

## CHAPTER 2:02

# PARLIAMENTARY PENSIONS ACT

*Acts 7/1989, 8/1990, 11/1991 (s. 33), 22/1992 (s. 17), 20/1994 (s. 22), 6/1998 (s. 6), 13/1998., 6/2000 (s. 151),  
1/2003, 6/2005 (s. 34)*

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## SCHEDULE

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**AN ACT to provide for pensions for Vice-Presidents, Senior Ministers, Ministers, Deputy Ministers and members and certain office-bearers of Parliament; and to provide for matters connected with or incidental to the foregoing.**

[Date of commencement: 23rd June, 1989.]

### PART I

#### PRELIMINARY

#### **1 Short title**

This Act may be cited as the Parliamentary Pensions Act [*Chapter 2:02*].

## 2 Interpretation

(1) In this Act—

“child” means an unmarried son or daughter under the age of eighteen years, and includes—

- (a) a posthumous child, a step-child or a child legally adopted; and
- (b) subject to subsection (3), an illegitimate child;

“contribute” means to pay contributions in terms of this Act;

“contributions” means the amounts contributed by a contributor to the Consolidated Revenue Fund in terms of this Act, and includes any amounts paid by a contributor as arrear contributions in respect of previous qualifying service but does not include any interest paid in respect of such arrear contributions;

“contributor” means a person who is required in terms of section *three* to contribute;

“Deputy Minister” means a person appointed as a Deputy Minister in terms of section 31D of the Constitution;

“fixed date” means the 23rd June, 1989;

“Minister” means a person appointed as a Minister in terms of section 31D of the Constitution;

“pension” means an annual pension payable in terms of this Act during the lifetime of the recipient, unless in terms of this Act it is payable for a shorter period;

“pensioner” means a person who is in receipt of a pension in terms of this Act which is payable to him by virtue of his having paid contributions;

“pensionable age” means the age at which a person is entitled in terms of section *seven* to receive a pension;

“pensionable emoluments” in relation to a contributor, means—

- (a) the contributor’s salary payable in terms of the Parliamentary Salaries, Allowances and Benefits Act [*Chapter 2:03*]; and
- (b) such allowances payable to him under that Act as the Minister responsible for finance may determine;

[Definition as inserted by s. 2 of Act 13 of 1998]

“qualifying service” means qualifying service in terms of section *six*;

“Senior Minister” means a Minister who is designated by the President as a Senior Minister;

“surviving spouse” means—

- (a) a widow of a deceased male contributor or pensioner; or
- (b) the widower of a deceased female contributor or pensioner;

“Vice-President” means a person appointed as Vice-President of Zimbabwe in terms of section 31C of the Constitution.

(2) Any reference in this Act to a member of Parliament shall be construed as including—

- (a) a reference to the Speaker of Parliament; and
- (b) in respect of any period before the 27th March, 1990, as a reference to a Senator or member of the House of Assembly or to the President of the Senate or the Speaker of the House of Assembly, as may be appropriate.

(3) The Minister responsible for finance may from time to time determine—

- (a) the conditions subject to which any unmarried illegitimate person under the age of eighteen years will be recognised for the purposes of this Act as the child of a contributor or pensioner; and
- (b) the circumstances in which and the conditions subject to which any benefit may be paid in terms of this Act to or in respect of any illegitimate person recognised in terms of this subsection as the child of a contributor or pensioner;

and may from time to time amend or revoke any such determination.

(4) For the purposes of this Act—

- (a) a Parliament, or the duration or life of a Parliament, shall be the period from the commencement of one Parliament following a dissolution in terms of section 63 of the Constitution until the next such commencement;
- (b) a person shall be deemed to have been a member of Parliament for the full duration or life of a Parliament if he has been a member for more than half the life of that Parliament.

[Subsection as inserted by s. 2 of Act 13 of 1998]

## PART II

### CONTRIBUTORS AND CONTRIBUTIONS

## 3 Contributors

(1) Every Senior Minister, Minister, Deputy Minister and member of Parliament, other than the Attorney-General, shall contribute.

[Subsection as amended by s. 6 of Act 6 of 1998]

(2) Notwithstanding subsection (1), a person who—

- (a) immediately before a dissolution of Parliament was a contributor and had attained pensionable age; and
- (b) pursuant to a general election next following that dissolution, becomes a person who is required in terms of subsection (1) to contribute;

may elect not to be a contributor with effect from the date of that dissolution, and thereupon, with effect from that date, he shall cease to be a contributor.

(3) An election in terms of subsection (2)—

- (a) shall be made by notice in writing to the Minister responsible for finance within one month after the date of the dissolution of Parliament; and
- (b) shall be irrevocable.

#### **4 Rate of contributions**

A contributor shall contribute at the rate of five *per centum* per annum of the salary payable to him in terms of the Parliamentary Salaries, Allowances and Benefits Act [*Chapter 2:03*], excluding any allowances or benefits payable or granted in terms of that Act.

#### **5 Arrear contributions**

(1) A person who—

- (a) becomes a contributor after the fixed date; and
- (b) was previously a contributor and has received a refund of his contributions in terms of section *nine* or in terms of section 8 of the Ministerial and Parliamentary Pensions Act [*Chapter 6 of 1974*], as the case may be, when he ceased to be a contributor;

may elect, by notice in writing to the Minister responsible for finance within one month after the date on which he became a contributor, to pay arrear contributions in respect of his previous qualifying service on the salary paid to him during that service.

(2) A person who becomes a contributor and has had previous service as a Senior Minister, Minister, Deputy Minister, or member of Parliament in respect of which he has not contributed may elect, by notice in writing to the Minister responsible for finance within one month after the date on which he became a contributor, to pay arrear contributions in respect of such previous service on the salary paid to him during that service:

Provided that no such election shall be made in respect of previous service as a Senator prior to the 18th April, 1980.

(3) Compound interest shall be charged at the rate of five *per centum* per annum on contributions which a person has elected to pay in terms of subsection (1) or (2) until payment is made and, unless paid in one sum, the contributions, together with interest thereon, shall be paid in such manner and in such instalments as the Minister responsible for finance may determine.

(4) If a person who has elected in terms of subsection (1) or (2) to pay arrear contributions dies or ceases to be a contributor before the total amount of such contributions has been paid—

- (a) the pension or other benefit payable to or in respect of that contributor shall be calculated upon the whole period of qualifying service in respect of which he had elected to pay arrear contributions; and
- (b) the balance of the amount payable shall be set off against any pension or other benefit due to or in respect of the contributor under this Act, and the Minister responsible for finance may direct that a sufficient portion of the pension due to or in respect of the contributor shall be commuted in accordance with section *fourteen*.

#### **6 Qualifying service**

(1) Subject to this section, the qualifying service of a contributor means—

- (a) any period after the fixed date during which he has served as a member of Parliament and in respect of which he has paid contributions or arrear contributions; and
- (b) any period before the fixed date which would have formed part of his qualifying service in terms of the Ministerial and Parliamentary Pensions Act [*Chapter 6 of 1964*] had that Act not been repealed;

whether such periods are continuous or have been interrupted.

(2) If the contributions of a contributor have been refunded in terms of section *nine*, the period of service in respect of which those contributions were paid shall not be counted as qualifying service unless the contributor has elected to pay arrear contributions in terms of section *five* in respect of that period.

(3) If a person was a contributor immediately before a dissolution of Parliament and, pursuant to the general election next following that dissolution, he becomes a person who is required in terms of subsection (1) of section *three* to contribute, he shall be treated for the purposes of this section as if he had not ceased to be a contributor on that dissolution and the period between that dissolution and the date on which he so becomes required to contribute shall count as part of his qualifying service.

Provided that, if the contributor has elected, in terms of subsection (2) of section *three*, to cease to be a contributor, the period of service after the dissolution of Parliament shall not count as part of his qualifying service.

PART III  
PENSIONS AND BENEFITS

**7 Entitlement to pension**

Subject to this Act, a person who has served as a member of Parliament for the full duration of two Parliaments shall be entitled to a pension with effect from the date on which he attains the age of fifty years:

Provided that—

- (i) subject to proviso (ii), if he has attained the age of fifty years before he has completed such qualifying service, he shall be entitled to a pension with effect from the date on which he completes the qualifying service;
- (ii) if he is a member of Parliament when he attains the age of fifty years or when he has completed such qualifying service, as the case may be, he shall be entitled to a pension with effect from the date on which he ceases to be a member of Parliament.

[Section as substituted by s. 3 of Act 13 of 1998]

**8 Calculation of pension**

(1) In this section—

“parliamentary post” means any post or office for which pensionable emoluments are payable in terms of the Parliamentary Salaries, Allowances and Benefits Act [*Chapter 2:03*].

[Definition as amended by s. 4 of Act 13 of 1998]

(2) Subject to subsection (5) and section *eight A*, the pension payable to a person entitled thereto in terms of section *seven* shall be calculated at the rate of five and one-quarter *per centum* of the monthly pensionable emoluments payable in respect of each parliamentary post held by him during his qualifying service for each complete month of service in that post, subject to a maximum accrual of seventy-five *per centum* of the pensionable emoluments payable in respect of each such post held by him.

[Subsection as amended by section 2 of Act 1 of 2003]

(3) Where a complete month of the qualifying service of a contributor consists partly of service in one parliamentary post and partly of service in another parliamentary post—

- (a) the pension calculated in respect of that month shall be at the rate of one-half of the aggregate of the monthly pensionable emoluments payable in respect of the two parliamentary posts;
- (b) that month shall be regarded for the purposes of subsection (2) as service in the parliamentary post which carries the higher salary.

(4) Where a person holds at the same time two or more parliamentary posts, he shall be deemed for the purposes of this section to be holding one parliamentary post which carries pensionable emoluments equal to the aggregate of the pensionable emoluments payable to him in respect of each such post.

(5) The monthly pensionable emoluments payable in respect of any parliamentary post shall be calculated for the purposes of this section on the pensionable emoluments payable in respect of that parliamentary post on the last day of parliamentary service of the person concerned or, if there is no such parliamentary post in existence on his last day of service, on the pensionable emoluments payable in respect of that parliamentary post immediately before it was abolished.

(6) A pension calculated in terms of this section shall not exceed seventy-five *per centum* of the pensionable emoluments referred to in subsection (5) payable in respect of the parliamentary post held by the person concerned which carried the highest pensionable emoluments.

[Section as amended by s. 4 of Act 13 of 1998]

**8A Pensions payable to former Speakers and Deputy Speakers of Parliament and surviving spouses**

(1) There shall be paid—

- (a) to any member of Parliament who has at any time since the 18th April, 1980, served as Speaker or Deputy Speaker of Parliament for at least one full term of office, an annual pension equal to the annual salary payable to him as Speaker or Deputy Speaker on the day he vacated office as such; and
- (b) to a surviving spouse of a member of Parliament who dies whilst in office as Speaker or Deputy Speaker of Parliament after having served in that office for the term specified in paragraph (a), an annual pension equal to one-half of any annual pension to which that person would have been entitled if he had vacated office as Speaker or Deputy Speaker of Parliament on the day he died; and
- (c) to a surviving spouse of a member of Parliament who, on the date of his death, was receiving or was entitled to receive a pension in terms of paragraph (a), an annual pension equal to one-half of the annual pension which that person was receiving or was entitled to receive on the day he died.

(2) A pension referred to in subsection (1), shall be payable—

- (a) to a former Speaker or Deputy Speaker of Parliament with effect from the day following the day upon which he vacated office as such;

(b) to a surviving spouse with effect from the day following the death of the Speaker or Deputy Speaker of Parliament, to whom he or she was married.

(3) Where a Speaker or Deputy Speaker of Parliament resigns his office as such or dies in office before completing a full term of office—

(a) section *eight* shall apply if he is entitled in terms of section *seven* to be paid a pension; or

(b) section *nine* shall apply if; at the time of resignation or death, he had not completed ten years' qualifying service.

(4) For the purposes of this section a full term of a Speaker or Deputy Speaker of Parliament shall be the life of one Parliament, that is to say, the period from one dissolution of Parliament in terms of section *sixty-three* of the Constitution until the next such dissolution.

(5) Nothing in this section shall be construed as entitling a Speaker or Deputy Speaker or former Speaker or Deputy Speaker of Parliament to a pension in terms of this section and a pension in terms of any other provision of this Act.

[Section inserted by s 3 of Act 1 of 2003]

## 9 Refund of contributions

If a person ceases to be a contributor before he has served as a member of Parliament for the duration of two Parliaments, the amount contributed by him, together with compound interest thereon at the rate of five *per centum* per annum, calculated in such manner as the Minister responsible for finance may determine, shall be repaid to him or, if he has died and—

(a) has left a surviving spouse, to the surviving spouse;

(b) has not left a surviving spouse but has left a child or children—

(i) to such child; or

(ii) to such children in such proportions as the Minister responsible for finance may determine; as the case may be; or

(c) has not left a surviving spouse or child, to his estate.

[Section as amended by s. 5 of Act 13 of 1998]

## 10 Ill-health pensions for former contributors

(1) A person who has been a contributor for the duration of one or more Parliaments and who—

(a) has ceased to be a contributor because of permanent ill-health; or

(b) prior to attaining pensionable age, was obliged to give up his vocation because of permanent ill-health;

may be awarded an ill-health pension by the Minister responsible for finance, acting on the recommendation of a medical board consisting of three or more board members, two of whom shall be qualified medical practitioners registered in terms of the Health Professions Act [*Chapter 27:19*], appointed by the Minister responsible for finance, in consultation with the Minister responsible for health, for the purposes of this section.

[Subsection as amended by s. 6 of Act 13 of 1998 and as amended by section 151 of Act 6 of 2000]

(2) An ill-health pension awarded in terms of subsection (1)—

(a) shall not exceed the amount of the pension, calculated in terms of section *eight* and in relation to parliamentary salaries payable at the time the ill-health pension is assessed, to which the person concerned will become entitled on attaining pensionable age; and

(b) shall become payable with effect from such date as the Minister responsible for finance shall fix which, in the case of a person referred to in paragraph (a) of subsection (1), shall not be prior to the date on which he ceased to be a contributor.

(3) An ill-health pension payable in terms of this section shall cease to be paid on the date that the person to whom it is paid becomes entitled to an earned pension in terms of section *seven*.

## 11 Pensions for surviving spouses or children

(1) Subject to this section, if a pensioner or a person who was a contributor dies and leaves a surviving spouse and no children, there shall be paid to the surviving spouse a pension at the rate of—

(a) two-thirds of the pension calculated in terms of section *eight* to which the deceased person would have been entitled had he attained pensionable age on the date of his death; or

(b) if the deceased person was in receipt of a pension in terms of section *seven*, two-thirds of the pension to which he was entitled or would have been entitled had he not commuted a portion thereof in terms of section *fourteen*.

[Subsection substituted by s. 2 of Act 2 of 2001]

(1a) Subject to this section, if a pensioner or a person who was a contributor dies and leaves a surviving spouse and one or more children, there shall be paid—

(a) to the surviving spouse, a pension at the rate calculated in terms of subsection (1); and

(b) in respect of the child or children, as the case may be, a pension at the rate of one-half of the pension payable to the surviving spouse in terms of paragraph (a).

[Subsection inserted by s. 2 of Act 2 of 2001]

(1b) Subject to this section, if a pensioner or a person who was a contributor dies and leaves no surviving spouse but leaves one or more children, there shall be paid in respect of the child or children, as the case may be, a pension calculated at the same rate as a surviving spouse's pension in terms of subsection (1).

[Subsection inserted by s. 2 of Act 2 of 2001]

(2) If a surviving spouse to whom a pension is paid in terms of subsection (1) dies and leaves a child or children, there shall be paid in respect of that child or those children, as the case may be, the pension referred to in subsection (1) or (1a).

(2a) Subject to any other law, where a pensioner or a person who was a contributor has died and left two or more children, each child shall be entitled to an equal share of any pension that is payable to them under subsection (1a) or (1b).

[Subsection inserted by s. 2 of Act 2 of 2001]

(3) Subject to this section, a pension payable under this section—

- (a) in respect of one child, shall cease with effect from the date on which that child attains the age of eighteen years;
- (b) in respect of two or more children, shall cease with effect from the date on which the last of those children attains the age of eighteen years;
- (c) in respect of a child or children, shall be paid to such person or persons as shall in each case be determined by the Minister responsible for finance.

[Subsection as amended by s. 7 of Act 13 of 1998]

(4) No child shall be entitled to receive more than one pension—

- (a) in respect of the death of his father and his step-father; or
- (b) in respect of the death of his mother and his step-mother:

Provided that, if a child would have been entitled to receive two or more pensions, but for this subsection, in respect of the death of—

- (a) his father or step-father; or
- (b) his mother or step-mother;

the pension payable in respect of the child shall be the one that is the most beneficial.

## **12 Benefits for widows and children of polygamous marriages and children of former marriages**

(1) Notwithstanding anything to the contrary contained in this Part, if a male pensioner or male person who was a contributor for the duration of two or more Parliaments dies and leaves more than one widow—

- (a) any pension or other benefit payable in terms of this Part shall be calculated as if there were only one widow;
- (b) any pension payable in terms of paragraph (a) of subsection (1) of section *eleven* shall be apportioned between all the widows in equal shares;
- (c) on the death of any of the widows between whom a pension has been or is to be apportioned in terms of paragraph (b)—
  - (i) the pension payable to the other widow or widows shall not be increased;
  - (ii) there shall be paid in respect of any child or children of that widow and the deceased pensioner or contributor a pension in the same amount as that which was payable to that widow immediately before her death;
- (d) any benefit payable in terms of this Part, other than a pension, shall be divided between the widows and any children of the deceased pensioner or contributor in such proportions as the Minister responsible for finance may determine.

[Subsection as amended by s. 8 of Act 13 of 1998]

(2) Notwithstanding anything to the contrary contained in this Part, if a pensioner or person who was a contributor for the duration of two or more Parliaments dies and leaves—

- (a) one or more surviving spouses and a child or children of his marriage with a deceased spouse; or
- (b) no surviving spouse but children of his marriages with two or more deceased spouses;

the provisions of subsection (1) shall apply, *mutatis mutandis*, to the calculation and apportionment of any pension or benefit in terms of this Act in all respects as if the deceased spouse had died immediately after him.

[Subsection as amended by s. 8 of Act 13 of 1998]

## **PART IV**

### **GENERAL**

## **13 Minister may extend periods**

(1) Notwithstanding any other provision of this Act but subject to subsection (2), the Minister responsible for finance may extend any period specified in this Act within which anything may be or is required to be done, whether before or after the period has expired.

(2) Before extending any period in terms of subsection (1), the Minister responsible for finance shall consult the Speaker of Parliament.

#### **14 Commutation of pension**

(1) A pensioner or person who is about to become a pensioner may at any time apply to the Minister responsible for finance in the form provided by that Minister for the purpose for the commutation of a proportion, not exceeding one-third, of the pension payable to him for a single payment determined in accordance with subsection (3).

(2) On an application being made to him for the commutation of a proportion of a pension in terms of subsection (1), the Minister responsible for finance—

- (a) shall authorize the commutation applied for, where the application has been made before or within one month after the applicant became entitled to payment of the pension;
- (b) may authorize the commutation applied for, where the application has not been made within the period specified in paragraph (a), if the applicant satisfies the Minister that he is not suffering from nor is especially liable to suffer from any disease or physical disability likely to affect adversely his normal expectation of life, and that his expectation of life is fully up to the average for persons of his age:

Provided that the Minister shall not authorize the commutation of such a proportion of a pension that the rate of pension remaining after commutation is less than two hundred dollars a month.

(3) The amount of the single cash payment to be made on the commutation of a pension shall be computed by multiplying the annual rate of pension to be commuted by the appropriate commutation factor shown in the Schedule in relation the sex of the applicant and his age calculated to the nearest half year or, where his age is midway between the half years, to the half year nearest above his age at the date of commutation.

(4) No ill-health pension payable in terms of section *ten* or pension for a surviving spouse or children payable in terms of section *eleven* shall be commuted.

#### **15 Prohibition of pledge or cession of pension or other benefit**

Subject to the Maintenance Act [*Chapter 5:09*] and Part VI of the Children's Act [*Chapter 5:06*], no pension or other benefit payable under this Act or right to a pension or other such benefit shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated, nor shall it or any contributions paid by a contributor be liable to be attached or subjected to any form of execution under a judgment or order of a court and, in the event of the beneficiary attempting to assign, transfer or otherwise cede or pledge or hypothecate a pension or other such benefit or right to a pension or other such benefit, payment of the pension or other such benefit may be withdrawn, suspended or entirely discontinued if the President so determines:

Provided that the President may direct the payment of the pension or part thereof to any one or more of the dependants of the beneficiary during such period as he may specify.

[Subsection as amended by section 34 of Act 6 of 2005]

#### **16 Insolvency of person receiving pension**

If the estate of any person who is in receipt of a pension under this Act is sequestrated or assigned the pension shall not form part of the assets in his insolvent or assigned estate.

#### **17 Proof of age, marriage and date of death**

(1) Every contributor shall, when so required by the Pensions Officer, submit to the Pensions Officer proof of his date of birth.

(2) No pension or other benefit shall be paid in terms of this Act to a surviving spouse of a former contributor or pensioner until proof of the marriage and of the date of death of the former contributor or pensioner has been furnished to the Pensions Officer.

(3) No pension or other benefit shall be paid in terms of this Act to or in respect of a child until proof has been furnished to the Pensions Officer that the child is a child as defined in section *two*.

(4) The proof required in terms of this section shall be to the satisfaction of the Minister responsible for finance.

#### **18 Benefits to be paid from Consolidated Revenue Fund**

Any pension, commutation of pension or refund of contributions payable in terms of this Act shall be paid from the Consolidated Revenue Fund, which is hereby appropriated to the purpose.

#### **19 Date pension becomes payable**

Subject to this Act, a pension payable—

- (a) to a former contributor who attains or has attained pensionable age shall be payable with effect from the day following the date on which—
  - (i) he attained pensionable age; or
  - (ii) he ceased to be a member of Parliament;whichever is the later;

- (b) on the death of a former contributor shall be payable with effect from the day following the date of his death.

## 20 Suspension and recalculation of pension

(1) If a person who is a pensioner becomes a Senior Minister, Minister, or member of Parliament, he shall not be entitled to receive his pension in respect of any period during which he holds such office.

[Subsection as amended by s. 6 of Act 6 of 1998]

(2) If a person referred to in subsection (1) contributes during the period that he does not receive his pension by virtue of that subsection, the pension payable to him with effect from the date he ceases to be a Senior Minister, Minister, Deputy Minister, or member of Parliament, as the case may be, shall be reassessed in terms of section *eight* to take into account—

- (a) the period of his qualifying service whilst he did not receive a pension by virtue of subsection (1); and
- (b) any increase in salaries that have been made since the last day of his parliamentary service before he became entitled to his pension; and
- (c) any portion of his pension which has been commuted in terms of section *fourteen*.

[Subsection as amended by s. 6 of Act 6 of 1998]

(3) Section *fourteen* shall apply in relation to a pensioner referred to in subsection (2) in respect of that element of his pension after its reassessment in terms of that subsection which relates to his qualifying service in respect of which he contributed as mentioned in that subsection.

## 21 Accrual of benefits

Notwithstanding any other provision of this Act but subject to section *nineteen*, a person who ceases to be a contributor on the dissolution of Parliament shall not be entitled to claim a refund of contributions or a pension under this Act until after the date fixed in terms of section 63 of the Constitution for the first meeting of Parliament after the general election.

## 22 Commencement of qualifying service

(1) For the purposes of this Act, the qualifying service of a contributor shall commence on the date with effect from which he is declared to have been elected or appointed, as the case may be, as a member of Parliament in terms of any enactment governing such election or appointment.

(2) Notwithstanding any other enactment, subsection (1) shall apply, *mutatis mutandis*, to the qualifying service of any person who was elected or appointed to the first Senate or House of Assembly of Zimbabwe in terms of the Southern Rhodesia (Constitution of Zimbabwe) (Elections and Appointments) Order 1979 (S.I. 1979 of 1654 of the United Kingdom), as amended by the Southern Rhodesia (Constitution of Zimbabwe) (Elections and Appointments) (Amendment) Order 1980 (S.I. 1980/243 of the United Kingdom).

## 23 Special provisions for Attorney-General

Notwithstanding any other provision of this Act—

- (a) contributions payable by the Attorney-General and the terms and conditions under which they shall be paid; and
- (b) the pensions benefits payable to any person in respect of his or any other person's service as Attorney-General;

shall be as fixed by the President from time to time.

## 24 Special provisions where contributor is elected President

(1) Notwithstanding any other provision of this Act but subject to this section, a contributor who has served as a member of Parliament for the duration of less than two Parliaments and ceases to be a member of Parliament consequent upon his election as President shall pay an amount to the Consolidated Revenue Fund representing the contributions which he would have paid had he remained a contributor from the date on which he ceased to be a member of Parliament, until the date on which—

- (a) he would have served as a member of Parliament for the duration of two Parliaments as a contributor; or
- (b) he would have served as President for a full term as provided in the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*];

whichever date is the earlier.

[Subsection as amended by s. 9 of Act 13 of 1998]

(2) A person may elect not to pay an amount in terms of subsection (1), and any such election—

- (a) shall be made in writing to the Minister responsible for finance within six months after the person concerned assumed office as President; and
- (b) shall be irrevocable.

(3) For the purposes of calculating any amount payable in terms of subsection (1), the contributions that would have been paid by the person concerned during the period specified in that subsection shall be calculated at the rate of five *per centum* of the salary, excluding any allowance or benefit, payable to him in terms of the Parliamentary Salaries, Allowances and Benefits Act [*Chapter 2:03*], or any Act repealed by that Act, immediately before he ceased to be a member of Parliament.



- (4) Where a person has paid an amount in terms of subsection (1)—
- (a) he shall be deemed to have continued to be a contributor in terms of this Act until—
    - (i) the date on which he would have served as a member of Parliament for the duration of two Parliaments, had he not ceased to be a member of Parliament; or  
[Subparagraph as amended by s. 9 of Act 13 of 1998]
    - (ii) he has served as President for a full term as provided in the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*];
 whichever date is the earlier;
  - (b) the period in respect of which the amount has been paid shall form part of his qualifying service and, for the purposes of calculating the date on which he attains pensionable age, shall be taken into account in terms of paragraph (b) of section *seven* as if it were service as a Senior Minister or Minister;
  - (c) he shall not be entitled to a refund of contributions in terms of section *nine* as a result of his ceasing to be a member of Parliament;
  - (d) subject to paragraph (e), he or his surviving spouse or children, as the case may be, shall be entitled to the benefits payable in terms of this Act to or in respect of contributors if he should vacate the office of President or die before he has served in that office for a full term as provided in the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*];
  - (e) for the purpose of calculating the benefits referred to in paragraph (d), the office of President shall be deemed to be a parliamentary post.

(5) Where a person who has paid an amount in terms of subsection (1) has served as President for a full term as provided in the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*], there shall be repaid to him or, if he has died, to his estate—

- (a) the amount so paid; and
  - (b) the other amounts contributed by him in terms of this Act;
- together with compound interest thereon at the rate of five *per centum* per annum, calculated in such manner as the Minister responsible for finance may determine.

#### **24A Special provisions where contributor becomes Vice-President**

(1) Notwithstanding any other provision of this Act but subject to this section, a contributor who has served as a member of Parliament for the duration of less than two Parliaments and becomes a Vice-President shall pay an amount to the Consolidated Revenue Fund representing the contributions which he would have paid had he remained a contributor from the date on which he became a Vice-President until the date on which—

- (a) he would have served as a member of Parliament for the duration of two Parliaments; or
- (b) he would have served as a Vice-President for a full term as provided in the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*];

whichever date is the earlier.

[Subsection as amended by s. 3 of Act 2 of 2001]

- (2) A person may elect not to pay an amount in terms of subsection (1), and any such election—
- (a) shall be made in writing to the Minister responsible for finance—
    - (i) within six months after the person concerned assumed office as a Vice-President; or
    - (ii) where the person concerned was a Vice-President on the date of commencement of the Presidential Pension and Retirement Benefits Amendment Act, 1998, within six months after that date;
 as the case may be; and
  - (b) shall be irrevocable.

(3) For the purposes of calculating any amount payable in terms of subsection (1), the contributions that would have been paid by the person concerned during the period specified in that subsection shall be calculated at the rate of five *per centum* of the salary, excluding any allowance or benefit, payable to him in terms of the Parliamentary Salaries, Allowances and Benefits Act [*Chapter 2:03*], or any Act repealed by that Act, immediately before he became Vice-President.

- (4) Where a person has paid an amount in terms of subsection (1)—
- (a) he shall be deemed to have continued to be a contributor in terms of this Act until—
    - (i) the date on which he would have served as a member of Parliament for the duration of two Parliaments, had he not become a Vice-President; or
    - (ii) he has served as a Vice-President for a full term as provided in the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*];
 whichever date is the earlier;
  - (b) the period in respect of which the amount has been paid shall form part of his qualifying service and, for the purposes of calculating the date on which he attains pensionable age, shall be taken into account in terms of paragraph (b) of section *seven* as if it were service as a Minister;
  - (c) he shall not be entitled to a refund of contributions in terms of section *nine* as a result of his becoming a Vice-President;

- (d) he or his surviving spouse or children, as the case may be, shall be entitled to the benefits payable in terms of this Act to or in respect of contributors if he should cease to be Vice-President or die before he has served in that office for a full term as provided in the Presidential Pension and Retirement Benefits Act [Chapter 2:05].

[Subsection as amended by s. 3 of Act 2 of 2001]

(5) Notwithstanding any other provision of this Act but subject to this section, a contributor who has served as a member of Parliament for the duration of two or more Parliaments and who becomes a Vice-President may elect to continue to contribute to the Consolidated Revenue Fund from the date on which he became Vice-President until the date on which he would have served as a Vice-President for a full term as provided in the Presidential Pension and Retirement Benefits Act [Chapter 2:05].

[Subsection as amended by s. 3 of Act 2 of 2001]

(6) An election in terms of subsection (5)—

(a) shall be made in writing to the Minister responsible for finance—

- (i) within six months after the person concerned assumed office as a Vice-President; or
- (ii) where the person concerned was a Vice-President on the date of commencement of the Presidential Pension and Retirement Benefits Amendment Act, 1998, within six months after that date;

as the case may be; and

(b) shall be irrevocable.

(7) Subsection (3) shall apply, *mutatis mutandis*, to the calculation of the contributions payable by a person who has made an election in terms of subsection (5).

(8) Where a person has made an election in terms of subsection (5), he shall not be entitled to a pension in terms of this Act unless he ceases to be Vice-President or dies before he has served in that office for a full term as provided in the Presidential Pension and Retirement Benefits Act [Chapter 2:05], in which event he or his surviving spouse and children, as the case may be, shall be entitled to the benefits payable in terms of this Act to or in respect of contributors.

(9) Where a person who has paid an amount in terms of subsection (1) or made an election in terms of subsection (5) has served as Vice-President for a full term as provided in the Presidential Pension and Retirement Benefits Act [Chapter 2:05], there shall be repaid to him or, if he has died, to his estate—

(a) the amount so paid; and

(b) any other amounts contributed by him in terms of this Act;

together with compound interest thereon at the rate of five *per centum* per annum, calculated in such manner as the Minister responsible for finance may determine.

[Section as inserted by s. 6 of Act 6 of 1998]

## 25 Savings

(1) Notwithstanding the repeal of the Ministerial and Parliamentary Pensions Act [Chapter 6 of 1974]—

(a) any pension or other benefit that was payable in terms of that Act immediately before the fixed date shall continue to be payable; and

(b) any election made or other thing done or commenced in terms of that Act before the fixed date shall continue to have effect;

as though it were payable or, as the case may be, had been made, done or commenced in terms of the corresponding provision of this Act and this Act shall apply, *mutatis mutandis*, in relation thereto.

(2) If the benefits payable in terms of this Act—

(a) to any person who was a contributor or pensioner before the fixed date, or to the estate of such a person; or

(b) to or in respect of any surviving spouse or child of a person referred to in paragraph (a);

are less than the benefits that would have been payable to or in respect of that person or estate if the Ministerial and Parliamentary Pensions Act [Chapter 6 of 1974] had not been repealed, the benefits payable in terms of this Act to or in respect of such person or estate shall be increased by the amount of the difference.

## SCHEDULE (Section 14 (3))

### COMMUTATION FACTORS FOR COMMUTATION OF PENSION

Age	Male	Female
50	12,84	14,00
50,5	12,72	13,90
51	12,59	13,80
51,5	12,47	13,69
52	12,34	13,59
52,5	12,21	13,48
53	12,09	13,37
53,5	11,96	13,26
54	11,83	13,15

54,5	11,70	13,03
55	11,57	12,92
55,5	11,43	12,79
56	11,30	12,67
56,5	11,16	12,55
57	11,03	12,42
57,5	10,89	12,30
58	10,76	12,17
58,5	10,62	12,03
59	10,48	11,90
59,5	10,34	11,76
60	10,20	11,63
60,5	10,06	11,49
61	9,92	11,35
61,5	9,78	11,20
62	9,64	11,06
62,5	9,49	10,91
63	9,35	10,76
63,5	9,21	10,61
64	9,06	10,46
64,5	8,92	10,30
65	8,78	10,15
65,5	8,63	9,99
66	8,48	9,83
66,5	8,34	9,67
67	8,19	9,51
67,5	8,05	9,35
68	7,90	9,19
68,5	7,75	9,03
69	7,60	8,86
69,5	7,46	8,70
70	7,31	8,53
70,5	7,16	8,36
71	7,01	8,19
71,5	6,86	8,03
72	6,71	7,86
72,5	6,56	7,69
73	6,41	7,52
73,5	6,27	7,36
74	6,12	7,19
74,5	5,98	7,02
75 or over	5,84	6,85