
STATUTORY INSTRUMENTS

1963 No. 2085

RHODESIA AND NYASALAND FEDERATION

The Federation of Rhodesia and Nyasaland
(Dissolution) Order in Council 1963

Made - - - - 20th December 1963

Laid before Parliament in draft

Coming into Operation

*Sections 2 (except
subsection (1) and 17(2),
Part III (except sections 42,
43 and 45) Part IV (except
sections 48(2), 56, 57 and
59) and section 69*

21st December 1963

*Remainder immediately
before*

1st January 1964

At the Court at Buckingham Palace, the 20th day of December 1963

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Governments of the Territories or, as the case may require, the Governments of Southern Rhodesia and Northern Rhodesia have agreed that it is expedient that provision hereinafter contained should be made by Order in Council for the exercise of certain functions by institutions or bodies constituted jointly for those Territories:

Now, therefore, Her Majesty, in pursuance of sections 1 and 2(1) of the Rhodesia and Nyasaland Act 1963, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

PART I

DISSOLUTION OF THE FEDERATION

Dissolution of the Federation

1. The Federation of Rhodesia and Nyasaland and, with it, the Federal Government, the Federal Legislature and, except as provided in section 19, the other Federal authorities established by the Constitution of the Federation shall be dissolved immediately before 1st January 1964; and accordingly the Constitution of the Federation shall, except as aforesaid, thereupon cease to have effect.

Continuation and adaptation of existing law

2.—(1) Subject to the provisions of this section, all law in force in a Territory immediately before the dissolution of the Federation shall continue to have effect as respects that Territory, subject however to amendment or repeal by the Legislature of the Territory or other authority empowered in that behalf.

(2) The Governor of a Territory may, by order made before the dissolution of the Federation, declare that any law of the Federal Legislature specified in the order shall cease to have effect as respects that Territory on the dissolution of the Federation, and that law shall cease to have effect accordingly.

(3) The Governor of a Territory may, by regulation made before 1st July 1964, make as respects that Territory such modifications or adaptations in any law made by the Legislature of the Territory or the Federal Legislature in force immediately before the dissolution of the Federation and continuing to have effect in that Territory as appear to him necessary or expedient in consequence of any provision of this Order:

Provided that this subsection shall not have effect in relation to any of the Acts specified in section 68.

(4) Subsections (1), (2) and (3) shall have effect subject to the other provisions of this Order.

(5) A regulation made under subsection (3) shall have effect from such time, not being earlier than the dissolution of the Federation, as may be specified therein:

Provided that where by virtue of any such regulation a power is conferred to make any regulation, order or appointment or to do any other act, the power may be exercised at any time after the making of the first-mentioned regulation, so however that any regulation, order or appointment made or other act done under the power shall not have effect before the first-mentioned regulation has effect.

(6) In this section, any reference to a law made by any legislature includes a reference to any instrument having the force of law made under such a law.

Constitution of Liquidating Agency

3.—(1) There is hereby constituted jointly for the Territories an authority which shall be known as the Liquidating Agency.

(2) The Liquidating Agency shall consist of three members, namely the persons for the time being holding or acting in the office of Secretary to the Treasury of Southern Rhodesia, Permanent Secretary to the Ministry of Finance of Northern Rhodesia, and Secretary to the Treasury of Nyasaland, or any office which may be substituted therefor.

(3) A person referred to in subsection (2) may act through a deputy appointed by him.

Agency to be a body corporate

4. The Liquidating Agency shall be a body corporate and capable of suing and being sued and of purchasing or otherwise acquiring, holding and alienating movable or immovable property and, subject to the provisions of this Order, of doing all such acts as a body corporate may perform.

Procedure and exemptions of Agency

5.—(1) The Liquidating Agency shall determine its own procedure; and the question whether it has acted in accordance with the procedure so determined shall not be enquired into by any court.

(2) The Liquidating Agency shall be exempt from any law of a Territory imposing taxation, stamp duties or other duties, or registration fees.

Functions of Agency

6.—(1) It shall be the general function of the Liquidating Agency to wind up the affairs of the Federation and, subject to the provisions of this Order, to dispose of its assets and liabilities.

(2) The Liquidating Agency shall have the following particular functions—

- (a) to apportion and distribute as may be agreed between the Governments of the Territories the assets and liabilities of the Federation or of any other body vesting in or devolving upon the Agency by virtue of any provision of this Order;
- (b) to exercise until 31st March 1965 the functions of the Commissioner of Taxes of levying and collecting taxes on income or profits under the Income Tax Act 1954 or other Act of the Legislature of the Federation, and Territorial surcharge under the Territorial Surcharges Act 1959 of the Federation, in respect of periods of assessment up to and including the period ended on 31st March 1963; and
- (c) to collect excise duty and surtax payable under section 122 of the Customs and Excise Act 1955 of the Federation in respect of any month up to and including December 1963.

(3) The Liquidating Agency shall have such further functions as are conferred by any other provision of this Order or, if within the scope of subsection (1), by agreement between the Governments of the Territories.

Powers of Agency

7. The Liquidating Agency shall have power to do anything which is calculated to facilitate the discharge of its functions or which is incidental or conducive thereto, including in particular, but without prejudice to the generality of the foregoing power, power—

- (a) to declare forfeit to the Agency, after three months' notice, any unclaimed moneys or other property held to the order of the Exchange Control Suspense Account of the Federation;
- (b) to dispose of outstanding matters in relation to the Commonwealth Assistance Loan under the Federation of Rhodesia and Nyasaland Credit Agreement 1962;
- (c) to pay to the Government of a Territory any expenditure incurred by it in the performance of functions on behalf of Territories jointly;
- (d) to invest moneys in such bonds, stock or other securities as it may think fit;
- (e) to borrow sums required by it for meeting any of its obligations or discharging any of its functions;
- (f) to write off debts or settle claims;
- (g) to delegate the exercise of any of its functions or powers; and

- (h) to arrange for the audit of accounts relating to the winding up of the affairs of the Federation.

Performance of functions and powers of Agency

8.—(1) Any law in force in a Territory immediately before the dissolution of the Federation shall continue in force in that Territory so far as may be necessary to enable the Liquidating Agency to discharge its functions and exercise its powers under this Order and shall be construed with such modifications and adaptations as may be required for that purpose.

(2) In particular, any provision in any such law conferring or imposing rights, powers or duties on any officer in relation to any matter shall be construed as conferring or imposing such rights, powers or duties on the Liquidating Agency so far as may be necessary to enable it to discharge its functions and exercise its powers in relation to that matter; and the rights, duties and liabilities (including criminal liabilities) of all persons in relation to that matter shall remain as provided by that law.

(3) Nothing in this section shall be construed as giving any person a right of recourse to any court or tribunal mentioned in section 19.

Termination of Liquidating Agency

9. When the Liquidating Agency is satisfied, with the concurrence of the Governments of the Territories, that it has completed the performance of its functions and made any other arrangements necessary for bringing the Agency to an end, it shall so certify, and thereupon the Agency shall cease to exist.

Property of the Federation

10.—(1) Freehold property of the Federation situate in a Territory shall on the dissolution of the Federation vest in Her Majesty, or such other person or authority as the Governor of the Territory may by order have designated, for the purposes of the Government of the Territory; and any such property not so situate shall on the dissolution of the Federation vest in the Liquidating Agency.

(2) The movable property of the Federation including currency notes, coin, bonds, securities, money in any bank and other funds shall, unless otherwise provided by this Order or allocated to the Government of a Territory by agreement made before the dissolution of the Federation, vest on the dissolution in the Liquidating Agency.

(3) Property vested by this section shall be vested subject to any liabilities or obligations relating to that property existing immediately before the dissolution of the Federation.

(4) The officer having charge of any register relating to property vested by this section shall, on application, make the required alterations in the register, and endorsements on the deeds relating to the property, if presented therefor; and no stamp duty or other duties or fees shall be payable in respect thereof.

(5) In this section “property of the Federation” means property vested immediately before the dissolution of the Federation in the Federal Government or Her Majesty or any other person or authority for the purposes of that Government, and includes any rights in respect of such property.

Claims by and against the Federal Government

11.—(1) Save as otherwise provided by this Order, sums of whatsoever nature due to be paid to or by the Federal Government before the dissolution of the Federation and any sum payable after the dissolution in respect of a period before the dissolution, shall be paid to or by the Liquidating Agency, or to or by the Government of a Territory if that Government so agrees with the Liquidating Agency; and any right of action in respect of such sums, or otherwise in contract, tort or delict, by

or against the Federal Government existing immediately before the dissolution of the Federation may be prosecuted by or against the Liquidating Agency, or the Government of a Territory if that Government so agrees with the Liquidating Agency.

(2) In any action brought in pursuance of this section any defence which would have been available to or against the Federal Government shall be available to or against the Liquidating Agency or the Territorial Government, as the case may be.

Outstanding internal public debt of the Federation

12.—(1) The liabilities of the Federation in respect of each of the loans raised in the Federation and specified in Parts A, B and C of Schedule I are hereby apportioned amongst the Territories as follows—

- (a) those in Part A as to 52.120 per cent. to Southern Rhodesia, 37.127 per cent. to Northern Rhodesia, and 10.753 per cent. to Nyasaland;
- (b) those in Part B as to 50.000 per cent. to Southern Rhodesia and 50.000 per cent. to Northern Rhodesia; and
- (c) those in Part C, in the manner set out in that Part.

(2) The liabilities of the Federation as apportioned by subsection (1) are hereby transferred to the respective Territories in accordance with the provisions of this section.

(3) The Government of each Territory, to the extent of the liability apportioned to it by subsection (1), is hereby authorised to and shall issue bonds or stock of that Government in substitution for any bonds or stock (in this section referred to as “original bonds or stock”) issued under any Act of the Federal Legislature in respect of any loan referred to in subsection (1).

(4) Any document of title relating to original bonds or stock shall be valid as against the Territories in proportion to the liability apportioned to them by subsection (1) in respect of the loan concerned until such time as new documents of title are issued in substitution therefor.

(5) In respect of bonds or stock issued under this section—

- (a) interest thereon shall be paid at the place stated therein and in the currency of the Territory of issue, and on the dates and at the percentage rate and on the terms and conditions applicable to the payment of interest on the original bonds or stock;
- (b) they shall be redeemable or repayable at the place stated therein and in the currency of the Territory of issue, and otherwise be redeemable or repayable on the terms and conditions applicable to the original bonds or stock; and
- (c) they shall be held by the holder in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as those in, on or subject to which he held the original bonds or stock, and any provision of any deed, will, disposition or other instrument shall have the same effect in relation to the bonds or stock issued under this section as it would have had in relation to the original bonds or stock.

(6) In relation to any loans in respect of which no bonds or stock have been issued the lenders shall, subject to the provisions of subsection (1) and of any agreement entered into with the respective Territories, continue to enjoy the same rights as they enjoyed immediately before the dissolution of the Federation, except that interest on the loans shall be paid, and the loans shall be redeemed or repaid, both in, and in the currency of, the respective Territories.

(7) The Government of each Territory, to the extent of the liability apportioned to it by subsection (1), shall establish a sinking fund for any bonds or stock for which a sinking fund was required to be established by the Federal Government, and on the same terms and conditions, and shall maintain the sinking fund until the bonds or stock for which it was established are redeemed or repaid.

(8) The sinking funds established by the Federal Government in respect of any loan referred to in subsection (1) are hereby apportioned amongst the Territories in the same proportions as the relevant loans are apportioned by that subsection and shall be transferred accordingly to the appropriate sinking funds established under subsection (7).

(9) The trustees of any such sinking fund established by the Federal Government shall—

- (a) as soon as may be after the dissolution of the Federation, submit to the Government of each Territory a full account of the assets of the fund subsisting immediately before the dissolution of the Federation;
- (b) take such steps as may be necessary to give effect to the provisions of subsection (8); and
- (c) continue to have all the powers that at present appertain to them in relation to the fund until effect is given to the provisions of subsection (8) in relation to that fund;

and no stamp duty, transfer fee or any other duty shall be payable in respect of anything done for the purposes of subsection (8).

(10) Notwithstanding any other provision of this section, the liabilities apportioned and transferred by subsections (1) and (2) shall be calculated to the nearest penny, and bonds or stock issued under subsection (3) shall be expressed in units of one pound nominal or multiples thereof, so however that the aggregate amount of bonds or stock issued shall be of the same face value as the bonds or stock for which they are substituted, and shall be issued to each holder in proportion to the liability in respect of the loan apportioned to the Territory by subsection (1).

Federal tax reserve certificates

13. The sums standing to the credit of the Tax Reserve Certificates Fund of the Federation immediately before the dissolution of the Federation are hereby vested in the Liquidating Agency and, the Agency shall redeem any Federal Tax Reserve certificates unredeemed before dissolution.

Post Office Savings Bank

14.—(1) The assets and liabilities of the Post Office Savings Bank of the Federation as existing immediately before the dissolution of the Federation are hereby vested in the Liquidating Agency and, subject to the provisions of this section, the Agency shall be responsible for the management of the assets and liabilities in accordance with the laws of the Federal Legislature relating thereto immediately before the dissolution.

(2) The Liquidating Agency shall apportion the liabilities of the Savings Bank amongst the Territories according to the Territory in which the passbook held by a depositor was issued, or, if a new passbook was issued to him in replacement of a lost passbook, according to the Territory in which the lost passbook was issued; and the assets of the Savings Bank shall be apportioned in accordance with the liabilities.

(3) The Liquidating Agency shall transfer to the Territories the assets and liabilities existing immediately before the transfer in accordance with such apportionment, and on such transfer the functions of the Liquidating Agency under this section shall cease.

Post Office savings certificates

15. The liabilities of the Federation in respect of Post Office savings certificates issued under the Post Office Savings Bank and Savings Certificates Act 1954 of the Federation are hereby apportioned and transferred to the Government of Southern Rhodesia, and the assets of the Post Office Savings Certificates Fund established by the said Act are hereby vested in that Government.

Outstanding external public debt of the Federation

16.—(1) The liabilities of the Federation in respect of each of the loans raised outside the Federation and specified in Parts D, E, F and G of Schedule I are hereby apportioned amongst the Territories as follows—

- (a) those in Parts D and E as to 52.120 per cent. to Southern Rhodesia, 37.127 per cent. to Northern Rhodesia, and 10.753 per cent. to Nyasaland;
- (b) those in Part F as to 50.000 per cent. to Southern Rhodesia and 50.000 per cent. to Northern Rhodesia; and
- (c) those in Part G, in the manner set out in that Part.

(2) The liabilities of the Federation as apportioned by sub-section (1) are hereby transferred to the respective Territories.

(3) In respect of any of the said loans—

- (a) any bonds or stock issued under any Act of the Federal Legislature shall continue to be valid and, subject to the provisions of subsection (1) and of any agreement entered into by the respective Territories with the lenders in relation to the loans specified in Part H of Schedule I, continue to confer on the holders thereof the same rights as those enjoyed by the holders immediately before the dissolution of the Federation; and
- (b) in relation to which no bonds or stock have been issued the lenders shall, subject to the provisions of subsection (1) and of any agreement entered into by the respective Territories with the lenders in relation to the loans so specified, continue to enjoy the same rights as they enjoyed immediately before the dissolution of the Federation.

(4) The sinking funds established by the Federal Government in respect of the loans specified in Part D of Schedule I shall continue in existence and the Territories shall, to the extent of the liabilities apportioned to them in respect of those loans by subsection (1), discharge the liabilities of the Federal Government in relation to the said sinking funds.

(5) The existing trustees of the sinking funds referred to in subsection (4) shall continue as trustees on the existing terms and conditions and shall administer each sinking fund until the stock for which it is established is redeemed or repaid.

(6) If before the dissolution of the Federation the Governments of the United Kingdom, the Federation and the Territories agree that the liability in respect of any loan apportioned amongst the Territories by subsection (1) should be transferred to the Territories in accordance with the provisions of section 12 instead of this section, then the provisions of section 12 (except subsection (1)) shall apply to that loan in substitution for the provisions of subsections (2) to (5) of this section but subject to the following modifications—

- (a) the references to subsection (1) of section 12 shall be construed as references to subsection (1) of this section;
- (b) the references in subsection (5) to the Territory of issue shall be construed as references to the place of issue;
- (c) in subsection (6) the words “except that interest on the loans shall be paid, and the loans shall be redeemed or repaid both in, and in the currency of, the respective Territories” shall be omitted;
- (d) in subsection (8) the reference to any loan referred to in subsection (1) shall be construed as a reference to the loan which is the subject of the agreement under this subsection; and
- (e) in subsection (10) for the words “be expressed in units of one pound nominal or multiples thereof, so however that” there shall be substituted the words “issued so that”.

(7) The Governments of the Territories shall cause notice of any agreement under subsection (6) in respect of a loan to be given to the lenders in such manner as they consider appropriate.

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(8) Notwithstanding anything to the contrary contained in the Colonial Stock Acts 1877 to 1948, the Trustee Investments Act 1961 or any other law, the registration under the said Colonial Stock Acts of the stock relating to loans specified in Part D of Schedule I shall have the same effect as if the stock had been issued by the Territories and any stock issued by virtue of subsection (6) in substitution therefore shall be deemed to be registered under those Acts, and the stock shall continue to be, or as the case may be, shall be investments in which a trustee may invest.

Winding up of certain bodies established by Federal law

17.—(1) This section applies to the following bodies, that is to say—

- (a) the Agricultural Marketing Council established by the Agricultural Marketing Council Act 1956 of the Federation;
- (b) the Cold Storage Commission established by the Cold Storage Commission Act 1960 of the Federation;
- (c) the Dairy Marketing Board established by the Dairy Produce Marketing and Levy Act 1961 of the Federation;
- (d) the Federal Broadcasting Corporation established by the Broadcasting Act 1957 of the Federation;
- (e) the Grain Marketing Board established by the Grain Marketing Act 1957 of the Federation;
- (f) the Pig Industry Board established by the Pig Industry Act 1959 of the Federation;
- (g) the North-Eastern Tobacco Marketing Board established by the Tobacco Marketing and Levy Act 1960 of the Federation;
- (h) the South-Western Tobacco Marketing Board established by the said Tobacco Marketing and Levy Act; and
- (i) the Tobacco Export Promotion Council of Rhodesia and Nyasaland established by the said Tobacco Marketing and Levy Act.

(2) Each body to which this section applies shall, for the purpose of winding up its affairs before the dissolution of the Federation, and notwithstanding anything in the Act relating to it, have power to do anything which is necessary or expedient for that purpose or is incidental thereto, including in particular, but without prejudice to the generality of that power, power to enter into and carry out agreements for the transfer of its property, rights, liabilities and obligations to any other body or person.

(3) On the dissolution of the Federation each body to which this section applies shall be dissolved, and any property of the body remaining undisposed of shall vest in the Liquidating Agency.

(4) The provisions of subsections (3) and (4) of section 10 shall apply to any property vested in the Liquidating Agency by this section, and the provisions of the said subsection (4) shall apply to any property transferred under subsection (2), as they apply to property vested by section 10.

(5) The provisions of section 11 shall apply in relation to sums due to or by a body to which this section applies and in relation to any right of action by or against such a body as they apply in relation to sums due to or by, and rights of action by or against, the Federal Government.

Pending legal proceedings

18.—(1) In any legal proceedings pending on the dissolution of the Federation there shall be made such substitution of one party for another as may be necessary to take account of any transfer by this Order of functions, rights, liabilities or obligations.

(2) Any appeal brought after the dissolution of the Federation against a decision given in any legal proceedings before the dissolution of the Federation may be brought by or against the party

who should, by virtue of subsection (1), have been the appellant or respondent if the proceedings had continued after the dissolution of the Federation.

Temporary continuation of certain Federal courts

19.—(1) For the purpose of hearing and determining proceedings pending before them immediately before the dissolution of the Federation, except any such proceedings in respect of matters arising from Nyasaland,—

- (a) the Federal Supreme Court,
- (b) the Court Martial Appeal Court,
- (c) the Special Court for income tax appeals, and
- (d) the Patents Tribunal,

(in this section referred to as “the courts”) shall, subject to the provisions of this section, continue in existence notwithstanding the dissolution of the Federation; and accordingly the persons holding the offices of the Chief Justice of the Federation, the Federal Justices, the President of the Special Court for income tax appeals and the President of the Patents Tribunal immediately before the dissolution of the Federation shall, subject as aforesaid, continue to hold their respective offices and to enjoy, or be subject to, all the terms and conditions of service which applied to them immediately before the dissolution of the Federation.

(2) In relation to the Federal Supreme Court as continued in existence by this section, paragraph (6) of Article 47 and Articles 48 and 49 of the Constitution of the Federation shall apply as if references therein to the Governor-General were references to the Secretary of State and as if in the said paragraph (6) the words “by instrument under the public seal of the Federation” and the words “on an address from the Federal Assembly praying for his removal” were omitted.

(3) For the purpose of the performance of functions requiring to be performed in order to give effect to this section in relation to the other courts continued in existence thereby, the laws of the Federal Legislature hereinafter mentioned shall be modified as follows—

- (a) section 120 of the Defence Act 1955 (providing for the appointment of a Registrar of the Court Martial Appeal Court) shall apply as if the reference to the Minister of Defence were a reference to the Chief Justice of the Federation;
- (b) section 57 of the Income Tax Act 1954 (providing for the establishment of the Special Court for income tax appeals) shall apply as if the reference in subsection (1) to the Governor-General were a reference to the Chief Justice of the Federation, the reference in subsection (3) to the Minister of Home Affairs after consultation with the President were a reference to the President of the Special Court, the reference in sub-section (4) to the Governor-General were a reference to the Liquidating Agency, and the reference in subsection (5) to the Minister were a reference to the said President;
- (c) section 71 of the Patents Act 1957 (providing for the establishment of a Patents Tribunal) shall have effect as if the reference in sub-section (1) to the Minister were a reference to the Chief Justice of the Federation, the reference in subsection (4) to the Minister acting with the approval of the Minister of Finance were a reference to the Liquidating Agency, and the reference in subsection (5) to the Minister were a reference to the President of the Patents Tribunal.

(4) The administrative expenses of the courts, including all remuneration and allowances payable to the judges, officers and servants of the courts, shall be paid out of moneys in the hands of the Liquidating Agency; and any fees or other moneys taken by the courts shall be paid to the Agency.

(5) The provisions of the Constitution of the Federation and of any law or rules of court in force immediately before the dissolution of the Federation with respect to the jurisdiction, powers,

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practice and procedure of the courts shall continue to have effect for the purpose of the hearing and determining by the courts of proceedings pending before them immediately before the dissolution of the Federation; and the courts and authorities of Southern Rhodesia and Northern Rhodesia shall continue to act in aid of the courts in respect of such proceedings.

(6) When the Chief Justice of the Federation is satisfied that the Federal Supreme Court or any other court continued in existence by this section has disposed of all business which can in his opinion be reasonably dealt with by it under the provisions of this Order he shall by writing under his hand, so certify, whereupon the court shall cease to exist; and any business outstanding shall be dealt with in accordance with such provision as may be made by the law of Southern Rhodesia or Northern Rhodesia in relation to matters arising from that Territory.

(7) If the Special Court for income tax appeals or the Patents Tribunal continue in existence after the Federal Supreme Court has ceased to exist, the function conferred by subsection (6) on the Chief Justice of the Federation shall be performed by the President of the Special Court or the President of the Patents Tribunal, as the case may be.

PART II

THE PUBLIC SERVICE

Temporary provision for seconded Federal officers

20.—(1) This section applies to any person who is an officer of the public service of the Federation immediately before the dissolution of the Federation and who is at that time employed on secondment in the public service of a Territory, or is so employed as from the dissolution (hereinafter referred to as a “seconded officer”).

(2) A seconded officer shall, subject to the provisions of this Part, continue as from the dissolution of the Federation to enjoy or be subject to all the terms and conditions of service which applied to him immediately before the dissolution, so however that he may accept any other terms and conditions in substitution therefor.

(3) This section shall cease to apply to any person on 1st June 1964, or before that date if his employment on secondment is terminated by transfer to the public service of a Territory or otherwise.

Constitution of Staff Authority and Staff Commission

21.—(1) There is hereby constituted an authority which shall be known as the Staff Authority and shall consist of a person appointed before the dissolution of the Federation by the Federal Government with the concurrence of the Governments of the Territories.

(2) There is hereby constituted an authority which shall be known as the Staff Commission and shall consist of a person appointed before the dissolution of the Federation by the Federal Government with the concurrence of the Governments of the Territories.

(3) The person constituting the Staff Commission may at any time, with the consent of the Liquidating Agency, appoint to the Commission, on such terms as he may determine, not more than two further persons.

(4) In the event of the death of the person appointed to be the Staff Authority, or appointed under subsection (2) to be the Staff Commission, or in the event of his becoming incapable of performing his functions, the Governments of the Territories jointly may appoint another person in his place, but before doing so they shall, in the case of an appointment to the Staff Authority, consult the Staff Commission, and in the case of an appointment to the Staff Commission, consult the Staff Authority.

(5) The Staff Authority and the Staff Commission shall cease to exist on 1st June 1964.

Powers of Staff Authority and Staff Commission in relation to seconded officers

22.—(1) The Staff Authority may exercise in relation to seconded officers such powers of or relating to their disciplinary control, suspensions from duty, discharge, and resignation and otherwise as to their conditions of service as were vested immediately before the dissolution of the Federation in the Governor-General of the Federation.

(2) The Staff Commission may exercise in relation to seconded officers such of the said powers as were then vested in the Federal Public Service Commission or any other Federal authority not being the Governor-General.

(3) The Staff Commission shall further have general responsibility for the welfare of seconded officers.

(4) The Staff Authority and the Staff Commission shall exercise their powers under subsections (1) and (2) in relation to any seconded officer as nearly as may be in accordance with the provisions applicable to him immediately before the dissolution of the Federation.

Staff and expenses of Staff Authority and Staff Commission

23.—(1) The Staff Authority and the Staff Commission respectively may, with the approval of the Liquidating Agency, employ staff to assist them in the discharge of their functions and determine the terms and conditions of service of members of such staff.

(2) The expenses of the Staff Authority and the Staff Commission, including all remuneration and allowances payable to the persons constituting the Authority and the Commission and to members of their staffs, shall be paid out of moneys in the hands of the Liquidating Agency.

Establishment of Central African Pension Fund

24.—(1) There is hereby established a Fund to be called the Central African Pension Fund (hereinafter referred to as “the Fund”).

(2) The purposes of the Fund shall be the payment of pensions, sums by way of commutation of pension and refund of pension contributions, and gratuities, allowances and other benefits to or in respect of persons employed or formerly employed in the public service of the Federation and other persons, in accordance with the provisions of Schedule II.

Assets of Fund

25.—(1) The Fund shall consist of—

- (a) the sums and other assets standing immediately before the dissolution of the Federation to the credit of the Federal Pension Fund established by the Federal Pension Fund Act 1956 of the Federation;
- (b) all sums paid into the Fund in accordance with Part VII of Schedule II;
- (c) such sums as may be provided for the purposes of the Fund by the Government of the United Kingdom or the Government of a Territory or any other authority; and
- (d) any other sums or assets which vest in or accrue to the Fund in the course of the operation of the Fund or otherwise.

(2) Sums accruing to the Fund shall be exempt from income tax and any other tax imposed by the law of a Territory.

Vesting of Fund in Trustees

26.—(1) The Fund shall vest in trustees (hereinafter referred to as “the Trustees”) to be appointed by the Governments of the United Kingdom, the Federation, Southern Rhodesia, Northern Rhodesia and Nyasaland jointly.

(2) The Trustees, shall be domiciled in the United Kingdom.

(3) If the Trustees are not appointed before the dissolution of the Federation, the function of the Federal Government under subsection (1) shall be discharged by the Staff Authority, and the Fund shall on dissolution vest in the Liquidating Agency, which shall perform the functions of the Trustees until the latter are appointed.

(4) If the Fund so vests in the Liquidating Agency, the Fund shall, on the appointment of the Trustees, vest in them.

(5) The Governments of the Territories may at any time jointly appoint new trustees of the Fund.

Establishment of Central African Pension Agency

27.—(1) There is hereby established a Central African Pension Agency (hereinafter referred to as “the Pension Agency”) which shall consist of the officer for the time being performing the functions of Pensions Officer of the Government of Southern Rhodesia.

(2) In carrying out the duties of the Pension Agency such officer shall not be deemed to be acting on behalf of the Government of Southern Rhodesia; and the Pension Agency shall so far as possible, in any matter concerning persons resident in either Northern Rhodesia or Nyasaland, act through the agency of the Pensions Officer of the Government of Northern Rhodesia or of Nyasaland, as the case may be.

(3) The Governments of the three Territories may at any time, in accordance with any representations made by or otherwise with the agreement of the Trustees, jointly appoint another person or body to be the Pension Agency.

Functions of Trustees

28.—(1) The Trustees shall—

(a) invest such moneys in the Fund as are available for investment, and shall have power to realise or vary any investment:

Provided that they shall not realise or vary investments representing any of the loans described in section 12 before maturity unless it is in their opinion necessary to do so to meet the outgoings of the Fund;

(b) make available to the Pension Agency out of the Fund such sums as the Agency may require to make the payments described in section 29;

(c) make periodical reports to the Governments of the United Kingdom and the Territories as to the state of the Fund, with a view to the payment into the Fund by such Governments of such amounts as may be required to meet any deficit in the Fund; and

(d) arrange for the audit of the accounts of the Pension Agency.

(2) The Trustees shall have power to borrow money for the purposes of the Fund, to charge remuneration for their services, and such further functions (if any) in relation to the Fund as may be provided by instrument executed by the Trustees and the Governments of the United Kingdom and the Territories.

Charges on Fund

29.—(1) There shall be charged on the Fund, and paid by the Pension Agency, the pensions, gratuities and other payments provided for in Schedule II and required by the provisions of the Schedule to be paid out of the Fund.

(2) There shall further be charged on the Fund—

- (a) the expenses incurred by the Trustees and the Pension Agency in performing their functions under this Order, and any charges or losses incurred by the Fund; and
- (b) any remuneration payable to the Trustees, the Pension Agency and the staff of the Pension Agency.

Further powers and duties of Pension Agency

30.—(1) The Pension Agency shall have, for the purposes of this Order, the powers conferred by any law of the Federal Legislature or instrument made thereunder in force immediately before the dissolution of the Federation or by any contract of service on the Governor-General of the Federation, the Speaker of the Federal Assembly, the Federal Minister of Finance or any other authority of the Federal Government in relation to the payment, discontinuance, suspension, forfeiture, withholding or commutation of a pension or other benefit.

(2) The Pension Agency shall furnish the Trustees with such information as they may from time to time require to enable them to perform their functions under this Order.

Contributions to Fund

31.—(1) The contributions required by Schedule II to be paid to the Fund shall be paid to the Pension Agency.

(2) The Pension Agency may apply contributions so received to meet the payments chargeable to the Fund, and shall pay over any contributions not so applied to the Trustees for payment into the Fund.

Valuation by actuary

32.—(1) The Fund shall be valued by an actuary appointed by the Trustees at intervals not exceeding five years, and the Trustees shall communicate the actuary's report to the Governments of the United Kingdom and the Territories if so required by them.

(2) The actuary shall state in his report what in his opinion is the cause of any surplus or deficit in the Fund.

PART III

ELECTRIC POWER

Constitution of Higher Authority for Power

33.—(1) There is hereby constituted jointly for the Territories an authority which shall be known as the Higher Authority for Power.

(2) The Higher Authority shall consist of four members, of whom two shall be Ministers of the Government of Northern Rhodesia appointed by the Government of that Territory and two shall be Ministers of the Government of Southern Rhodesia appointed by the Government of that Territory.

Functions of Higher Authority

34.—(1) The Higher Authority shall have such functions in relation to the supply of electricity and the control of the Corporation and such other functions as are conferred by this Order or otherwise by law.

(2) The Higher Authority may, after consultation with the Corporation, give to it such directions of a general character as to the exercise and carrying out of its functions in accordance with the provisions of this Order as appear to the Authority to be requisite, and the Corporation shall give effect to any such directions.

Procedure of Higher Authority

35.—(1) Subject to the provisions of this Part of this Order and of any other law, the Higher Authority shall determine its own procedure.

(2) No decision of the Higher Authority shall have effect unless it is unanimous.

Constitution of Central African Power Corporation

36. There is hereby constituted jointly for the Territories a corporation, to be known as the Central African Power Corporation, which shall be a body corporate with a common seal and capable of suing and being sued and, subject to the provisions of this Order and any law, of doing all such acts as a body corporate may perform.

Member-ship of Corporation

37.—(1) The Corporation shall consist of a Chairman, who shall be appointed on the first occasion by the Governments of Northern and Southern Rhodesia jointly and thereafter by the Higher Authority, and seven other members of whom three shall be appointed by the Government of Northern Rhodesia, three by the Government of Southern Rhodesia and one, who shall be a person acceptable to the Commonwealth Development Corporation, by the Higher Authority.

(2) The Governments of the Territories shall each designate one of the three members appointed by them to be Deputy Chairmen of the Corporation.

(3) Each member of the Corporation shall be paid out of the funds of the Corporation such remuneration and allowances, if any, and, subject to the provisions of this Part of this Order, shall have such other conditions of service, as the Higher Authority may determine.

Disqualifications for membership

38. No person shall be appointed to be a member of the corporation who—

- (a) is a member of the Legislature of a Territory; or
- (b) has, under any enactment in force in any part of the Commonwealth—
 - (i) been adjudged or otherwise declared bankrupt or insolvent and has not been discharged or rehabilitated; or
 - (ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside; or
- (c) has within the immediately preceding five years served a sentence of imprisonment (by whatever name called) exceeding six months imposed (otherwise than as an alternative to, or in default of, the payment of a fine) in any part of the Commonwealth, and has not received a free pardon in respect of the offence for which he was sentenced.

Tenure of office of members

39.—(1) Subject to the provisions of this section, a member of the Corporation shall hold office for a period of three years from the date of his appointment or such shorter period as may be specified in his instrument of appointment.

(2) The office of a member shall become vacant—

- (a) if he resigns it by notice in writing given to the Higher Authority; or
- (b) if any circumstances arise which, if he were not a member, would cause him to be disqualified for appointment as a member under paragraph (a) or (b) of section 38; or
- (c) if he begins to serve a sentence such as is referred to in paragraph (c) of section 38; or
- (d) if the Higher Authority removes him from office for improper conduct as a member or failure to perform efficiently the functions of his office (whether due to infirmity of body or mind or any other cause) or to take all possible steps to cause the Corporation to comply with any court order requiring it to remedy a default; or
- (e) in the case of a member other than the Chairman, if he is absent without the permission of the Chairman from three successive meetings of the Corporation of which he has had notice; or
- (f) if the Higher Authority is satisfied that the private interests of the member conflict or are liable to conflict with his duties as a member and that consequently it is inexpedient for him to continue to hold office as a member.

(3) A notice of resignation given under paragraph (a) of subsection (2) shall take effect on the expiration of one month, or such shorter period as may be agreed between the Higher Authority and the member concerned, from the date on which it is given.

(4) A member vacating his office may, unless disqualified for appointment, be again appointed as a member from time to time.

Acting appointments

40.—(1) During any period when the Chairman of the Corporation is unable to perform the functions of his office by reason of illness, absence from the Territories or any other cause or when the office of the Chairman is vacant, one of the Deputy Chairman of the Corporation, selected in accordance with such procedure as the Higher Authority shall determine, shall perform those functions.

(2) If a member of the Corporation, other than the Chairman, is unable to perform the functions of his office by reason of illness, absence from the Territories or any other cause, the Authority by which that member was appointed may appoint a person, not being a person disqualified for appointment as a member, to act in his place; and any person so appointed shall, subject to section 39, continue so to act until the expiration of such period as may be specified in his instrument of appointment or until that member resumes the performance of those functions, whichever is the earlier.

Procedure of Corporation

41.—(1) Subject to the provisions of this Part of this Order and of any other law and to any direction given to the Corporation by the Higher Authority, the Corporation shall determine its own procedure.

(2) If at a meeting of the Corporation the Chairman and both Deputy Chairman are absent, the members present may elect one of their number to preside as chairman of the meeting.

(3) Not less than five members shall form a quorum at a meeting of the Corporation.

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(4) Decisions of the Corporation shall be made according to the majority of the votes of the members present and voting at a meeting of the Corporation at which a quorum is present, and in the event of an equality of votes the member presiding shall have a casting vote.

(5) Decisions taken in accordance with subsection (4) shall be valid notwithstanding any vacancy among the members of the Corporation or that some person who was not entitled so to do voted or otherwise acted as a member.

Dissolution of existing Board and vesting of assets and liabilities in the Corporation

42.—(1) In this section “the Board” means the Federal Power Board established by section 19 of the Electricity Act 1956 of the Federation.

(2) On the dissolution of the Federation, the Board shall be dissolved and all assets, rights, liabilities and obligations of the Board shall vest in the Corporation by virtue of this section, and accordingly—

- (a) all agreements and instruments giving rise or otherwise relating to such assets, rights, liabilities or obligations which were subsisting immediately before the dissolution shall on and after the dissolution have effect and be enforceable as if references therein to the Board were references to the Corporation and, where the Board was a party thereto, as if the Corporation had been a party thereto instead of the Board; and
- (b) in any legal proceedings connected with such assets, rights, liabilities or obligations which were pending immediately before the dissolution by or against the Board, the Corporation shall be substituted for the Board as a party.

(3) Where any person who was in the service of the Board immediately before the dissolution becomes by virtue of this section a person in the service of the Corporation, his service under the Board shall be treated as service under the Corporation for the purposes of determining rights to or eligibility for pension, gratuity or leave in respect of his service.

(4) Where title to any immovable property or any right or obligation relating to such property is vested in the Corporation by virtue of this section, and such title, right or obligation or any deed relating thereto has been registered before the dissolution under any law, the officer having charge of the register concerned shall, on application by the Corporation or any person having an interest in such property, make the necessary alterations in the register and, if presented therefor, endorsements on the deeds relating to the title, right or obligation concerned; and no stamp or other duties shall be payable in respect thereof.

(5) The provisions of subsection (2) shall have effect subject to any agreement entered into or instrument executed by virtue of section 44.

Functions of Corporation

43.—(1) The Corporation shall have such functions within or outside a Territory in relation to the supply of electricity and matters connected therewith as are conferred by this Part of this Order or otherwise by law.

(2) The general function of the Corporation shall be to supply electricity to undertakings within the Territories.

(3) For the purposes of the discharge of its general function, the Corporation shall—

- (a) continue to operate and develop the system for the generation and transmission of electricity associated with the Kariba scheme;
- (b) establish such additional undertakings for the bulk supply of electricity as the Higher Authority may direct;

- (c) investigate new or additional facilities for the bulk supply of electricity within such areas as the Higher Authority may direct and new or additional facilities for the co-ordination and cooperation of existing undertakings and advise the Higher Authority of the result of such investigations;
- (d) generate or acquire electricity.

(4) In addition to the functions conferred by this section the Corporation may at no additional expense to itself carry out such further activities on an agency basis as the Higher Authority may approve.

Power of Corporation to execute certain instruments

44. Notwithstanding any other provision of this Order, the Corporation may before 1st January 1964—

- (a) enter into any agreement with the International Bank for Reconstruction and Development, the Commonwealth Development Corporation, the Commonwealth Development Finance Company Limited, the Government of Northern Rhodesia and the Government of Southern Rhodesia, or with any of them, for the purpose of the assumption by the Corporation as from that date of any obligations of the Federal Power Board to them or to the Federation; and
- (b) execute any instrument or do any other thing which it deems necessary to enable it to assume its functions on that date.

Power of Legislature of Territory to amend Part III

45. The provisions of this Part of this Order may, as respects each Territory, be amended or revoked by a law of the Legislature of the Territory.

Interpretation

46. In this Part of this Order, except where the context otherwise requires—

“the Corporation” means the Central African Power Corporation constituted by section 36;

“the Higher Authority” means the Higher Authority constituted by section 33;

“the Territories” means Southern Rhodesia and Northern Rhodesia, and “Territory” shall be construed accordingly;

“undertaking” means any undertaking which generates, imports and either additionally or alternatively transmits, distributes, or supplies electricity.

PART IV

CIVIL AIR TRANSPORT

Constitution of Higher Authority for Civil Air Transport

47.—(1) There is hereby constituted jointly for the Territories an authority which shall be known as the Higher Authority for Civil Air Transport.

(2) The Higher Authority shall consist of three members, of whom one shall be a Minister of the Government of Southern Rhodesia, one a Minister of the Government of Northern Rhodesia and one a Minister of the Government of Nyasaland, appointed by their respective Governments.

Functions of Higher Authority

48.—(1) The Higher Authority shall have such functions in relation to air services and the control of the Corporation as are conferred by this Part of this Order or any law.

(2) The Higher Authority may exercise the powers of the Government of any Territory and such other powers as may be entrusted to the Higher Authority to obtain from, and grant to, other governments, rights or concessions in connection with air services.

(3) The Higher Authority may, after consultation with the Corporation, give to it such directions as to the performance of its functions in accordance with the provisions of this Part of this Order and any law as appear to the Higher Authority to be requisite, and the Corporation shall give effect to any such directions.

Procedure of Higher Authority

49.—(1) Subject to the provisions of this Part of this Order and of any law, the Higher Authority shall determine its own procedure.

(2) No decision of the Higher Authority shall have effect unless it is unanimous.

Constitution of Central African Airways Corporation

50. There is hereby constituted jointly for the Territories a corporation, to be known as the Central African Airways Corporation, which shall be a body corporate with a common seal and capable of suing and being sued and, subject to the provisions of this Order and any law, of doing all such acts as a body corporate may perform.

Membership of Corporation

51.—(1) The Corporation shall consist of—

- (a) a Chairman who shall be appointed on the first occasion by the Governments of the Territories jointly and thereafter by the Higher Authority;
- (b) five other members, of whom two shall be appointed by the Government of Southern Rhodesia, two by the Government of Northern Rhodesia, and one by the Government of Nyasaland; and
- (c) so long as the agreement between the Central African Airways Corporation and the Colonial Development Corporation concluded on 6th September 1954 so requires, one additional member who shall be appointed by the Higher Authority with the approval of the Commonwealth Development Corporation.

(2) Each member of the Corporation shall be paid out of the funds of the Corporation such remuneration and allowances, if any, and, subject to the provisions of this Part of this Order, shall have such other conditions of service, as the Higher Authority may determine.

Disqualifications for membership

52. No person shall be appointed to be a member of the Corporation who—

- (a) is a member of the Legislature of a Territory; or
- (b) has, under any enactment in force in any part of the Commonwealth—
 - (i) been adjudged or otherwise declared bankrupt or insolvent and has not been discharged or rehabilitated; or
 - (ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside; or

- (c) has within the immediately preceding five years served a sentence of imprisonment (by whatever name called) exceeding six months imposed (otherwise than as an alternative to, or in default of, the payment of a fine) in any part of the Commonwealth, and has not received a free pardon in respect of the offence for which he was sentenced.

Tenure of office of members

53.—(1) Subject to the provisions of this section, a member of the Corporation shall hold his office for a period of three years from the date of his appointment or such shorter period as may be specified in his instrument of appointment.

(2) The office of a member shall become vacant—

- (a) if he resigns by notice in writing given to the Higher Authority; or
- (b) if any circumstances arise which, if he were not a member, would cause him to be disqualified for appointment as a member under paragraph (a) or (b) of section 52; or
- (c) if he begins to serve a sentence such as is referred to in paragraph (c) of section 52; or
- (d) if the Higher Authority removes him from office for improper conduct as a member or failure to perform efficiently the functions of his office (whether due to infirmity of body or mind or any other cause) or to take all possible steps to cause the Corporation to comply with any court order requiring it to remedy a default; or
- (e) in the case of a member other than the Chairman, if he is absent without the permission of the Chairman from three successive meetings of the Corporation of which he has had notice; or
- (f) if the Higher Authority is satisfied that the private interests of the member conflict with his duties as a member and that consequently it is inexpedient for him to continue to hold office as such a member.

(3) A notice of resignation given in terms of paragraph (a) of subsection (2) shall take effect on the expiration of one month, or such shorter period as may be agreed between the Higher Authority and the member concerned, from the date on which it is given.

(4) A member vacating his office may, unless disqualified for appointment, be again appointed as a member from time to time.

Acting appointments

54. If a member of the Corporation is unable to perform the functions of his office by reason of illness, absence from the Territories, or any other cause, the authority by which that member was appointed may appoint any person, not being a person disqualified for appointment as a member, to act in his place; and any person so appointed shall, subject to the provisions of section 53, continue so to act until the expiration of such period as may be specified in his instrument of appointment or until that member resumes the performance of those functions, whichever is the earlier.

Procedure of Corporation

55.—(1) Subject to the provisions of this Part of this Order and of any law and to any direction given to the Corporation by the Higher Authority, the Corporation shall determine its own procedure.

(2) If at a meeting of the Corporation the Chairman and any person appointed to act as Chairman are absent, the members present may elect one of their number to preside as chairman of the meeting.

(3) Not less than four members shall form a quorum at a meeting of the Corporation.

(4) Decisions of the Corporation shall be made according to the majority of the votes of the members present and voting at a meeting of the Corporation at which a quorum is present, and in the event of an equality of votes, the member presiding shall have a casting vote.

(5) Decisions taken in accordance with the provisions of subsection (4) shall be valid notwithstanding any vacancy among the members of the Corporation or that some person who was not entitled so to do voted or otherwise acted as a member.

Dissolution of former Corporation and vesting of assets and liabilities in new Corporation

56.—(1) In this section—

“former Corporation” means the Central African Airways Corporation established by the Central African Airways Corporation Act 1960 of the Federation;

“new Corporation” means the Corporation constituted by section 50.

(2) On the dissolution of the Federation, the former Corporation shall be dissolved and all assets, rights, liabilities and obligations of the former Corporation shall vest in the new Corporation by virtue of this section, and accordingly—

(a) all agreements and instruments giving rise or otherwise relating to such assets, rights, liabilities or obligations which were subsisting immediately before the dissolution shall on and after the dissolution have effect and be enforceable as if references therein to the former Corporation were references to the new Corporation and, where the former Corporation was a party thereto, as if the new Corporation had been a party thereto instead of the former Corporation;

(b) in any legal proceedings connected with such assets, rights, liabilities or obligations which were pending immediately before the dissolution by or against the former Corporation, the new Corporation shall be substituted for the former Corporation as a party.

(3) Where any person who was in the service of the former Corporation immediately before the dissolution becomes by virtue of this section a person in the service of the new Corporation, his service under the former new Corporation shall be treated as service under the new Corporation for the purposes of determining rights to or eligibility for pension, gratuity or leave in respect of his service.

(4) Where title to any immovable property or any right or obligation relating to such property is vested in the new Corporation by virtue of this section, and such title, right or obligation or any deed relating thereto has been registered before the dissolution under any law, the officer having charge of the register concerned shall, on application by the new Corporation or any person having an interest in such property, make the necessary alterations in the register and, if presented therefor, endorsements on the deeds relating to the title, right or obligation concerned; and no stamp or other duties shall be payable in respect thereof.

(5) The provisions of subsection (2) shall have effect subject to any agreement entered into or instrument executed by virtue of section 58.

Functions of Corporation

57.—(1) The Corporation shall have such functions within the Territories, within one or more Territories, or outside the Territories, as are conferred by this Part of this order or any law.

(2) The general function of the Corporation shall be to supply the needs of the Territories for air services within, into, from and through the Territories to the fullest possible extent consistent with the resources of the Corporation.

Power of Corporation to execute certain instruments

58. Notwithstanding any other provisions in this Order, the Corporation may, before 1st January 1964, enter into any agreement, execute any instrument or do any other thing which it deems necessary to enable it to assume its functions on that date.

Power of Legislature of Territory to amend Part IV

59. The provisions of this Part of this Order may, as respects each Territory, be amended or revoked by a law of the Legislature of the Territory.

Interpretation

60. In this Part of this Order, unless inconsistent with the context—

“air services” includes ancillary services and ancillary transport services;

“Corporation” means the Central African Airways Corporation constituted by section 50;

“Higher Authority” means the Higher Authority for Civil Air Transport constituted by section 47.

PART V

AGRICULTURAL RESEARCH

Constitution of Agricultural Research Council of Central Africa

61.—(1) There is hereby constituted jointly for the Territories a council, to be known as the Agricultural Research Council of Central Africa (hereafter in this Part referred to as “the Council”) which shall be a body corporate with a common seal and capable of suing and being sued and, subject to the provisions of this Order and any law, of doing all such acts as a body corporate may perform.

(2) The Council shall consist of a Chairman, who shall be appointed by the Governments of the Territories jointly, three other members, of whom one shall be appointed by the Government of Southern Rhodesia, one by the Government of Northern Rhodesia and one by the Government of Nyasaland, and such additional members as the Governments of the Territories may agree should be appointed as members of the Council.

(3) The qualifications and disqualifications for membership of the Council, and the tenure of office and other conditions of service of members, shall be such as may be determined by the Governments of the Territories jointly.

(4) The Council shall determine its own procedure.

Functions of Council

62.—(1) The functions of the Council shall be to promote, direct, control and carry out agricultural research, including veterinary and tsetse research, in the Territories, particularly in regard to soils, vegetation, crops, livestock, forestry, hydrology, wild life and fisheries.

(2) Research shall be in accordance with programme, approved by the Governments of the Territories, and in co-operation, where appropriate, with other research organisations within or outside the Territories.

(3) The Council shall have such further functions connected with agricultural research as may be conferred on it by law or by the Governments of the Territories in agreement; and such incidental powers as are necessary to enable it to carry out its functions.

Dissolution of existing Council and vesting of assets and liabilities in new Council

63.—(1) In this section “the former council” means the Agricultural Research Council of Rhodesia and Nyasaland established under section 18 of the Research Act 1959 of the Federation.

(2) On the dissolution of the Federation the former council shall be dissolved and all assets, rights, liabilities and obligations of the former council shall vest in the Council by virtue of this section, and accordingly—

- (a) all agreements and instruments giving rise or otherwise relating to such assets, rights, liabilities or obligations which were subsisting immediately before the dissolution shall on or after its coming into operation have effect and be enforceable as if references therein to the former council were references to the Council and, where the former council was a party thereto, as if the Council had been a party thereto instead of the former council; and
- (b) in any legal proceedings connected with such assets, rights, liabilities or obligations which were pending immediately before the dissolution by or against the former council the Council shall be substituted for the former council as a party.

(3) Where any person who was in the service of the former council immediately before the dissolution of the Federation becomes by virtue of this section a person in the service of the Council, his service under the former council shall be treated as service under the Council for the purposes of determining rights to or eligibility for pension, gratuity or leave in respect of his service.

(4) Where title to any immovable property or any right or obligation relating to such property is vested in the Council by virtue of this section and such title, right or obligation or any deed relating thereto has been registered before the dissolution of the Federation under any law, the officer having charge of the register concerned shall, on application by the Council or any person having an interest in such property, make the necessary alterations in the register and, if presented therefor, endorsements on the deeds relating to the title, right or obligation concerned; and no stamp or other duties shall be payable in respect thereof.

Discoveries and inventions to vest in Council

64.—(1) The rights in all discoveries, inventions and in all improvements in respect of processes, apparatus and machines made by officers of the Council, or persons holding research bursaries awarded by the Council, shall be vested in the Council.

(2) The discoveries, inventions and improvements shall be made available by the Council for use in the public interest subject to such conditions and the payment of such fees or royalties as the Council may determine.

(3) The Council may apply for letters patent in respect of any discovery, invention or improvement referred to in sub-section (1) and shall, for that purposes, be regarded as the assignee of the discoverer or inventor.

Power of Legislature of Territory to amend Part V

65. The provisions of this Part of this Order may, as respects each Territory, be amended or revoked by a law of the Legislature of the Territory.

PART VI

CURRENCY AND BANK OF RHODESIA AND NYASALAND

Provision for the currency

66. The currency of the Federation shall continue to be legal tender in the Territories until 1st January 1965 or such later date, not being later than 1st June 1965, as may be appointed by the Committee of Ministers constituted by section 68 (which date is hereinafter referred to as the “date of demonetisation”); and the value of the one pound unit of currency of the Federation shall remain at one pound sterling until the date of demonetisation.

Capital of Bank

67. The capital stock of the Bank of Rhodesia and Nyasaland held by the Federal Government shall on the dissolution of the Federation be held by the Liquidating Agency or, in the event of the Liquidating Agency ceasing to exist before the date upon which the Bank of Rhodesia and Nyasaland ceases to exist, by some other person or body appointed by the Committee of Ministers.

Constitution of Committee of Ministers

68.—(1) There is hereby constituted jointly for the Territories a Committee of Ministers to consist of three members, who shall be the Minister of the Treasury of Southern Rhodesia, the Minister of Finance of Northern Rhodesia and the Minister of Finance of Nyasaland.

(2) The functions of the Committee of Ministers shall be—

(a) to exercise the functions conferred on the Governor-General of the Federation and the Minister of Finance of the Federation by any provision of the Bank of Rhodesia and Nyasaland Act 1956, the Banking Act 1959, the Exchange Control Act 1954 or the Currency and Exchange Control (Temporary) Act 1961 of the Federation in force at the dissolution of the Federation, except as otherwise provided by regulations made under section 69; and

(b) to perform such other functions as may be conferred on the Committee by or under this Order.

(3) No decision of the Committee of Ministers shall have effect unless it is unanimous.

(4) The Committee of Ministers shall determine its own procedure.

Regulations to adapt existing law

69. The Governor of the Bank of Rhodesia and Nyasaland, with the concurrence of the three Ministers named in section 68, may, by regulations made before the dissolution of the Federation, make with effect from the dissolution such modifications or adaptations in the Acts specified in section 68 as appear necessary or expedient in consequence of the provisions of this Order.

Dissolution of Bank and distribution of assets

70.—(1) The Bank of Rhodesia and Nyasaland shall be dissolved on 31st December 1965, or on such earlier date as may be appointed by the Committee of Ministers.

(2) On the dissolution of the Bank, the assets remaining to it at that date shall be disposed of as follows—

(a) the gold, cash, securities, outstanding loans and other financial assets of the Bank shall be allocated amongst the Central Banks established in the Territories and transferred to them

in proportion to the amount of Federal currency (whether coin or notes) which shall before the date of demonetisation have been handed in by each of the Central Banks to the Bank of Rhodesia and Nyasaland and redeemed by that Bank; and

- (b) the immovable property of the Bank, and the movable property other than that described in paragraph (a), shall vest in the Central Bank of the Territory in which the property is situate.

(3) The provisions of subsections (3) and (4) of section 10 shall apply to property vested by this section as they apply to property vested by section 10.

PART VII

RAILWAYS

Rhodesia Railways

71.—(1) The body corporate known as the Rhodesia Railways and operating in Southern Rhodesia and Northern Rhodesia immediately before the dissolution of the Federation by virtue of the Rhodesia Railways Act 1949 of Southern Rhodesia and the Rhodesia Railways Ordinance 1949 of Northern Rhodesia (in this section referred to as “the existing laws”) shall be a body corporate for Southern Rhodesia and Northern Rhodesia jointly.

(2) The Rhodesia Railways shall consist of a board of management, comprising a Chairman, who shall be appointed by the Higher Authority for Railways, and six other members, of whom three shall be appointed by the Government of Southern Rhodesia and three shall be appointed by the Government of Northern Rhodesia.

(3) The Rhodesia Railways shall be capable of suing and being sued and, subject to the provisions of any law, of doing all such acts as a body corporate may perform; and the body corporate established by this section shall for all purposes be the same body corporate as that operating under the existing laws immediately before the dissolution of the Federation.

(4) There is hereby constituted jointly for Southern Rhodesia and Northern Rhodesia an authority which shall be known as the Higher Authority for Railways and shall consist of four members, of whom two shall be Ministers of the Government of Southern Rhodesia appointed by that Government and two shall be Ministers of the Government of Northern Rhodesia appointed by that Government.

(5) The functions and procedure of the board of management and the Higher Authority for Railways and the qualifications and disqualifications for membership of the board and the tenure of office and other conditions of service of members of the board, shall be such as may be determined by or in pursuance of the existing laws or any laws amending or replacing the same.

Constitution of Railways Court

72.—(1) There is hereby constituted jointly for Southern Rhodesia, Northern Rhodesia and Bechuanaland a court which shall be known as the Railways Court.

(2) The Court shall consist of a President who shall be appointed by the Governments of Southern Rhodesia and Northern Rhodesia jointly after consultation with the Government of Bechuanaland, and four other members who shall be appointed by the President in such manner as may be determined by law.

(3) The procedure of the Court and the qualifications and disqualifications for membership thereof and the tenure of office and other conditions of service of the members shall be such as may be determined by law.

(4) The Court shall have the function of hearing appeals and settling industrial disputes on matters concerning the Rhodesia Railways as may be provided by law and such other functions as may be conferred upon it by law.

(5) The decisions of the Court shall be final and not subject to appeal in any court.

(6) In this section “law” includes any provision having the force of law in Bechuanaland.

Power of Legislature of Territory to amend sections 71 and 72

73. The provisions of sections 71 and 72 may, as respects Southern Rhodesia or Northern Rhodesia, be amended or revoked by a law of the Legislature of the Territory.

PART VIII

MISCELLANEOUS

Modifications of British Nationality Acts

74.—(1) As from the dissolution of the Federation the British Nationality Acts 1948 and 1958 have effect as if—

- (a) in section 1(3) of the Act of 1948 (which, as amended by the Act of 1958, includes the Federation among Commonwealth countries with separate citizenship from that of the United Kingdom and Colonies) for the words “the Federation of Rhodesia and Nyasaland” there were substituted the words “Southern Rhodesia”; and
- (b) any reference in those Acts to a protectorate operated to include the protectorates of Northern Rhodesia and Nyasaland, and any such reference to a period of residence in a protectorate operated, in relation to those protectorates, to include residence therein before the dissolution of the Federation.

(2) Notwithstanding anything in the British Nationality Acts 1948 and 1958, any person who immediately before the dissolution of the Federation is a citizen of the Federation but is not a citizen of the United Kingdom and Colonies shall become a citizen of the United Kingdom and Colonies on the dissolution of the Federation unless the then becomes a citizen of Southern Rhodesia.

Modification of Acts of Parliament and instruments having effect under an Act

75. The Acts of Parliament and instruments having effect under an Act of Parliament referred to in Schedule III shall have effect subject to the modifications and adaptations specified in the Schedule.

Interpretation

76.—(1) In this Order, except where the context otherwise requires—

“the Federation” means the Federation of Rhodesia and Nyasaland;

“functions” includes duties and powers;

“Governor” includes any person who, under and to the extent of any authority to act therein, is for the time being performing the functions of the office of Governor;

“law” means any provisions having the force of law in any Territory;

“the Territories” means Southern Rhodesia, Northern Rhodesia and Nyasaland, and “Territory” shall be construed accordingly.

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(2) Any reference in this Order to an Act of the Federation or an Act or Ordinance of a Territory shall be construed as a reference to that Act or Ordinance as amended by any Act or Ordinance passed before the dissolution of the Federation.

(3) Where any law ceases to have effect by virtue of any provisions of this Order section 38(2) of the Interpretation Act 1889 shall apply to the cesser of that law as it applies to the repeal of an Act of Parliament.

(4) Any reference in this Order to a Schedule, section, subsection or paragraph not otherwise identified is a reference to that Schedule to, or section of, this Order, or to that subsection or paragraph of the section or Schedule in which the reference occurs, as the case may be.

(5) Any regulations or order made under the provisions of this Order shall be published in the official Gazette of the Territory in which they have effect.

(6) The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

Revocation

77. The Federation of Rhodesia and Nyasaland Order in Council 1963 is hereby revoked, but without prejudice to any law or regulation made or other thing done by virtue of that Order.

Citation and commencement

78.—(1) This Order may be cited as the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963.

(2) Save as provided in subsection (3), this Order shall come into operation immediately before 1st January 1964.

(3) Sections 2 (except subsection (1)) and 17(2), the provisions of Part III except sections 42, 43 and 45, the provisions of Part IV except sections 48(2), 56, 57 and 59, and section 69 shall come into operation on 21st December 1963.

W. G. Agnew

SCHEDULE I

(Sections 12 and 16.)

PUBLIC DEBT OF THE FEDERATION

PART A

Federation of Rhodesia and Nyasaland 4½% Local Registered Stock, 1970-73.
Federation of Rhodesia and Nyasaland 4½% Local Registered Stock, 1969-71.
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1974-76.
Federation of Rhodesia and Nyasaland 5¼% Local Registered Stock, 1975-77.
Federation of Rhodesia and Nyasaland 5¾% Local Registered Stock, 1979-81.
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1964.
Federation of Rhodesia and Nyasaland 6% Local Registered Stock, 1976-79.
Federation of Rhodesia and Nyasaland 5¼% Local Registered Stock, 1964.
Federation of Rhodesia and Nyasaland 6¼% Local Registered Stock, 1980-85.
Federation of Rhodesia and Nyasaland 6½% Local Registered Stock, 1981-86.
Federation of Rhodesia and Nyasaland 6½% Local Registered Stock, 1982-87.
Federation of Rhodesia and Nyasaland 5½% Local Registered Stock, 1965.
Federation of Rhodesia and Nyasaland 6½% Local Registered Stock, 1982-87 (No. 3/62).
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1965 (No. 4/62).
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1966 (No. 1/63).
British South Africa Company Investments Limited Loan: 5%, 1969.
Central African Airways `A` Loan: 6¼% 1959-67.
Central African Airways `B` Loan: 6¼% 1962-66.
Central African Airways `C` Loan: 6¼% 1963-67.
Central African Airways `D` Loan: 6¼% 1963-67.
Federal Power Board Loan: 6¼%, 1962-65.
Rhodesian Anglo American Limited Loan: 5½%, 1976-88.
Rhodesia Railways Contributory Pension Fund Loan: 6¼%, 1967.

PART B

British South Africa Company Loan: 5%, 1966-85.
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1977.
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1978.
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1959-79.
Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1960-80.
Federation of Rhodesia and Nyasaland 4½% Local Registered Development Bonds, 1957-84.
Federation of Rhodesia and Nyasaland 4½% Local Registered Development Bonds, 1958-85.
Federation of Rhodesia and Nyasaland 4½% Local Registered Development Bonds, 1959-86.
Federation of Rhodesia and Nyasaland 4½% Local Registered Development Bonds, 1960-87.

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Federation of Rhodesia and Nyasaland 4½% Local Registered Development Bonds, 1961-88.
Federation of Rhodesia and Nyasaland 4½% Local Registered Development Bonds, 1962-89.

PART C

British South Africa Company Investments Limited Loan: 5%, 1966-78—to Southern Rhodesia.
Housing Loan from Southern Rhodesia Government: 4½%, 1975—to Southern Rhodesia.
Southern Rhodesia Government (Interim Expenditure) 'A' Loan: 5%, 1954-79—to Southern Rhodesia.
Southern Rhodesia Government (Interim Expenditure) 'B' Loan: 4¾%, 1954-79—to Southern Rhodesia.
Housing Loan from Northern Rhodesia Government: 4½%, 1974—to Northern Rhodesia.
Federal Government Promissory Notes for Internal Floating Debt—as follows:—

Of the total amount of Federal Government Floating Debt (Promissory Notes) outstanding at the date of dissolution, the portion relating to expenditure from Federal Loan Account up to 30th June 1963, and to Funded Debt redemptions during the period 1st July 1963 to 31st December 1963, to an amount not exceeding £7,410,070, shall be apportioned

52.1209 Southern Rhodesia.
37.1279 Northern Rhodesia.
10.7588 Nyasaland.

Any balance of Floating Debt outstanding as ascertained by the Liquidating Agency shall be apportioned between the Territories in direct relation to the net expenditure from Federal Loan Votes in or on behalf of each Territory during the period 1st July 1963 to 31st December 1963, except that such of the balance as is outstanding in respect of money lent by the Federal Government to statutory corporations shall be apportioned by the Liquidating Agency among the Territories.

PART D

Federation of Rhodesia and Nyasaland 4% Registered Stock, 1972-74.
Federation of Rhodesia and Nyasaland 5% Registered Stock, 1975-80.
Federation of Rhodesia and Nyasaland 6% Registered Stock, 1976-79.
Federation of Rhodesia and Nyasaland 6% Registered Stock, 1978-81.

PART E

Federation of Rhodesia and Nyasaland 5¾% External Loan Bonds, 1973.
Barclays Bank D.C.O. Credit 5¾%, 1964.
The Standard Bank Limited Credit 5¾%, 1964.

PART F

International Bank Loan (197 R. N.), 1961-76.

PART G

(a) International Bank Loan (253 R. N.) 1962-69—to Southern Rhodesia.

(b) United Kingdom/Federation of Rhodesia and Nyasaland Credit Agreement, 1962—as follows:

The liability of £1,40,000 outstanding at 30th June 1963 is apportioned 52.120% to Southern Rhodesia, 37.127% to Northern Rhodesia and 10.753% to Nyasaland: the further liability incurred in the period 1st July 1963 to 31st December 1963 to be apportioned between the Territories in direct relation to the net Loan Vote Expenditure by the Federal Government in or on behalf of the Territories in this period, as ascertained by the Liquidating Agency.

(c) Foreign Operations Administration, Rhodesia Railways Loan, 1957-76—

The liability to be apportioned as agreed between Southern Rhodesia, Northern Rhodesia, and the lenders.

PART H

International Bank Loan (197 R.N.), 1961-76.

International Bank Loan (253 R.N.), 1962-69.

Foreign Operations Administration, Rhodesia Railways Loan, 1957-76.

Barclays Bank D.C.O. Credit 5¼%, 1964.

The Standards Bank Limited Credit 5¾%, 1964.

SCHEDULE II

(Sections 24(2), 25(1)(b), 29(1) and 31(1).)

PENSIONS AND OTHER BENEFITS FOR THE FEDERAL PUBLIC SERVICE

PART I

INTERPRETATION OF TERMS

1.—(1) In this Schedule, unless inconsistent with the context—

“Branch IV employee” means a person who immediately before the dissolution of the Federation was—

- (a) employed in Branch IV of the Federal Public Service; or
- (b) a Federal Assembly employee;

“date of the termination of his services”, in relation to an officer, employee, Prison officer or member who is not transferred to the service of the Government of a Territory, means the date of the dissolution of the Federation or, if he is seconded to such service, the date of the termination of his secondment;

“employee” means a Public Service employee of Federal Assembly employee;

“established officer” means an officer who was an established officer or confirmed employee under the Public Service Regulations or the Federal Assembly Regulations;

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“established Prison officer” means a Prison officer who was an established officer under the Prisons Regulations;

“Federal Assembly employee” means a person who immediately before the dissolution of the Federation was employed in a non-pensionable post in the Federal Assembly;

“Federal Assembly officer” means a person who immediately before the dissolution of the Federation was employed in a pensionable post in the Federal Assembly, whether or not he was contributing towards a pension;

“the Fund” means the Fund established by section 24;

“home Territory”, in relation—

(a) to an officer who is not a Rhodesia House employees or to a Prison officer, means—

(i) if he was born within a Territory, the Territory in which he was born:

Provided that if, immediately prior to his joining the service of the Federal Government he was serving with the Government of a Territory other than that in which he was born, that Territory shall be his home Territory;

(ii) if he was not born within a Territory, the Territory in which he has had the longest Government service, whether with the Federal Government or in the service of the Government of a Territory:

Provided that—

(A) if his periods of service in two Territories differ by less than twelve months and his service, if any, in the third Territory is less than his service in either of those two Territories, he may choose either of those two Territories as his home Territory; and

(B) if he joined the service of the Government of a Territory before he joined the service of the Federal Government, he may choose that Territory as his home Territory;

(b) to a Rhodesia House employee; means Southern Rhodesia;

(c) to a member means—

(i) in the case of an African member serving in—

(A) the King's African Rifles or the Northern Rhodesia Regiment, the Northern Rhodesia and Nyasaland Command;

(B) the Rhodesian African Rifles, Southern Rhodesia;

(C) a corps, other than the Corps of Infantry, or in the Royal Rhodesian Air Force, such Territory as he may elect;

(ii) in the case of a European member serving in the Rhodesian Light Infantry, the Rhodesian Special Air Service or the Royal Rhodesian Air Force, Southern Rhodesia;

(iii) in the case of a European member not referred to in sub-paragraph (ii) of this paragraph, such Territory as he may choose;

Provided that a European member shall not be eligible to choose Nyasaland as his home Territory unless—

(I) he is or has been on the posted or permanently attached strength of the King's African Rifles or of the Headquarters, Nyasaland area, and its ancillary units; or

(II) he has connections with Nyasaland; or

(III) he intends to take a short service commission or engagement for service in Nyasaland;

“member” means a person who immediately before the dissolution of the Federation was an officer, non-commissioned officer or soldier of the Regular Force of the Army or the Air Force of the Federation, but does not include any person who was—

- (a) appointed to honorary commissioned rank; or
- (b) the holder of an honorary appointment;

“Northern Prison officer” means a person who immediately before the dissolution of the Federation was a Prison officer who was a “northern officer” as defined in the Prisons (Senior and Junior Officers) (Pensions) Regulations 1963 of the Federation and who had not made the election provided for by section 34 of the said Regulations;

“Nyasaland member” means a member who was not born or is not domiciled in Nyasaland and whose home Territory is Nyasaland;

“Nyasaland officer” mean an officer or Prison officer who was not born or is not domiciled in Nyasaland and whose home Territory is Nyasaland;

“officer” means a Public Service officer or Federal Assembly officer;

“pensionable emoluments”, in relation to an officer, Prison officer or member, means his pensionable emoluments for the purposes of the Pensions Regulations;

“pensionable service”, in relation to an officer, Prison officer or member, means pensionable service for the purposes of the Pensions Regulations;

“person under contract” means a person who immediately before the dissolution of the Federation was employed by the Federal Government or Federal Assembly on contract and who was not an officer or an employee;

“Prison officer” means a person who immediately before the dissolution of the Federation was an officer of the Federal Prison Service established by the Prisons Act 1955 of the Federation;

“Public Service employee” means a person who immediately before the dissolution of the Federation was in the employment of the Federal Government and who was—

- (a) a Branch IV employee; or
- (b) an “other Government servant” as defined in section 2(1) of the Federal Public Service Act 1959 of the Federation and was not a Rhodesia House employee;

“Public Service officer” means a person who immediately before the dissolution of the Federation—

- (a) was not employed in Branch IV of the Federal Public Service; and
- (b) was an officer or employee as defined in the Public Service Regulations or had elected to remain subject to his Territorial Regulations and was subject to the Old Territorial Regulations;

“Rhodesia House employee” means a person who immediately before the dissolution of the Federation was a permanent employee on pensionable conditions of service employed by the Federal Government in Rhodesia House, London;

“teacher” means a Public Service officer who immediately before the dissolution of the Federation was appointed to a grade in the Nurse Matron or Teaching Branch in the Education Group in the Federal Public Service;

“the Federal Assembly Regulations”, in relation to a Federal Assembly officer, means the conditions of service applicable to him which were fixed by the Speaker of the Federal Assembly;

“the Old Territorial Regulations”, in relation to a Public Service officer in Branch III of the Federal Public Service who elected to remain subject to his Territorial regulations, means the conditions of service applicable to him by virtue of that election;

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“the Pensions Regulations”, in relation to—

- (a) a Public Service officer, means the Public Service Regulations as read with sections 42 and 43 of the Federal Public Service Act 1959 of the Federation;
- (b) a Federal Assembly officer, means the Federal Assembly Regulations;
- (c) a Prison officer, means the Prisons Regulations;
- (d) a member, means the Regular Force Regulations;

“the Prisons Regulations”, in relation to—

- (a) a senior or junior officer in the Federal Prison Service, means the Prisons (Senior and Junior Officers) (Pensions) Regulations 1963 of the Federation;
- (b) a subordinate officer, means the Prisons (Subordinate Officers) (Pensions) Regulations 1963 of the Federation;

“the Public Service Regulations”, in relation to a Public Service officer, means the—

- (a) Federal Public Service (European Pensionable Branch) Regulations 1955; or
- (b) Federal Public Service (Married Women) Regulations 1958; or
- (c) Federal Public Service (European Pensionable Branch) (Retained Married Women) Regulations 1958; or
- (d) Federal Public Service (Branch I) Regulations 1959; or
- (e) Federal Public Service (Branch II) Regulations 1957; or
- (f) Federal Public Service (Branch III) (Uniform) Regulations 1961; or
- (g) Federal Public Service (Branch III) (Southern Rhodesia) Regulations 1956; or
- (h) Federal Public Service (Branches III and IV) (Northern Rhodesia) Regulations 1957; or
- (i) Federal Public Service (Branches III and IV) (Nyasaland) Regulations 1957; or
- (j) Old Territorial Regulations; or
- (k) Federal Public Service Act (Pensions) Regulations 1963; or
- (l) Federal Public Service Act (Branch I) (Pensions) Regulations 1961; or
- (m) Federal Public Service Act (Branch II) (Pensions) Regulations 1960; or
- (n) Federal Public Service Act (Branch III) (Pensions) Regulations 1960; or
- (o) Federal Public Service Act (Rhodesia House Permanent Employees) (Pensions) Regulations 1962;

of the Federation, whichever were applicable to him on the date of the termination of his services;

“the Regular Force Regulations”, in relation to a member, means the—

- (a) Defence (Regular Force) (African Members) Regulations 1962; or
- (b) Defence (Regular Force) (European Members) Regulations 1961; or
- (c) Defence (Regular Forces) (Officers) Regulations 1960;

of the Federation, whichever were applicable to him on the date of the termination of his services;

“the service of the Government of a Territory” includes the service of the Legislative Assembly or Legislative Council, as the case may be, of that Territory;

“the Terminal Benefits Regulations”, in relation to a Public Service officer who is not a Rhodesia House employee, means —

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- (a) in the case of a Public Service officer who is not a teacher, the Federal Public Service (Terminal Benefits) Regulations 1963 or the Federal Public Service Act (Terminal Benefits) Regulations 1963 of the Federation, as the case may be;
 - (b) in the case of a Public Service officer who is a teacher, the Federal Public Service (Terminal Benefits) (Teachers) Regulations 1963 or the Federal Public Service Act (Terminal Benefits) (Teachers) Regulations 1963 of the Federation, as the case may be.
- (2) For the purposes of the definition of “home Territory” in sub-paragraph (1) of this paragraph, if on the date of the termination of this services—
- (a) an officer or Prison officer who could, under proviso A or B to sub-paragraph (ii) of paragraph (a) of that definition, have chosen a particular Territory as his home Territory has not made a choice thereunder, his home Territory shall be that determined in accordance with the provisions of the said sub-paragraph (ii);
 - (b) a member who could, under paragraph (c) of that definition, have chosen a particular Territory as his home Territory has not made a choice thereunder, his home Territory shall be that determined by the Pension Agency.

PART II

PENSIONS AND ALLOWANCES FOR PENSIONERS AT THE DATE OF THE DISSOLUTION OF THE FEDERATION

Pensions and allowances to be paid from the Fund

2. Subject to the provisions of paragraph 18, any person who immediately before the dissolution of the Federation, whether or not he was employed by the Federal Government, was entitled to—
- (a) a pension;
 - (b) in the case of a person who was a member, a children's allowance;
 - (c) in the case of a person who was suffered an injury or disability, an allowance in respect of such injury or disability;

from the Federal Government shall continue to be paid any such pension and, additionally or alternatively, allowance from the Fund.

Payment of pensions

3. Any pension or allowance payable under paragraph 2 shall be paid subject to the conditions applicable to its payment by the Federal Government and on the death of the recipient of the pension there shall be paid to or in respect of any dependant of his any pension provided for in such conditions.

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PART III

TERMINAL BENEFITS FOR PERSONS IN THE EMPLOYMENT OF THE FEDERAL GOVERNMENT WHO ARE NOT TRANSFERRED TO THE SERVICE OF THE GOVERNMENT OF A TERRITORY

Payment of terminal benefits

4.—(1) Subject to the provisions of paragraphs 18 and 22, the terminal benefits under this Part of this Schedule shall be payable to—

(a) any person who—

- (i) was employed by the Federal Government immediately before the dissolution of the Federation on pensionable conditions of service; and
- (ii) is not transferred to the service of the Government of a Territory on pensionable conditions of service on his ceasing to be employed on or after the dissolution of the Federation on the conditions of service referred to in sub-paragraph (i) of this sub-paragraph;

or

(b) any person who—

- (i) was employed by the Federal Government immediately before the dissolution of the Federation on non-pensionable conditions of service; and
- (ii) is not transferred to the service of the Government of a Territory on his ceasing to be employed on or after the dissolution of the Federation on the conditions of service referred to in sub-paragraph (i) of this sub-paragraph.

(2) The benefits payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund:

Provided that any benefits referred to in paragraph 13, 14, 15 or 16 or sub-paragraph (2) of paragraph 17 shall be paid by the Liquidating Agency and shall not be paid from the Fund.

Pension or gratuity for established Public Service officers or Federal Assembly officers

5. On the date of the termination of his services an established officer shall be entitled to—

- (a) if the Pensions Regulations provide for the payment of a pension on retirement, and earned pension equal to that which would have been payable to him under the Pensions Regulations had he retired on attaining pensionable age after ten or more years' pensionable service on the date of the termination of his services, calculated—
 - (i) in respect of the period of his pensionable service; and
 - (ii) on his pensionable emoluments on the date of the termination of his services;
- (b) if the Pensions Regulations do not provide for the payment of a pension on retirement, an earned gratuity equal to that which is payable under the Pensions Regulations on retirement.

Additional abolition of office pension or gratuity for established Public Service officers or Federal Assembly officers

6.—(1) An established officer referred to in paragraph 5 who—

- (a) is a Nyasaland officer; or

- (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory; or
- (c) whether or not he has rejected or indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory, has accepted an offer of service on contract with the Government of Nyasaland to commence immediately after the date of the termination of his services;

shall, in addition to his earned pension or gratuity under paragraph 5, be entitled to an abolition of office pension or gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be—

- (a) in the case of an established officer who is entitled to a pension, a pension equal to—
 - (i) one-third of his earned pension under paragraph 5; or
 - (ii) the amount, if any, by which his earned pension under paragraph 5 is less than two-thirds of his pensionable emoluments on the date of the termination of his services; or
 - (iii) the pension which he would earn under the Pensions Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of sixty-five years;whichever is the least;
- (b) in the case of an established officer who is entitled to a gratuity, an amount equal to the additional gratuity, if any, payable to him under the Pensions Regulations on loss of office.

Pension or gratuity plus refund of pension contributions for established Prison officers

7.—(1) On the date of the termination of his services an established Prison officer shall be entitled to—

- (a) in the case of a Northern Prison officer, an earned pension equal to that which would have been payable to him under the Prisons Regulations had he retired on attaining pensionable age after ten or more years' pensionable service on the date of the termination of his services, calculated—
 - (i) in respect of the period of his pensionable service; and
 - (ii) on his pensionable emoluments on the date of the termination of his services;
- (b) in the case of a Prison officer who is not a Northern Prison officer, either an earned pension with no refund of pension contributions or an earned gratuity plus a refund of his pension contributions, as he may elect, calculated in accordance with the Prisons Regulations.

(2) The election referred to in sub-paragraph (b) of sub-paragraph (1) of this paragraph may be made by the Prison officer at any time before or within fourteen days after the date of the termination of his services and shall be—

- (a) made in writing to the Pension Agency; and
- (b) irrevocable.

(3) If a Prison officer has not made the election referred to in sub-paragraph (b) of sub-paragraph (1) of this paragraph within fourteen days after the date of the termination of his services he shall be deemed to have elected to be paid an earned gratuity plus a refund of his pension contributions.

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Additional abolition of office pension or gratuity for established Prison officers

- 8.—(1) An established Prison officer referred to in paragraph 7 who—
- (a) is a Nyasaland officer; or
 - (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory; or
 - (c) whether or not he has rejected or indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory, has accepted an offer of service on contract with the Government of Nyasaland to commence immediately after the date of the termination of his services;

shall, in addition to his earned pension, be entitled to an abolition of office pension or, if he has elected under paragraph 7 to be paid an earned gratuity plus a refund of his pension contributions, an abolition of office gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be—

- (a) in the case of a Northern Prison officer, a pension equal to—
 - (i) one-third of his earned pension under paragraph 7; or
 - (ii) the amount, if any, by which his earned pension under paragraph 7 is less than two-thirds of his pensionable emoluments on the date of the termination of his services; or
 - (iii) the pension which he would earn under the Prisons Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of sixty-five years;

whichever is the least;

- (b) in the case of a Prison officer who is not a Northern Prison officer, a pension or gratuity, as the case may be, equal to one-third of his earned pension or gratuity, as the case may be, under paragraph 7:

Provided that, if the aggregate of the additional abolition of office pension or gratuity and the earned pension or gratuity exceeds a pension or gratuity, as the case may be, calculated in respect of a period of pensionable service of 420 months or more, the additional abolition of office pension or gratuity shall be reduced by the amount of the excess.

*Pension or gratuity plus refund of pension contributions
for members with two or more years' pensionable service*

9.—(1) On the date of the termination of his services a member whose pensionable service amounts to two years or more and who is not transferred to the British Army or Royal Air Force on a permanent regular commission or engagement shall be entitled to either an earned pension with no refund of pension contributions or an earned gratuity plus a refund of his pension contributions, as he may elect, calculated in accordance with the Regular Force Regulations.

(2) The election referred to in sub-paragraph (1) of this paragraph may be made by the member at any time before or within fourteen days after the date of the termination of his services and shall be—

- (a) made in writing to the Pension Agency; and
- (b) irrevocable.

(3) If a member has not made the election referred to in sub-paragraph (1) of this paragraph within fourteen days after the date of the termination of his services he shall be deemed to have elected to be paid an earned gratuity plus a refund of his pension contributions.

(4) In the case of a member whose pensionable service amounts to two years or more and who is transferred to the British Army or Royal Air Force on a permanent regular commission or engagement, there shall be paid to the United Kingdom Government on the transfer of that member an amount equal to the earned gratuity that would otherwise have been paid to that member, calculated in accordance with the Regular Force Regulations.

Additional abolition of office pension or gratuity for members with two or more years' pensionable service

10.—(1) A member referred to in sub-paragraph (1) of paragraph 9 who—

- (a) is a Nyasaland member; or
- (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory;

shall, in addition to his earned pension, be entitled to an abolition of office pension or, if he has elected under paragraph 9 to be paid and earned gratuity plus a refund of his pension contributions, and abolition of office gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be a pension or gratuity, as the case may be, equal to—

- (a) one-third of his earned pension or gratuity, as the case may be, under paragraph 9; or
- (b) the difference between his earned pension or gratuity, as the case may be, under paragraph 9 and the maximum pension or gratuity he could have earned under the Regular Force Regulations, calculated on his pensionable emoluments on the date of the termination of his services; or
- (c) the pension or gratuity, as the case may be, which he would earn under the Regular Force Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of fifty-five years;

whichever is the least.

Benefits for Branch IV employees

11.—(1) Save as is otherwise provided in sub-paragraph (2) of this paragraph, on the date of the termination of his services a Branch IV employee who has been confirmed in his appointment or, in the case of a Southern Rhodesia employee, whose qualifying service under his conditions of service amounts to ten years or more shall be entitled to a gratuity or pension, as the case may be, equal to the gratuity or pension that he would have been paid under his conditions of service had he retired on that date.

(2) A Branch IV employee who—

- (a) has not rejected or has not indicated that he will not accept an offer of employment by the Government of the Territory in which he was employed; and
- (b) has been confirmed in his appointment or, in the case of a Southern Rhodesia employee, has qualifying service under this conditions of service amounting to four years or more;

shall, on the date of the termination of his services, be entitled to a gratuity or pension, as the case may be, equal to the gratuity or pension that he would have been paid under his conditions of service had he been discharged on that date on the grounds of abolition of office.

(3) For the purposes of sub-paragraph (2) of this paragraph—

“Southern Rhodesia employee” means a Branch IV employee who has been employed in Southern Rhodesia for all or most of the period of his service with the Federal Government.

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Refund of pension contributions

12. On the date of the termination of his services a refund of his pension contributions, if any, calculated in accordance with the provisions of the Pensions Regulations, shall be paid to—

- (a) an officer on probation;
- (b) a Prison officer on probation;
- (c) a member whose pensionable service amounts to less than two years;
- (d) a member whose pensionable service amounts to two years or more and who is transferred to the British Army or Royal Air Force on a permanent regular commission or engagement.

Cash in lieu of notice

13.—(1) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid—

- (a) to an established officer who is not a teacher, to an established Prison officer or to a member whose pensionable service amounts to two years or more, three months' pay;
- (b) to an officer on probation who is not a teacher, to a Prison officer on probation or to a member whose pensionable service amounts to less than two years, one month's pay;

calculated at the rate of his salary or, in the case of a member, at the rate of his pensionable emoluments, on the date of the termination of his services, less the aggregate of his salary or, in the case of a member, the aggregate of his pensionable emoluments, if any, in respect of the period—

- (i) if he was notified on the first day of any month of the date of the termination of his services, from that day;
- (ii) if he was notified on a day other than the first day of a month of the date of the termination of his services, from the first day of the month following that in which he was so notified;

until the date of the termination of his services.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid to a Public Service officer who is a teacher and who is not seconded to the service of the Government of a Territory—

- (a) in the case of an established officer, four months' pay;
- (b) in the case of an officer on probation, one month's pay;

calculated at the rate of his salary on the date of the termination of his services.

(3) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid to an employee or person under contract who has not been given notice under his conditions of service or contract, as the case may be, or who has been given notice thereunder the period of which has not expired, an amount equal to his salary for the period of such notice or the unexpired portion of such period, as the case may be:

Provided that if, in the case of a person under contract, his contract would have expired before the end of the period of such notice or the unexpired portion of such period, he shall be paid an amount equal to his salary in respect of the period until his contract would have expired.

(4) No payment in terms of this paragraph shall be made to—

- (a) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
- (b) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or
- (c) a member who is transferred to the British Army or Royal Air Force; or

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- (d) an officer, Prison Officer or member who is serving on secondment with the Government of a Territory and who terminates his secondment; or
- (e) an employee or person under contract who on the termination of his services with the Federal Government is employed by the Government of a Territory.

Cash in lieu of leave

14.—(1) On the date of the termination of his services there shall be paid to—

- (a) an officer, Prison officer, employee or person under contract, if this service with the Federal Government or Federal Assembly, as the case may be, amounts to not less than one year; and
- (b) a member, if his pensionable service amounts to not less than one year;

the cash equivalent of any vacation leave accrued to him, calculated—

- (i) in the case of a Public Service officer who is not a Rhodesia House employee, at the rate of salary of that officer together with any allowance received by him which the Federal Minister of Finance has declared to be part of the salary of an officer for the purposes of the Terminal Benefits Regulations in calculating the cash in lieu of leave payable under those Regulations;
- (ii) in the case of a Federal Assembly officer, a Prison officer, a Rhodesia House employee or a person under contract, at the rate of salary received by him;
- (iii) in the case of an employee, at the rate of pay received by him, including, in the case of a Branch IV employee who is a Southern Rhodesia employee as defined in sub-paragraph (3) of paragraph 11, any quarters allowance received by him as part of his emoluments;
- (iv) in the case of a member, at the rate of pay and allowances that he would have received had he proceeded on vacation leave on the day immediately preceding the date of the termination of his services.

(2) For the purposes of sub-paragraph (1) of this paragraph—

- (a) a member who is serving on an initial engagement and whose pensionable service amounts to not less than one year shall be treated as though he had accrued vacation leave at the rate of twenty days per annum during the period of his engagement:
Provided that any fraction of a day of such vacation leave shall be ignored;
- (b) a Public Service officer or Public Service employee who was appointed to the Federal Public Service on the 2nd January 1963 and whose date of the termination of his services is the 31st December 1963 shall be deemed to have had one year's service with the Federal Government.

Transport Allowance

15.—(1) Subject to the provisions of this paragraph, there shall be paid to—

- (a) an officer, other than a Rhodesia House employee; or
- (b) a Public Service employee who, immediately before the dissolution of the Federation, was employed as an artisan or leading hand in the Federal Ministry of Works in Southern Rhodesia; or
- (c) a Branch IV employee who has been confirmed in his appointment; or
- (d) a Prison officer; or
- (e) a member;

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who moves residence from the place where he was stationed at the date of the termination of his services, the cost of transporting himself, his dependants and his household effects, not exceeding 5,000 lb., to such place within the Territories or, in the case of an employee referred to in sub-paragraph (b) of this sub-paragraph, to such place within Southern Rhodesia, as he may elect.

(2) The cost referred to in sub-paragraph (1) of this paragraph shall be calculated in accordance with the costs which would have been paid to that person under this conditions of service had he been transferred by the Federal Government or, in the case of a Federal Assembly Officer, in accordance with the costs that would have been paid to him had he been a Public Service officer:

Provided that—

- (i) in the case of a person other than a member, no subsistence or other allowance under his conditions of service shall be paid to him in respect of himself or any dependant;
- (ii) in the case of a member, no subsistence allowance or allowance, other than a rations allowance, under the Regular Force Regulations shall be paid to him in respect of himself or any dependant.

(3) The cost referred to in sub-paragraph (1) of this paragraph shall not include the costs of transporting a motor vehicle save in the case of a person who on the date of the termination of his services was stationed in Nyasaland and whose motor vehicle is transported by rail.

(4) A person referred to in sub-paragraph (1) of this paragraph shall not be entitled to any benefits under this paragraph unless he moves residence and submits a claim for the benefits within six months of the date of the termination of his services.

(5) No benefit under this paragraph shall be paid to—

- (a) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
- (b) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or
- (c) a member who is transferred to the British Army or Royal Air Force.

Travel grant

16.—(1) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination; of his services a travel grant calculated in accordance with the provisions of sub-paragraph (2) of this paragraph shall be paid to—

- (a) an established officer, other than a Rhodesia House employee;
- (b) an established Prison officer;
- (c) a member who on the date of the termination of his services was subject to the provisions of the Defence (Regular Force) (European Members) Regulations 1961 or Defence (Regular Forces) (Officers) Regulations 1960 of the Federation, and whose pensionable service amounts to two years or more.

(2) The travel grant referred to in sub-paragraph (1) of this paragraph shall be—

- (a) in the case of a Category a officer or member—
 - (i) if he is not married or is a married woman officer, £25; or
 - (ii) if he is married and is not a married woman officer, £50; and
 - (iii) if he has dependent children under 18 years of age—
 - (A) in respect of each such child who is 7 years of age or over but under 16 years of age, £10;
 - (B) in respect of each such child who is 16 years of age or over, £25;

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- (b) in the case of a Category B officer—
 - (i) if he is not married, £16; or
 - (ii) if he is married, £32;
 - (c) in the case of a Category C officer—
 - (i) if he is not married, £6; or
 - (ii) if he is married, £12.
- (3) For the purposes of sub-paragraph (2) of this paragraph—
- “Category A officer or member” means—
- (a) a Public Service officer who on the dissolution of the Federation was in the European Pensionable Branch or Branch I of the Federal Public Service; or
 - (b) a Federal Assembly officer who contributed under the Federal Assembly Regulations towards a pension; or
 - (c) a Prison officer who on the date of the termination of his services was a senior or junior officer in the Federal Prisons Service; or
 - (d) a member referred to in sub-paragraph (c) of sub-paragraph (1) of this paragraph;
- “Category B officer” means a Public Service officer who on the dissolution of the Federation was in Branch II of the Federal Public Service;
- “Category C officer” means—
- (a) a Public Service officer who on the dissolution of the Federation was in Branch III of the Federal Public Service; or.
 - (b) a Federal Assembly officer who did not contribute under the Federal Assembly Regulations towards a pension; or
 - (c) a Prison officer who on the date of the termination of his services was a subordinate officer in the Federal Prison Service.
- (4) No travel grant under this paragraph shall be paid to—
- (a) a married woman officer who is married to an officer; or
 - (b) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
 - (c) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or
 - (d) a member who is transferred to the British Army or Royal Air Force.

Persons under contract

- 17.—(1) A person under contract who is serving on terms which are the same as those for a Public Service officer and who, under his contract, is entitled to a pension on the termination of his contract shall be entitled to the benefits he would have been paid under this Part had he been a Public Service officer and—
- (a) for the purposes of calculating his earned pension and abolition of office pension, if any, the provisions of his contract shall be deemed to be the Public Service Regulations;
 - (b) for the purpose of calculating any travel grant under paragraph 16 he shall be deemed to have been in the Branch of the Federal Public Service the regulations applicable to which resemble most closely the conditions of his contract.

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(2) A person under contract who, under his contract, is entitled to any transport benefits on the termination of his contract shall, on the termination of his services, be entitled to such benefits as are provided for in his contract but, in such a case, shall not be entitled to any transport benefits by virtue of the provisions of sub-paragraph (1) of this paragraph.

Members of the Federal Public Service Commission

18. On the dissolution of the Federation any member of the Federal Public Service Commission who, on the day prior to the dissolution of the Federation, was a “service member” as defined in section 2 of the Federal Public Service Act 1959 of the Federation, shall be entitled to such of the benefits provided for in this Part of this Schedule as he would have been paid had he remained an officer in the European Pensionable Branch of the Federal Public Service, and, if he retired from the Federal Public Service Commission on the day prior to the dissolution of the Federation, he shall cease to be entitled to and shall not be paid any benefit under Part I of the said Act.

Children's allowances for members

19. On the date of the termination of his services a member—

- (a) who has attained the age of fifty years; or
- (b) whose pensionable service amounts to twenty years or more; or
- (c) who has not been made an offer of employment on pensionable conditions of service by the Government of any Territory and—
 - (i) has attained the age of forty-five years; or
 - (ii) whose pensionable service amounts to fifteen years or more;

and who would have been eligible for the payment of a children's allowance had he retired on that date shall be paid such allowance in respect of his children born on or before that date in accordance with the conditions under which such allowance was paid before the dissolution of the Federation.

Payments of pensions under this Part

20. A person who becomes entitled to a pension under this Part of this Schedule shall be paid such pension or any commutation thereof in accordance with the provisions of the Pensions Regulations and on his death there shall be paid to or in respect of any dependant of his any pension provided for in the Pensions Regulations:

Provided that, if that person applies for the commutation of his pension or a portion thereof before the date of the termination of his services or after that date but within one month thereof, he shall not be required to complete a declaration of health nor to submit to examination by a medical board and the Pension Agency may grant the commutation in terms of the Pensions Regulations without first granting provisional approval therefor.

Provisions as to what constitutes rejection of offers of employment

21.—(1) For the purposes of paragraphs 6 and 8—

- (a) an established officer or established Prison officer shall be deemed not to have rejected an offer of employment on pensionable conditions of service made by the Government of Southern Rhodesia unless—
 - (i) he has rejected both an offer of permanent transfer and an offer of provisional transfer; or

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- (ii) he has accepted an offer of permanent or provisional transfer and before being transferred he terminates his secondment or refuses to be transferred;
- (b) subject to the provisions of sub-paragraph (a) of this sub-paragraph, an established officer or established Prison officer shall be deemed to have rejected an offer of employment on pensionable conditions of service by the Government of his home Territory if—
 - (i) he does not accept such an offer within a reasonable time of its being made to him; or
 - (ii) he accepts an offer of employment on pensionable conditions of service by the Government of a Territory other than his home Territory or an offer of employment on contract by the Government of Nyasaland and before being transferred or commencing such employment, as the case may be, he terminates his secondment or refuses to be transferred or to commence such employment, as the case may be.
- (2) For the purposes of paragraph 10 a member shall be deemed to have rejected an offer of employment on pensionable conditions of service by the Government of his home Territory if—
 - (a) he does not accept such an offer within a reasonable time of its being made to him; or
 - (b) he accepts an offer of employment on pensionable conditions of service by the Government of a Territory other than his home Territory or an offer of employment on contract by the Government of Nyasaland and before being transferred or commencing such employment, as the case may be, he terminates his secondment or refuses to be transferred or to commence such employment, as the case may be.

*Benefits in respect of officers, Prison officers or members
on secondment who are discharged or dismissed or who die*

22. Notwithstanding anything to the contrary contained in the foregoing provisions of this Part of this Schedule, if an officer, Prison officer or member who is seconded to the service of the Government of a Territory is discharged or dismissed or dies whilst on such secondment, that officer, Prison officer or member or his widow, child or estate, as the case may be, shall be paid from the Fund the benefits payable under the Pensions Regulations on the discharge, dismissal or death, as the case may be, of that officer, Prison officer or member and no benefits provided for in the foregoing provisions of this Part of this Schedule shall be payable to that officer, Prison officer or member, or to or in respect of his widow, child or estate.

PART IV

PENSION RIGHTS OF PERSONS IN THE EMPLOYMENT OF THE FEDERAL GOVERNMENT TRANSFERRED TO THE SERVICE OF AN APPROVED GOVERNMENT, INSTITUTION OR EMPLOYER ON PENSIONABLE CONDITIONS OF SERVICE

Interpretation of terms

- 23.** In this Part of this Schedule, unless inconsistent with the context—
- “approved”, in relation to a Government, institution or employer, means approved under and for the purposes of the Pension Regulations;
 - “average retiring emoluments”, in relation to a transferred officer who retires or is discharged from or dies while serving with the Government of a Territory, means the pensionable emoluments accepted by that Government for the purpose of calculating that officer's pension or gratuity, or the pensionable emoluments which would have been accepted by that

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Government for the purpose of calculating that officer's pension or gratuity had he retired at the date of his death;

“date of transfer”, in relation to a transferred officer, means the date on which he is transferred to the service of the Government of a Territory;

“emoluments accepted as pensionable”, in relation to a transferred officer, means the emoluments of that officer during his pensionable employment which are accepted by the Government of the Territory as pensionable under his conditions of service with that Government;

“emoluments factor”, in relation to a transferred officer, means the aggregate of his pensionable emoluments during his pensionable service divided by the aggregate of his pensionable emoluments during his pensionable service and his emoluments accepted as pensionable during his pensionable employment;

“officer” includes a person who immediately before the dissolution of the Federation was a “service member” as defined in section 2 of the Federal Public Service Act 1959 of the Federation;

“pensionable employment”, in relation to—

- (a) a transferred officer who before he became a transferred officer was a Southern Rhodesia officer, means his period of employment with the Government of a Territory after his date of transfer;
- (b) a transferred officer other than a transferred officer referred to in paragraph (a) of this definition, means his period of employment with the Government of a Territory, whether that employment was before or after his pensionable service, which is recognised by that Government as pensionable;

“Southern Rhodesia officer” means an officer, Prison officer or member who had served with the Government of Southern Rhodesia on pensionable or gratuitable conditions of service immediately prior to his appointment or transfer to the service of the Federal Government or Federal Assembly;

“transferred officer” means an officer, Prison officer or member who on or after the dissolution of the Federation is transferred to the service of the Government of a Territory on pensionable conditions of service.

Persons seconded or transferred before the dissolution of the Federation

24. Any person who—

- (a) was employed by the Federal Government on pensionable conditions of service; and
- (b) before the dissolution of the Federation had been seconded to the service of an approved Government, institution or employer or transferred to the service of an approved Government, institution or employer on conditions that conferred on him rights to a pension in respect of his pensionable service with the Federal Government; and
- (c) immediately before the dissolution of the Federation was still serving with the approved Government, institution or employer on secondment or transfer;

shall on the termination of his services with that approved Government, institution or employer, or any other approved Government, institution or employer to whom he may have been subsequently seconded or transferred, be paid from the Fund such pension or other benefit as was provided in the conditions under which he was seconded or transferred, as the case may be, or, if he dies whilst he is still serving with an approved Government, institution or employer, the appropriate benefits provided in such conditions shall be paid to or in respect of any dependant of his or to his estate, as the case may be, in accordance with the provisions of such conditions.

*Persons transferred to the service of the Government
of a Territory after the dissolution of the Federation*

25. The provisions of the Pensions Regulations other than those provisions relating to the transfer of officers from the service of the Federal Government, shall apply in relation to the pension, gratuity, refund of pension contributions or other benefit payable to a transferred officer who retires, resigns or is discharged or dismissed from the service of the Government of a Territory, or to or in respect of the widow, child or estate of such an officer, subject to the following modifications—

- (a) the pensionable age of a transferred officer who retires from the service of the Government of a Territory shall be the age at which he is permitted or required to retire from that service;
- (b) with effect from his date of transfer a transferred officer who contributes towards his pension shall cease to contribute to the Fund but any balance of contributions together with interest thereon due from him under the Pensions Regulations immediately before his date of transfer shall be paid into the Fund in accordance with the provisions of the Pensions Regulations;
- (c) subject to the provisions of this paragraph, on the retirement, resignation, discharge or dismissal of a transferred officer from the service of the Government of a Territory or on his death the sum payable from the Fund to the transferred officer as a portion of the pension, gratuity or refund of pension contributions due to such officer, his widow, child or estate shall be determined as though he had retired or resigned or been discharged or dismissed from the service of the Federal Government or had died as an established officer, established Prison officer or member, as the case may be, in like circumstances:
Provided that if, in the case of an officer or Prison officer, at the time of his resignation, discharge or dismissal from the service of the Government of that Territory or his death he was on probation in that service he shall be deemed to have resigned or been discharged or dismissed from the service of the Federal Government as an officer on probation or Prison officer on probation in like circumstances;
- (d) for the purpose of determining whether a transferred officer has completed a period of pensionable service amounting to five, ten, fifteen, twenty, twenty-five or thirty years, as the case may be, his period of pensionable employment shall be deemed to be continuous with and form part of his pensionable service;
- (e) in calculating any refund of pension contributions payable to a transferred officer the reference, if any, in the Pensions Regulations to the number of complete years in respect of which he has paid contributions shall be read and construed as a reference to the number of complete years from the date from which he first contributed for purposes of the Pensions Regulations to the date of his resignation or discharge, as the case may be, from the service of the Government of the Territory;
- (f) the pension or gratuity payable to or in respect of a transferred officer shall be the appropriate pension or gratuity, as the case may be, calculated in accordance with the provisions of the Pensions Regulations, as read with this paragraph, and multiplied by the emoluments factor:

Provided that no payment shall be made in respect of—

- (i) an additional pension awarded as compensation for loss of office with that Government;
- (ii) an additional period added to a period of pensionable employment as compensation for loss of office with that Government;
- (iii) a pension, gratuity or other benefit awarded as compensation for ill-health, physical unfitness, physical incapacity, personal injury or loss of life caused or aggravated by the discharge of his official duties with the Government of that Territory, although a transferred officer shall be entitled to compensation in respect of an injury which

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occurred prior to his date of transfer, even though the injury does not manifest itself until after the date of transfer;

- (g) any reference in the Pensions Regulations to “average pensionable emoluments” or “retiring pensionable emoluments”, as the case may be, shall be read and construed as a reference to “average retiring emoluments”.

Persons who are subsequently transferred from the service of the Government of a Territory

26. If a transferred officer is subsequently transferred from the service of the Government of a Territory to the service of another Government or of an approved institution his rights to the payment of a pension, gratuity or refund of pension contributions from the Fund shall be such as may be fixed by the Pension Agency:

Provided that on the ultimate termination of his services the pension, gratuity or refund of pension contributions payable to him shall be not less than that which would have been paid to him under paragraph 25 had his services terminated in like circumstances on the date of his transfer from the service of the Government of the Territory.

Payment of benefits

27. Any pension, gratuity or refund of pension contributions payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund.

PART V

TERMINAL BENEFITS FOR JUDGES OF THE FEDERAL SUPREME COURT

Interpretation of terms

28. In this Part of this Schedule, unless inconsistent with the context—

“conditions of service”, in relation to a Federal Judge, means the terms and conditions fixed by the Governor-General of the Federation under section 3 of the Federal Supreme Court (Judges Salaries, Pensions and Allowances) Act 1955 of the Federation, on which a pension is payable to that judge or his dependants;

“date of the termination of his services”, in relation to a Federal judge, means the date he ceases to hold office as such otherwise than by resignation;

“Federal judge” means a person who, immediately before the dissolution of the Federation, was a judge of the Federal Supreme Court

Terminal benefits for Federal judges

29.—(1) Subject to the provisions of paragraph 30, on the date of the termination of his services a Federal judge shall be entitled to—

- (a) an earned pension equal to the pension which would have been paid to him under his conditions of service had he retired on that date;
- (b) an additional abolition of office pension equal to one-third of his earned pension under paragraph (a) of this sub-paragraph;
- (c) a gratuity equal to one and one-half month's salary for each complete year of his service as a Federal judge or as a judge of the High Court of Southern Rhodesia:

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Provided that if the gratuity calculated under this sub-paragraph exceeds one year's salary it shall be reduced by the amount of the excess;

- (d) the cash equivalent of any vacation leave accrued to him, calculated at his rate of salary;
- (e) the transport allowance that would have been paid to him under paragraph 15 had he been a Public Service officer.

(2) A Federal judge who becomes entitled to a pension under sub-paragraph (1) of this paragraph may at any time apply to the Pension Agency for the commutation of a portion thereof, not exceeding one-third of the aggregate of his earned pension under sub-paragraph (a) and his abolition of office pension under sub-paragraph (b) of sub-paragraph (1) of this paragraph, and the Pension Agency may grant the commutation in accordance with the provisions of the Pensions Regulations that would have been applicable had that judge been a Public Service officer in the European Pensionable Branch of the Federal Public Service:

Provided that if that judge applies for the commutation of a portion of his pension before the date of the termination of his services or after that date but within one month thereof, he shall not be required to complete a declaration of health nor to submit to examination by a medical board and the Pension Agency may grant the commutation under the Pensions Regulations without first granting provisional approval therefor.

(3) A Federal judge who resigns from office shall be entitled to a pension and other benefits in accordance with his conditions of service.

Federal judges transferring to the service of the Government of a Territory

30. If on the date of the termination of his services a Federal judge, without a break in service, assumes judicial office with the Government of a Territory he shall not be entitled to any pension, gratuity or benefit under paragraph 29 but on the termination of his services with that Government he shall be entitled to a pension in accordance with his conditions of service as a Federal judge.

Pensions for widows and dependants of Federal judges

31.—(1) If a Federal judge becomes entitled to a pension under paragraph 29 or 30 or a Federal judge referred to in paragraph 30 dies while in office, on his death there shall be payable to his widow and to or in respect of any dependent child of his the pension that would have been payable under the Public Service Regulations had that judge been a Public Service officer in the European Pensionable Branch of the Federal Public Service, calculated in relation to the pension and, if applicable, additional pension to which that judge was entitled, irrespective of any commutation thereof, under paragraph 29 or 30.

(2) If a Federal judge dies while holding office as such his widow and any dependent child of his shall be paid the pension provided for in his conditions of service.

Payment of benefits

32. The benefits payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund:

Provided that any benefit referred to in sub-paragraph (d) or (e) of subparagraph (1) of paragraph 29 shall be paid by the Liquidating Agency and shall not be paid from the Fund.

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PART VI DISABILITY BENEFITS

Benefits for injured or disabled persons

33. Any person who was employed by the Federal Government or the Federal Assembly and who on or after the dissolution of the Federation suffers an injury or disability which—

- (a) occurred or originated prior to the date of the dissolution of the Federation; and
- (b) was caused or aggravated by or due to his work with the Federal Government or the discharge of his duties with the Federal Government; and
- (c) but for the dissolution of the Federation would have entitled him to the award of a pension and, additionally or alternatively, other benefits under his conditions of service with the Federal Government;

shall be entitled to any such pension and, additionally or alternatively, other benefits as he would have been paid under his conditions of service with that Government, subject to the provisions of such conditions of service.

Pensions for dependants

34. On the death of a person referred to in paragraph 33 if, but for the dissolution of the Federation, his widow and any children would, under his conditions of service with the Federal Government, have been entitled to receive a pension from that Government, his widow and any child shall be entitled to the pension they would have been paid under the conditions of service of that person with the Federal Government, subject to the provisions of such conditions of service.

Payment of benefits

35. The Pension Agency shall pay from the Fund to a person referred to in paragraph 33 or 34 any pension or other benefits to which that person is entitled under the said paragraph and any powers conferred in the conditions of service referred to in the said paragraph on the Federal Minister of Finance or any other authority of the Federal Government in relation to the payment of any pension or other benefits or the medical examination or treatment of the injured or disabled person may be exercised by the Pension Agency:

Provided that until that 31st May 1964 in exercising any powers conferred by this paragraph the Pension Agency shall act on the recommendation of the Staff Authority.

PART VII PAYMENTS INTO THE FUND

36. There shall be paid into the Fund—

- (a) all pension contributions which were payable into the Federal Pension Fund and had not been paid into that fund before the dissolution of the Federation;
- (b) any arrears of pension contributions which immediately before the dissolution of the Federation were owing by a person employed by the Federal Government or Federal Assembly on pensionable conditions of service who after the dissolution of the Federation is transferred to the service of the Government of a Territory on pensionable conditions of service;

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- (c) all pension contributions paid by a person who was employed by the Federal Government or Federal Assembly on pensionable conditions of service and who is serving on secondment in the service of the Government of a Territory;
- (d) such sums as would but for the dissolution of the Federation have been payable out of the Consolidated Revenue Fund of the Federation under section 7 of the Federal Pension Fund Act 1956 of the Federation, in respect of contributions referred to in sub-paragraph (a), (b) or (c) of this paragraph;
- (e) such sums as would but for the dissolution of the Federation have become payable to the Federal Government by the Southern Rhodesia Government in relation to any pension, gratuity, refund of pension contributions or other benefit payable to or in respect of an officer, including a person who was a “service member” as defined in section 2 of the Federal Public Service Act 1959 of the Federation, Prison officer or member who had served with the Government of Southern Rhodesia on pensionable or gratuitable conditions of service immediately prior to his appointment or transfer to the service of the Federal Government or the Federal Assembly.

PART VIII

GENERAL

Exemption of certain payments from income tax

37. Any sum paid under this Schedule by way of commutation of a pension or a portion thereof and any gratuity paid under subparagraph (c) of subparagraph (1) of paragraph 29 shall be exempt from tax under any law of a Territory providing for the imposition of taxes on income.

Variation of this Schedule

38. The provisions of this Schedule may be varied at any time by the Pension Agency with the concurrence of the Governments of the Territories, so however that no such variation shall be made which would have the effect of diminishing the benefits to which any person is entitled under this Schedule.

SCHEDULE III

(Section 75.)

MODIFICATIONS AND ADAPTATIONS OF ACTS OF PARLIAMENT AND INSTRUMENTS HAVING EFFECT UNDER AN ACT OF PARLIAMENT

Acts of Parliament(1)

1. Subsections (1) and (2) of section 13 of the Federation of Rhodesia and Nyasaland (Constitution) Order in Council 1953 (which provide for the application to the Federation as a whole of certain enactments applying to parts of Her Majesty's dominions) shall cease to have effect except in relation to the Pensions (Colonial Service) Act 1887 and subject, in the case of the Colonial Stock Acts 1877 to 1948, to the provisions of section 16(8) of this Order.

2. In paragraph (1)(b) of the Second Schedule to the Imperial Institute Act 1925 (as varied by the Imperial Institute (Variation of the Act of 1925) Order 1953 and the Commonwealth Institute Order

(1)

See Table of Statutes at the end of this Schedule.

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1959) for the words “one by the Government of the Federation of Rhodesia and Nyasaland” there shall be substituted the words “one by the Government of Southern Rhodesia”.

3. In section 2(2) of the Indian and Colonial Divorce Jurisdiction Act 1926, the words “the Federation of Rhodesia and Nyasaland” shall be omitted.

4. In section 1(2) of the United Nations Act 1946, for the words “the Federation of Rhodesia and Nyasaland” there shall be substituted the words “Southern Rhodesia”.

5. In subsection (2) and (3) of section 461 of the Income Tax Act 1952, for the words “the Federation of Rhodesia and Nyasaland” there shall be substituted the words “Southern Rhodesia”.

6. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, for the words “the Federation of Rhodesia and Nyasaland” there shall be substituted the words “Southern Rhodesia”.

7. In the Import Duties Act 1958—

(a) the words “the Federation of Rhodesia and Nyasaland” in section 2(4) shall be omitted, and Northern Rhodesia and Nyasaland shall be included in the Commonwealth preference area under paragraph (d) of section 2(3);

(b) in section 2(9) there shall be substituted for the words “the Federation of Rhodesia and Nyasaland” the words “Southern Rhodesia, Northern Rhodesia, Nyasaland” and for the words “the said Federation or Protectorate” the words “Southern Rhodesia, Northern Rhodesia, Nyasaland or the Bechuanaland Protectorate”.

8. In the definition of “excepted ship or aircraft” in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act 1959, for the words “the Federation of Rhodesia and Nyasaland” there shall be substituted the words “Southern Rhodesia”.

9. In section 2(7) of the Civil Aviation (Licensing) Act 1960, there shall be substituted for the words “a citizen of the Federation of Rhodesia and Nyasaland” in paragraph (a) the words “a citizen of Southern Rhodesia” and for the words “the said Federation” wherever they appear in paragraph (b) the words “Southern Rhodesia”.

10. In the definition of “Commonwealth country” in section 50(1) of the Films Act 1960, the words “the Federation of Rhodesia and Nyasaland” shall be omitted.

11. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, for the words “the Federation of Rhodesia and Nyasaland” there shall be substituted the words “Southern Rhodesia”.

Instruments having effect under an Act of Parliament

12. In Article 1 of the Patents Etc. (Federation of Rhodesia and Nyasaland) (Convention) Order 1958 for the words “the Federation of Rhodesia and Nyasaland is a Convention country” there shall be substituted the words “Southern Rhodesia, Northern Rhodesia and Nyasaland are Convention countries”.

13. In Regulation 10A of the Air Navigation (General) Regulations 1960 (as amended by the Air Navigation (General) (Amendment) Regulations 1963 the words “Federation of Rhodesia and Nyasaland” shall be omitted and in substitution therefor there shall be inserted in the appropriate places according to the alphabetical order of the names of the countries listed in the Regulation the words “Northern Rhodesia”, “Nyasaland”, and “Southern Rhodesia”.

14. In Article 2(1) of the Fugitive Offenders (Grouping of Territories) Order in Council 1961, the words “the Federation of Rhodesia and Nyasaland” shall be omitted.

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15. In Part I of the Schedule to the Carriage by Air (Parties to Convention) Order 1962, the words “Federation of Rhodesia and Nyasaland” in the second column and the words in the third column relating to the Federation shall be omitted and in substitution therefore there shall be inserted in those columns (in the appropriate places according to the alphabetical order of the names of the territories in respect of which the United Kingdom is a party to the Convention) the following:—

“Northern Rhodesia	3rd March 1935”
“Nyasaland	3rd March 1935”
“Southern Rhodesia	3rd April 1935”.

Table of Statutes referred to in Schedule III

<i>Short Title</i>	<i>Chapter</i>
	40 & 41 Vict. c. 59
	55 & 56 Vict. c. 35
Colonial Stock Acts 1877 to 1948	63 & 64 Vict. c. 62
	12, 13 & 14 Geo. 6. c. 1
Pensions (Colonial Service) Act 1887	50 & 51 Vict. c. 13
Imperial Institute Act 1925	15 & 16 Geo. 5. c. xvii.
Indian and Colonial Divorce Jurisdiction Act 1926	16 & 17 Geo. 5. c. 40
United Nations Act 1946	9 & 10 Geo. 6. c. 45
Income Tax Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952.	15 & 16 Geo. 6 & 1 Eliz. 2. c. 18.
Import Duties Act 1958	6 & 7 Eliz. 2. c. 6
Emergency Laws (Repeal) Act 1959	7 & 8 Eliz. 2. c. 19
Civil Aviation (Licensing) Act 1960	8 & 9 Eliz. 2. c. 38
Films Act 1960	8 & 9 Eliz. 2. c. 57
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961.	9 & 10 Eliz. 2. c. 11

EXPLANATORY NOTE

Part I of this Order dissolves the Federation of Rhodesia and Nyasaland, and certain Federal bodies. It provides for the transfer of the assets and liabilities of the Federation, and generally for the winding

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up of its affairs, establishing a Liquidating Agency for that purpose. Part II of the Order establishes a Staff Authority and Staff Commission with responsibility for officers of the Federal Public Service temporarily seconded to the Governments of the Territories; and it provides for the payment of pensions and other terminal benefits to Federal officers and other persons as set out in Schedule II.

Parts III, IV and V of the Order continue certain common services. Part III sets up a Higher Authority for Electric Power and a Central African Power Corporation; Part IV sets up a Higher Authority for Civil Air Transport and a Central African Airways Corporation; and Part V establishes an Agricultural Research Council of Central Africa.

Part VI of the Order contains provision as to the currency of the Territories and as to the Bank of Rhodesia and Nyasaland. Part VII preserves the Rhodesia Railways and establishes a Railways Court for settling industrial disputes. Part VIII amends the British Nationality Acts 1948 and 1958, and makes other provisions consequent on the dissolution of the Federation.