2) No rules may be made under subsection (1) which are likely to affect the financial position of the Fund, except after consultation with the actuary.

(3) The provisions of section *eighteen* of the Interpretation and General Provisions Act shall not apply to any rules made under this section. Cap. 2

(4) Notwithstanding the provisions of the Laws of Zambia (Revised Edition) Act, the Attorney-General shall not be obliged to publish in the Laws of Zambia or in any periodical supplement to the Laws of Zambia any rules made under this section.

(5) Copies of all rules made under this section shall be made available to members and to associated authorities by the Committee at such price, if any, as the Committee may determine.

(As amended by G.N. No. 202 of 1964 and No. 52 of 1970)

42. The members of the Committee and all officers appointed under section *nine* shall be indemnified from the Fund against all proceedings, costs and expenses incurred by reason of any claim in connection with the Fund not arising by reason of their negligence or fraud.

Indemnities

43. Any dispute that may arise between the Committee and an associated authority or a member or a former member or any person deriving the claim from a member about any matter under this Act or any rules made thereunder shall be decided by the Committee and, if any party to the dispute is dissatisfied with the decision or the failure of the Committee to come to a decision, the Committee shall, on the request of the dissatisfied party, refer the dispute to the Minister for his determination and the decision of the Minister upon any such matter shall be final.

Disputes

44. This Act shall apply notwithstanding any contract to the contrary, whether made before or after the commencement of this Act.

Application

45. (1) If a member is indebted to the Fund or the Committee, the Committee may recover such debt by deduction from any benefit payable to such member or his dependants under this Act.

Recovery of debts
from benefits

(2) If a member is indebted to the associated authority which employs or employed him, the Committee shall, at the request of such authority, pay such debt to such authority by deduction from any benefit payable to such member or his dependants.

46. (1) Every eligible employee shall, within six months of the date upon which he commenced paying contributions to the Fund, submit to the Committee, at no expense to the Fund, such evidence as it may require-

Information to be
furnished by or in
respect of eligible
employees and
members

(a) of the date of his birth; and

(b) if he is a married man, or a widower with children or other dependants, of the dates of birth of his wife, children and dependants (if any); and

(c) if the eligible employee is either a single man or woman, with dependants, of the dates of the births of his or her dependants.

(2) Every eligible employee shall, within three months of his marriage, submit to the Committee, at no expense to the Fund, such evidence as it may require of his marriage, of the date of birth of his wife and of the date of birth of his stepchild, if any.

(3) Every eligible employee shall, within three months from the date of the event, submit to the Committee, at no expense to the Fund, such evidence as it may require of-

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- (a) the birth of any child;
- (b) the marriage of any child;
- (c) the adoption of any child;
- (d) the legitimation of any child;
- (e) the death of his wife or any of his children or other dependants;
- (f) the annulment or dissolution of his marriage.

(4) On the death of any member the widow or children or, if there is no widow or child, the dependants of such member shall, within six months from the date of death, submit to the Committee, at no expense to the Fund, such evidence as it may require of-

- (a) the date of death of such member;
- (b) the birth, if any, of a posthumous child;
- (c) the marriage, if any, of a child of such member;
- (d) the death, if any, of a child or dependent of such member;
- (e) in the case of a widow, her re-marriage, if any.

(5) A male member who contracts or who has contracted a marriage under a system permitting of polygamy shall notify the Committee, within three months of the event, at no expense to the Fund-

- (a) the name of each wife;
- (b) the names of the children of each marriage;
- (c) the dissolution of any marriage, by death, divorce or annulment.

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(6) Every eligible employee shall, within one month of his becoming an eligible employee or within such longer period as the Committee may in its discretion permit, at no expense to the Fund, submit to the Committee such evidence of his state of health as the Committee may require in accordance with the provisions of section *sixteen*.

(7) No payment of any annuity, lump sum or other benefit to a widow, child or other dependant shall be made until evidence of the events necessary to satisfy the Committee of his or her entitlement to receive such payments has been furnished.

(8) For the purpose of this section, "evidence" shall be the evidence to the satisfaction of the Committee.

(No. 52 of 1970)

47. (1) Where a member has notified the Committee of the names of more than one person as his dependants, any lump sum to which those dependants may become entitled shall, subject to the provisions of this Act, be paid to them in equal shares unless the member has otherwise directed at the time of such notification.

Payment to
dependants

(2) Where the member has not notified the Committee of the name of any person as his dependant or where there is no person surviving whose name has been so notified, any lump sum to which his dependants may become entitled shall, subject to the provisions of this Act, be paid to them in equal shares.

48. The Committee may pay any benefits free from the commission or charges made by a bank in Zambia in connection with payment of such benefits, and the expenses arising therefrom shall be charged upon the Fund.

Payment of benefits
free of bank
commission

(No. 52 of 1970)

The Laws of Zambia
FIRST SCHEDULE

(Sections 25, 28 and 29)

Amounts payable in terms of section 25 (b) in commutation of each K1 of annuity on retirement in terms of sections 26, 28 or 29.

<i>Nearest age at date of retirement (years)</i>	<i>Commuted value of K1 of annuity</i>
	K
Up to 30	32.76
30 ¹ / ₂	32.62
31	32.50
31 ¹ / ₂	32.36
32	32.24
32 ¹ / ₂	32.10
33	31.96
33 ¹ / ₂	31.82
34	31.68
34 ¹ / ₂	31.54
35	31.40
35 ¹ / ₂	31.24
36	31.10
36 ¹ / ₂	30.94
37	30.80
37 ¹ / ₂	30.64
38	30.48
38 ¹ / ₂	30.32
39	30.14
39 ¹ / ₂	29.98
40	29.82
40 ¹ / ₂	29.64
41	29.46
41 ¹ / ₂	29.28
42	29.10
42 ¹ / ₂	28.92
43	28.72
43 ¹ / ₂	28.52
44	28.34
44 ¹ / ₂	28.14
45	27.94
45 ¹ / ₂	27.72
46	27.52
46 ¹ / ₂	27.30
47	27.08
47 ¹ / ₂	26.86
48	26.64
48 ¹ / ₂	26.40
49	26.16
49 ¹ / ₂	25.92
50	25.68
50 ¹ / ₂	25.44
51	25.18
51 ¹ / ₂	24.94
52	24.68
52 ¹ / ₂	24.42
53	24.18
53 ¹ / ₂	23.92
54	23.66
54 ¹ / ₂	23.40
55	23.14

(As amended by Act No. 17 of 1989)

The Laws of Zambia

SECOND SCHEDULE

(Section 29)

CALCULATION OF ADDITIONAL RETIREMENT BENEFIT FOR THE PURPOSES OF SECTION 29

<i>Age at date of termination</i>	<i>Proportion of average annual emoluments for the member's last five years of continuous service</i>
Less than 31 years	1/2160th
31 years or more but less than 41 years	1/1800th
41 years or more but less than 51 years	1/1440th
51 years or more	1/1800th

(No. 22 of 1964)

The Laws of Zambia

THIRD SCHEDULE

(Sections 28 and 29)

Amounts payable in commutation of each K1 of annuity on retirement in terms of sections 28 or 29.

<i>Exact age at date of retirement (years)</i>	<i>Commuted value of K1 of annuity</i>
Up to 30	K 30.35
30 1/2	30.22
31	30.08
31 1/2	29.82
32	29.56
32 1/2	29.40
33	29.24
33 1/2	29.08
34	28.91
34 1/2	28.62
35	28.33
35 1/2	28.15
36	27.96
36 1/2	27.77
37	27.57
37 1/2	27.36
38	27.15
38 1/2	26.93
39	26.70
39 1/2	26.36
40	26.02
40 1/2	25.77
41	25.52
41 1/2	25.27
42	25.01
42 1/2	24.74
43	24.46
43 1/2	24.18
44	23.89
44 1/2	23.58
45	23.27
45 1/2	22.94
46	22.61
46 1/2	22.26
47	21.91
47 1/2	21.55
48	21.19
48 1/2	20.80
49	20.40
49 1/2	20.00
50	19.59
50 1/2	19.28
51	18.97
51 1/2	18.53
52	18.08
52 1/2	17.62
53	17.16
53 1/2	16.68
54	16.19
54 1/2	15.70
55	15.20

(As amended by Act No. 17 of 1989)

SUBSIDIARY LEGISLATION

SECTION 41-THE LOCAL AUTHORITIES SUPERANNUATION FUND (BOARD) RULES.

Statutory Instrument
61 of 1992

Rules by the Minister

1. These Rules may be cited as the Local Authorities Superannuation Fund (Board) Rules. Title

2. (1) The provisions of the Interpretation and General Provisions Act shall apply to these Rules as if these had been made by Statutory Instrument. Interpretation

(2) In these Rules-

"member" means a member of the Board:

"General Manager" means the person appointed Chief Executive under subsection (2) of section *nine* of the Act.

3. (1) The Board shall consist of the following members: Composition of Board

- (a) the Permanent Secretary in the Ministry responsible for local government administration;
- (b) the Deputy Secretary in charge of local authorities finances in the Ministry responsible for local government administration;
- (c) one member appointed by the Minister from four representatives nominated by the Local Government Association of Zambia;
- (d) one member appointed by the Minister from four representatives nominated by Zambia Union Local Authorities Workers' Union;
- (e) one member appointed by the Minister from two representatives nominated by the management of Zambia Electricity Supply Corporation (ZESCO);
- (f) one member appointed by the Minister from two representatives nominated by the Board of the National Housing Authority (NHA);
- (g) one member appointed by the Minister from two representatives nominated by the management of the Zambia National Provident Fund (ZNPf); and

- (h) four members appointed by the Minister from the Industrial and Commercial Sector.

(2) The Minister shall designate one member as Chairman and one member as Vice-Chairman from the members referred to in subrule (1).

4. A member referred to in sub-rule (1) of rule 3-

Tenure of office

(a) shall hold office-

- (i) for a term of three years, but shall be eligible for re-appointment; or
- (ii) until his membership is revoked by the Minister;
- (iii) until he ceases to be eligible to be a Board member; and

(b) may resign his office by giving not less than one month's notice in writing to the Minister.

5. The office of member shall become vacant if-

Vacation of office

- (a) in the case of member referred to in paragraph (a), (b), (d), (e), (f), (g) and (h) of rule 3, he absents himself from three consecutive meetings of the Board without leave given by the Chairman; or
- (b) in the case of a member referred to in paragraph (c) of rule 3 he ceases to be a contributor to the Fund.

6. (1) The Board shall meet every two months during each period of twelve months.

Meetings

(2) A special meeting of the Board shall be called by the Chairman within twenty-one days of the receipt by him of a written request in that behalf signed by a majority of the members.

(3) Meetings of the Board shall be held in Lusaka provided that where the situation so warrants the Chairman may convene a meeting to be held outside Lusaka.

7. Meetings of the Board shall be called by the General Manager who shall give members not less than seven days notice in writing of such a meeting.

Notice of meetings

8. Minutes of the proceedings of every meeting of the Board shall be regularly entered into a book to be kept for that purpose and such minutes shall be evidence that they are a correct record by the Chairman or by the person presiding over that meeting.

Minutes of proceedings

The Laws of Zambia

- 9.** The General Manager shall be responsible for the safe custody of the book of minutes and of the common seal of the Board. Custody of minutes and common seal
- 10.** The common seal of the Board shall be deemed to be correctly affixed to any document if so affixed in the presence of the General Manager and two senior members of the management not below the rank of head of department. Affixation of common seal
- 11.** (1) Any question proposed for decision by the Board shall be determined by a majority of the votes of the members present and voting at a meeting of the Board at which there is a quorum. Voting and Board meeting
- (2) At a meeting of the Board each member present shall have vote on a question proposed for decision by the Board and, in the event of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.
- 12.** The Chairman or the Vice-Chairman and any six members shall constitute a quorum. Quorum
- 13.** The Board may from time to time appoint from amongst its members committees of the general or special nature for the purpose of examining any matter and reporting thereon to the Board and may determine the number of members of and the quorum for any such committee but shall not delegate any power to any such committee. Committees of Board
- 14.** There shall be paid to the Board members as the Minister may determine, such travelling expenses and subsistence allowances in respect of attendance at meetings of, or in respect of business authorised by the Board in such amounts or in accordance with such rates as the Minister may, in writing approve. Allowances and expenses

Endnotes

1 (Popup - Popup)

27th October, 1970.

2 (Popup - Popup)

27th October, 1970.

3 (Popup - Popup)

27th October, 1970.

4 (Popup - Popup)

27th October, 1970.