

CHAPTER 16:03

PENSIONS REVIEW ACT

Acts 73/1971, 11/1972 (s. 5), 14/1973 (s. 50), 4/1974 (Part III), 17/1979 (s. 14), 22/1980 (s. 37), 29/1981 (s. 59), 31/1983 (s. 16), 30/1987 (s. 12), 2/2003 (s. 6); S.I. 697/1979, 308/1980.

(The Pensions Review Act [Chapter 16:03] will be amended by the Judicial Service Act [Chapter 7:18] when it comes into operation)

AN ACT to provide for the review of pensions payable from the Consolidated Revenue Fund and for the increase of such pensions; and to authorize amendments to the War Victims Compensation Act [Chapter 11:16].

[Date of commencement: 24th December, 1971.]

1 Short title

This Act may be cited as the Pensions Review Act [Chapter 16:03].

2 Review of pensions

(1) There is hereby established a tribunal which shall consist of the Chairman of the Public Service Commission, who shall be chairman thereof, the Secretary for Public Service, Labour and Social Welfare and one other member appointed by the Minister responsible for Finance, the function of which shall be to review at intervals of not more than two years the level of pensions being paid from the Consolidated Revenue Fund and to recommend to the Minister of Finance whether such pensions or any classes thereof should be increased and, if so, the amount thereof and the date with effect from which the increase should become payable.

(2) In reviewing the level of pensions in terms of subsection (1), the tribunal shall have regard to any diminution in the purchasing power of money in Zimbabwe, any general increases in salaries paid to members of the Public Service, the Police Force, the Defence Forces or the Prison Service and such other factors as it considers relevant.

(3) Without derogation from the generality of subsection (1), that subsection shall apply to pensions which are paid from the Consolidated Revenue Fund to persons—

- (a) who were formerly members of the Public Service, the British South Africa Police, the Zimbabwe Republic Police, the Regular Force of the Army or Air Force or the Prison Service or were employed by a statutory body or to the widows or dependants of such persons; or
- (b) who are members of a Service or Force referred to in paragraph (a) or employees of a statutory body, in respect of any injury or disability caused or arising whilst they were members or employees, as the case may be, thereof; or
- (c) who were formerly—
 - (i) judges of—
 - A. the Supreme Court or the High Court; or
 - B. the High Court of Rhodesia or of Southern Rhodesia; or
 - C. the Water Court;
 - or
 - (ii) presidents of the Administrative Court; or to the widows or dependants of such persons;
- (d) who were formerly members of the Public Services Board or Public Service Commission or formerly held an appointment as Comptroller and Auditor-General or in any other post created by an Act or to the widows or dependants of such persons; or
- (e) who were formerly senators or members of the House of Assembly or of Parliament, or to the widows or dependants of such persons, and which are paid in terms of Parliamentary Pensions Act [Chapter 2:02]; or
- (f) who are in receipt of a pension in terms of the War Pensions Act [Chapter 11:14]; or
- (g) who are in receipt of a pension in terms of the War Victims Compensation Act [Chapter 11:16], or any enactment repealed by that Act; or
- (h)

[Paragraph repealed by section 6 of Act 2 of 2003]

- (i) who are specifically named in an Act providing for the payment of the pensions to such persons.

(4) At the time of any review of pensions in terms of subsection (1) the Minister responsible for finance may review the level of any pensions which are being paid from the Central African Pension Fund.

3 Increase of pensions following review

(1) Notwithstanding anything to the contrary in any law contained, the Minister responsible for finance may, subject to subsection (2), by notice in a statutory instrument, increase the pensions which the tribunal has recommended in terms of subsection (1) of section *two* should be increased with effect from such date and by such amount as he thinks fit.

(2) A notice in terms of subsection (1) shall—

- (a) specify the pensions or classes of pensions which are to be increased; and
- (b) fix the amount or rate by which such pensions are to be increased, which shall not exceed the amount or rate recommended by the tribunal in terms of subsection (1) of section *two*; and
- (c) fix the date with effect from which any such increase shall become effective, which shall not be earlier than the date recommended by the tribunal in terms of subsection (1) of section *two* but may be a date prior to that on which the notice was published.

(3) Where the pensions referred to in paragraph (a) or (b) of subsection (3) of section *two* which are payable in respect of former members or members of the Public Service are increased in terms of subsection (1), such increase shall apply to the pensions which are payable in respect of persons who were formerly members of the staff of Parliament or of any previous Legislature of Rhodesia or Southern Rhodesia, or are members of the staff of Parliament, as the case may be.

4 Special provisions relating to pensions supplementing Central African Pension Fund pensions

(1) After a review in terms of subsection (3) of section *two*, the Minister responsible for finance may, by notice in a statutory instrument—

- (a) award an *ex gratia* pension to supplement any pension being paid from the Central African Pension Fund; or
- (b) increase any *ex gratia* pension which is supplementing a pension from the Central African Pension Fund;

which shall be paid with effect from such date and subject to such terms and conditions as may be fixed in that notice.

(2) The date fixed in terms of subsection (1) may be a date prior to the date on which the notice is published.

(3) Where any pension or increase in pension is being paid in terms of subsection (1), if the pension payable from the Central African Pension Fund is increased, the Minister responsible for Finance shall review the pension or increase in pension being paid in terms of subsection (1).

(4) Nothing in this section contained shall be construed as precluding the Minister responsible for Finance from withdrawing at any time any pension or increase in pension being paid in terms of subsection (1).

5 Increases deemed to have been paid under appropriate pensions law

Where any pension is increased in terms of section *three*, the provisions of the law under which the pension prior to the increase was being paid shall continue to apply in relation to the pension as so increased as though the pension as so increased were payable under that law and any widow's or children's pension or allowance which becomes payable after any such increase shall be calculated as though that law had provided for such increase.

6 Increases to be paid from Consolidated Revenue Fund

Any increase in pensions in terms of section *three* and any pension or increase in pensions in terms of section *four* shall be charged upon and paid from the Consolidated Revenue Fund which is hereby appropriated to the purpose.

7 Amendment of War Victims Compensation Act, 1980, by notice

Notwithstanding anything to the contrary contained in the War Victims Compensation Act [*Chapter 11:16*] where the Minister responsible for Finance, in terms of section *three*, increases the amounts of the pensions referred to in paragraph (g) of subsection (2) of section *two*, he may, by notice in a statutory instrument and with the consent of the Minister responsible for that Act, increase the amounts referred to in section 8, 17, 19, 21, or 26 of that Act.

8 Procedure where recommendation of tribunal not implemented

If the tribunal has, in terms of subsection (1) of section *two*, recommended any increase of any pensions and the recommendation is not fully implemented within three months of the date with effect from which it was recommended that any such increase should become payable, the Minister of Finance shall, on one of the ten days on which Parliament sits next after the expiration of the said period of three months, lay the recommendation of the tribunal before Parliament and indicate why such recommendation has not been fully implemented.