

GOVERNMENT OF ZAMBIA

ACT

No. 38 of 1988

Date of Assent: 27th December, 1988

An Act to provide for the payment of terminal gratuities to holders of certain specified offices upon their ceasing to hold office.

[30th December, 1988

ENACTED by the Parliament of Zambia.

1. (1) This Act may be cited as the Specified Offices (Terminal Gratuities) Act, 1988.

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

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

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

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

3. (1) Any person who holds any of the offices specified in the Schedule shall, upon his ceasing to hold that office, be entitled to be paid in a lump sum, a terminal gratuity equal to five times the annual earnings attached at the time he ceased to hold office, to the last such office held by him.

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

(3) A person shall not be entitled to the payment of terminal gratuity who ceases to hold the relevant office as a result of disciplinary action taken against him.

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

Enactment

Short title and commencement

Interpretation

Payment of terminal gratuity to holders of certain specified offices

Minimum
qualifying
service

4. A person shall only be entitled to terminal gratuity if he has held one or more of the offices specified in the Schedule for a total period not less than ten years:

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

- (a) dies; or
- (b) ceases to hold that office on grounds of ill health certified in the prescribed manner; or
- (c) ceases to hold that office by reason of his being appointed, nominated or elected to another office other than an office specified in the Schedule.

Persons
holding
more than
one office
specified in
Schedule

5. Where a person at the time he ceases to hold office, held at the same time more than one of the offices specified in the Schedule, the earnings in relation to which his terminal gratuity is to be calculated shall be—

- (a) those attached to only one of those offices elected by him in writing and notified to the Secretary-General of the Party; or
- (b) if the first-mentioned person has died without making any election, the earnings attached to the office determined in writing by the Secretary-General to be more favourable to the deceased person.

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

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

Terminal
gratuity
exempt from
tax

7. Terminal gratuity shall be exempt from any tax imposed on income or profits.

President to
resolve
doubts

8. For the purposes of ascertaining whether or not terminal gratuity is payable in respect of any person, where any doubt arises as to—

- (a) whether or not that person has ceased to hold any office specified in the Schedule; or
- (b) whether or not a person has ceased to hold an office specified in the Schedule in any circumstances described in subsection (3) of section three;

the doubt shall be resolved by the President and his decision on the matter shall be final and shall not be questioned in any court.

Regulations

9. The President may, by statutory instrument, make regulations for carrying into effect the provisions of this Act.

SCHEDULE

(Sections 4, 5 and 8)

1. Secretary-General of the Party
 2. Prime Minister
 3. Secretary of State for Defence and Security
 4. Speaker
 5. Full-time Member of the Central Committee of the Party
 6. Minister
 7. Attorney-General
 8. Deputy Speaker
 9. Minister of State
 10. Provincial Political Secretary
 11. Parliamentary Secretary
 12. District Governor
 13. Member of Parliament
 14. Provincial Chairman
 15. District Political Secretary
 16. District Chairman
 17. Executive Member of the Women's League based at the Party Headquarters
 18. Executive Member of the Youth League based at the Party Headquarters
-