

THE PENSIONS (POLITICAL APPOINTEES) ACT, 1990.

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I ASSENT

Idris Abdul Wakil

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

29th January.....1990.

AN ACT TO REPEAL THE PENSIONS (POLITICAL APPOINTEES) DECREE AND TO RE-ENACT BETTER PROVISIONS FOR THE GRANT AND REGULATION OF GRATUITIES AND PENSIONS PAYABLE TO POLITICAL APPOINTEES AND OTHER MATTERS INCIDENTAL THERETO.

ENACTED BY THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.

Short title
and
commencement.

1. This Act may be cited as the Pensions (Political Appointees) Act, 1990 and shall come into force immediately after being assented to by the President.

Interpretation.

2. In this Act unless the context otherwise requires -

"Government" means the Government of Zanzibar;

"Party" means Chama cha Mapinduzi;

"Political Appointee" means a person appointed and or elected to be a Member of the Revolutionary Council. Minister, Deputy Minister, Speaker of the House of Representatives, Member of the House of Representatives, Mayor of the Zanzibar Municipal Council, Regional Commissioner, District Commissioner and any other person designated as such by the President;

"President" means the President of Zanzibar and
Chairman of the Revolutionary Council;

"Qualifying service" means service pensionable
in accordance with the provisions of this Act.

Entitlement
to
gratuity.

3. Every Political Appointee who has completed
five years of qualifying service shall be entitled to
gratuity calculated in accordance with the provisions
of this Act:

Provided that the President in his discretion may,
if he deems appropriate, grant gratuity to any
Political Appointee who has not completed the
qualifying service:

Provided further that no Political Appointee
shall be entitled to a gratuity under the provisions
of this Act if, by virtue of any service other than
the qualifying service, he is entitled to a gratuity:

Provided further that where a gratuity granted to
any Political Appointee by virtue of any service other
than the qualifying service the amount of which is
less than the amount of the gratuity the Political
Appointee would have received had he been granted a
gratuity under this Act, such a Political Appointee
may be paid the difference of the amount between the
gratuity payable by virtue of his qualifying service
and the gratuity earned by him by virtue of such other
service.

Computation.

4. A gratuity granted under this Act shall be
computed at the rate of thirty per centum of the last
salary for the years of his service. Twenty five
per centum shall be paid as gratuity and the remaining
shall be spread over and paid monthly as pension.

Entitlement
to
pension.

5. A pension calculated in accordance with the provisions of this Act shall be granted to a Political Appointee who has completed ten years or more of qualifying service:

Provided that the pensionable period shall not exceed the number of years served by the Political Appointee.

Disqualifica-
tion to
gratuity
and
pension.

6.(1) Where a Political Appointee has been retired or otherwise dismissed as a result of his negligence, irregularity, misconduct or on the grounds that he has ceased to be a leader in accordance with the provisions of the Party Constitution, no pension, gratuity or other allowances shall be payable.

(2) Where a Political Appointee has retired or his services terminated on the grounds other than those described in subsection (1) of this section and gratuity or pension cannot otherwise be granted under the provisions of this Act, he may be granted such gratuity, pension or other allowances for which the Political Appointee would be entitled if he were retired from the qualifying service in the circumstances which would entitle him to be granted gratuity, pension or other allowance.

(3) Where a Political Appointee who has been retired or dismissed in accordance with the provisions of subsection (1) of this section has completed a five-year qualifying service or more, the President may, if he deems fit, grant to such Political Appointee such gratuity as he deems appropriate but such gratuity shall not exceed a gratuity payable to a Political Appointee who has complied with the provisions of this Act.

Forfeiture
of pension.

7. A retired Political Appointee convicted of seditious offences shall forfeit all his rights under the provisions of this Act.

Pension payable monthly.

8. Every pension payable under the provisions of this Act shall be paid monthly in arrears:

Provided that the Minister for Finance may if so requested by a pensioner order the pension be payable in such instalments as he deems appropriate.

Gratuity to heirs.

9.(1) Where a Political Appointee dies whilst still in the service, his heirs shall be entitled and be granted such amount of gratuity as the Political Appointee would have received at the date of his death if he had retired from service.

(2) Without prejudice to the provisions of subsection (1) of this section the widow of the deceased Political Appointee or if the latter had not left a widow, the dependants, shall be entitled to four months salary paid monthly in arrears.

(3) If the deceased Political Appointee is a woman, such payment as described under subsection (2) of this section shall be paid to her dependants.

Continuous service.

10. When computing a pension under the provisions of this Act only continuous service shall be taken into account:

Provided that any break in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purposes of this Act.

Pensions not to be attachable.

11. The pension or gratuity granted under this Act shall not be assignable or transferable except for the purpose of satisfying a debt due to the Government and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim except debt to the Government.

Member may
be
recalled.

12. The President may at any time recall a retired Political Appointee in receipt of a pension to further serve the Government and in the event of such recall any pension payable shall not be suspended.

Political
Appointees
covered.

13. This Act shall cover Political Appointees who have been appointed or elected from the 22nd October, 1985:

Provided that for a Political Appointee whose service started from the 12th January, 1980 and has remained in continuous service after the 22nd October, 1985, his gratuity, pension and other retiring benefits shall be calculated in accordance with the provisions of this Act.

Repeal of
Decree No.6
of 1980.

14. The Pensions (Political Appointees) Decree, 1980 is hereby repealed.

Passed in the House of Representatives
on the 21st day of December, 1989.

KJ Chande

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.