

THE UNITED REPUBLIC OF TANZANIA



No. 35 OF 1968

I ASSENT,

Julius K. Nyerere
President

30TH JUNE, 1968

An Act to limit the liability of the Government of the United Republic of Tanzania for the payment of retiring benefits in respect of certain officers

[1ST JULY, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Pensions (Special Provisions) Act, 1968, shall be read as one with the Pensions Ordinance and shall come into operation on the 1st July, 1968. Short title
Cap. 371

2. In this Act, unless the context otherwise requires — Inter-
pretation
"appointed day" means the 14th March, 1962;

"officer" means a public officer who was, before the appointed day, the holder of a pensionable office in the Public Service of Tanganyika, being a person-

- (a) whose conditions of service before the appointed day included an entitlement to free passage from East Africa for the purposes of leave of absence upon the completion of a tour of duty; and
- (b) who was selected for or offered appointment to the Public Service of Tanganyika by a Secretary of State of the Government of the United Kingdom; or
- (c) whose appointment was approved by a Secretary of State of the Government of the United Kingdom, or
- (d) who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to, serve in any such office; or

(e) who (although not an officer falling within paragraphs (b), (c) or (d)) was, on the appointed day, a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, or was a designated officer for the purposes of the Overseas Service (Tanganyika) Agreement, 1961;

"pension" means any pension payable under the provisions of the Pensions Ordinance;

"the Pensions Ordinance" means the Pensions Ordinance as amended or modified by any other written law, and also means any Act or Ordinance which makes any provisions for the payment of a pension to any officer;

"pensionable emoluments" shall have the meaning assigned to that expression in the Pensions Ordinance save that it shall not include overseas addition;

"pensionable office" means an office declared to be a pensionable office under the Pensions Ordinance;

"pensionable service" means the service which is pensionable service for the purposes of the Pensions Ordinance.

Application

3. The provisions of this Act shall apply notwithstanding any other written law or any agreement to which the Government of the United Republic of Tanzania may be a party.

Liability of Government in respect of pension to be limited

4.-(1) The liability of the United Republic to grant a pension to or in respect of any officer shall be limited to that proportion of the pension payable to such officer had this Act not been passed which the of total pensionable emoluments earned by such officer in the pensionable to be service of the Government of Tanganyika or the pensionable service of the United Republic of Tanzania after the 30th June, 1961 bears to his aggregate pensionable emoluments.

(2) For the purpose of subsection (1) "aggregate pensionable emoluments" means the total pensionable emoluments (including any overseas additions) earned by the officer during his total pensionable service.

Gratuities and other benefits to abate according to section 4

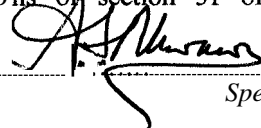
5. The provisions of the Pensions Ordinance with regard to the payment of gratuities, retiring benefits or other allowances, or pensions to dependants, shall have effect in respect of the officers as if references therein—

- (a) to the pension granted to the officer or to which the officer would become entitled were references to the pension in respect of which the United Republic is liable under this Act;
- (b) to the pensionable emoluments were references to the pensionable emoluments as defined in this Act;
- (c) to the pensionable service or to public service were references to the pensionable service or public service in Tanganyika or the United Republic of Tanzania after the 30th June, 1961.


6. The provisions of section 22 of the Civil Service Act, 1962 shall have effect as if the provisions of this Act were not less favourable than the provisions of any law in force at the relevant date as defined in subsection (2) of that section. Section 22
of cap. 509
modified

I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 51 of the Constitution.

Dar es Salaam
30th June, 1968


Speaker

Passed in the National Assembly on the twenty-ninth day of June, 1968.


Clerk of the National Assembly