

CHAPTER 2:05

PRESIDENTIAL PENSION AND RETIREMENT BENEFITS ACT

Acts 30/1987, 7/1989 (s.25), 6/1998, 2/2003, 6/2005 (s. 34), 8/2015 (s. 21).

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AN ACT to provide for the payment of pensions and other benefits to former Presidents and Vice-Presidents of Zimbabwe and to their surviving spouses and children; and to provide for matters connected therewith or incidental thereto.

[Date of commencement: 1st January, 1988.]

1 Short title

This Act may be cited as the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*].

1A Interpretation

In this Act—

“first President of Zimbabwe” means the person who assumed office as President of Zimbabwe on the 18th April, 1980;

“Minister” means the Minister of Public Service, Labour and Social Welfare or any other Minister to whom the President may from time to time assign the administration of this Act;

“pensionable emoluments”, in relation to a person serving as President or Vice-President referred to in section 2(1)(a1), means his or her annual salary together with such allowances as the Minister responsible for finance may from time to time determine.

[Definition inserted by Act 8 of 2015]

[Section inserted by section 2 of Act 2 of 2003]

2 Pensions payable to former Presidents and Vice-Presidents and surviving spouses and children

(1) Subject to this Act, there shall be paid—

(a) to the first President of Zimbabwe an annual pension that is equal at any time to seventy-five per centum of the annual salary payable to the person who is serving as President; and

[Paragraph substituted by section 3 of Act 2 of 2003]

(a1) to the any person who has at any time since the 31st December, 1987, been President or Vice President of Zimbabwe for at least one full term of office, an annual pension that is equal at any time to the pensionable emoluments payable to the person who is serving as President or Vice President, as the case may be; and

[Paragraph inserted by section 3 of Act 2 of 2003 and amended by Act 8 of 2015]

(b) to a surviving spouse of a person who dies whilst in office as President or Vice-President of Zimbabwe after having served in that office for the term specified in paragraph (a) or (a1), an annual pension equal to two-thirds of any annual pension to which that person would have been entitled if he had vacated office as President or Vice-President, as the case may be, on the day he died; and

[Paragraph as amended by section 3 of Act 2 of 2003]

(b1) to a surviving child or surviving children of a person who dies whilst in office as President or Vice-President of Zimbabwe after having served in that office for the term specified in paragraph (a1) an annual pension equal to one-third of any annual pension to which that person would have been entitled if he had vacated office as President or Vice-President, as the case may be, on the day he died; and

[Paragraph inserted by section 3 of Act 2 of 2005]

- (c) to a surviving spouse of a person who, on the date of his death, was receiving or was entitled to receive a pension in terms of paragraph (a) or (a1), an annual pension equal to two-thirds of the annual pension which that person would have received or would have been entitled to receive had he not died; and

[Paragraph as amended by section 3 of Act 2 of 2003]

- (d) to a surviving child or surviving children of a person who, on the date of his death, was receiving or was entitled to receive a pension in terms of paragraph (a) or (a1), an annual pension equal to one-third of the annual pension which that person would have received or would have been entitled to receive had he not died.

[Paragraph as amended by section 3 of Act 2 of 2003]

- (2) Subject to this Act, a pension referred to in subsection (1) shall be payable—

- (a) to a former President or Vice-President of Zimbabwe 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 President, Vice-President, former President or former Vice-President, as the case may be, to whom he or she was married;
- (c) to a surviving child or surviving children with effect from the day following the death of the President, Vice-President, former President or former Vice-President, as the case may be.

- (3) In this section—

"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 (4), a child born out of wedlock.

(4) The Minister may from time to time determine the conditions subject to which any unmarried minor who was born out of wedlock will be recognised for the purposes of this Act as the child of a President, Vice-President, former President or former Vice-President.

[Subsection as amended by section 3 of Act 2 of 2003]

(5) For the purposes of this section, the term of office of a Vice-President shall be the life of one Parliament, that is to say, the period from one dissolution of Parliament in terms of section 63 of the Constitution until the next such dissolution.

3 Allowances and services to which former Presidents and Vice-Presidents and surviving spouses entitled

(1) Subject to this Act, a former President or Vice-President of Zimbabwe, and a surviving spouse of any such person, shall be entitled to such —

- (a) domestic service; and
- (b) security service; and
- (c) transport; and
- (d) air travel; and
- (e) medical service; and
- (f) office accommodation; and
- (g) secretarial services; and
- (h) entertainment allowance; and
- (i) other services and facilities;

as may be prescribed from time to time by the President by statutory instrument.

(2) Copies of any statutory instrument made in terms of subsection (1) shall be laid before Parliament not later than the fourteenth day on which Parliament next sits after the statutory instrument was published in the *Gazette*.

(3) If Parliament resolves that any statutory instrument that has been laid before it in terms of subsection (2) should be amended or repealed, the President shall forthwith amend or repeal the statutory instrument accordingly.

4 Gratuity on resignation or death

(1) Where a person resigns his office as President or Vice-President before completing a full term of office, the President may award him a gratuity of an amount determined by the President.

(2) Where a person dies in office as President or Vice-President before completing a full term of office and leaves a surviving spouse or children, the President may award that person's surviving spouse or children a gratuity of an amount determined by the President.

4A Benefit for spouse of former President or Vice-President

(1) There shall be paid from the Consolidated Revenue Fund to the spouse of—

- (a) the first President of Zimbabwe an allowance equal at any time to seventy five per centum of any allowance payable to the spouse of a person who is serving as President;

- (b) any person who has at any time since the 31st December, 1987, been President or Vice-President of Zimbabwe for at least one full term of office, an allowance equal at any time to the rate of any allowance payable to the spouse of a person who is serving as President or Vice President as the case may be.

[Subsection as amended by section 4 of Act 2 of 2003]

(2) An allowance payable in terms of subsection (1) shall cease if the spouse concerned becomes entitled to a pension under section *two* upon the death of the former President or Vice-President.

(3) For the purposes of this section the term of office of a Vice-President shall be the life of one Parliament, that is to say, the period from one dissolution of Parliament in terms of section 63 of the Constitution until the next such dissolution.

5 Prevention of double benefits

Any pension payable in terms of this Act to a former President of Zimbabwe or to his surviving spouse shall be reduced by the amount of any pension payable to him or her, as the case may be, in terms of the Parliamentary Pensions Act [*Chapter 2:02*].

6 Circumstances in which pensions, etc., not payable

(1) If a former President or Vice-President of Zimbabwe directly or indirectly holds any paid office in the service of the State or any paid office in the employment of any person, any pension, allowance, service or facility to which he is entitled in terms of this Act shall be suspended for so long as he holds such office.

(2) A person's entitlement to the further payment of any pension, allowance or benefit in terms of this Act or to the use and enjoyment of any service or facility in terms of this Act shall cease—

- (a) in the case of any person, upon his death;
- (b) in the case of a surviving spouse of a former President or Vice-President of Zimbabwe, upon his or her remarriage;
- (c) in the case of a surviving child of a former President or Vice-President, upon his ceasing to be a child as defined in subsection (3) of section two.

(3) Where—

- (a) a person who has been President of Zimbabwe for one full term of office or more ceases to hold office in terms of subsection (3) of section 29 of the Constitution on the ground—
 - (i) that he has acted in wilful violation of the Constitution; or
 - (ii) of gross misconduct;

or

- (b) a person who is entitled to any pension, allowance, service or facility in terms of this Act does or omits to do anything which, if he were President or Vice-President, would constitute a wilful violation of the Constitution or gross misconduct;

Parliament may resolve, by the affirmative votes of not less than two-thirds of its members, that such person and additionally, or alternatively, his surviving spouse shall not be entitled to the whole or any part of any pension, allowance, service or facility in terms of this Act.

(4) Where Parliament has passed a resolution in terms of subsection (3), the person in respect of whom the resolution is passed shall cease to be entitled to the pension, allowance, service or facility, or his entitlement thereto shall be reduced, as the case may be, in accordance with the resolution.

(5) This section shall not be construed as limiting the President's power to amend any notice in terms of section *three* so as to reduce any allowance, service or facility granted in terms of that section.

7 Pensions, allowances, etc., payable from Consolidated Revenue Fund

(1) All pensions payable in terms of this Act shall be paid from the Consolidated Revenue Fund, which is hereby appropriated for the purpose.

(2) All allowances payable in terms of this Act, and the cost of all services and facilities provided in terms of this Act, shall be paid from the Consolidated Revenue Fund out of moneys appropriated for the purpose by an Act of Parliament.

8 Pensions, allowances, etc., not to be ceded, hypothecated or attached

Subject to the Maintenance Act [*Chapter 5:09*] and Part VI of the Children's Act [*Chapter 5:06*], no—

- (a) pension or allowance payable in terms of this Act; or
- (b) service or facility provided in terms of this Act; or
- (c) right to any such pension, allowance, service or facility;

shall be capable of being assigned or ceded or otherwise transferred or of being pledged or hypothecated, nor shall it be liable to be attached or subjected to any form of execution under a judgment or order of a court.

[Section as amended by section of Act 6 of 2005]

9 Insolvency of pensioner

If a person entitled to any pension, allowance, service or facility in terms of this Act is declared to be insolvent, the pension, allowance, service or facility, or the value thereof, shall not form part of the assets of his insolvent estate.

10 Commutation of pension

(1) A former President or Vice-President may at any time apply in the prescribed form for the commutation of a portion, 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 portion of a pension in terms of subsection (1), the Minister—

- (a) shall authorise 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 authorise 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 the average for persons of his age.

(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 to the Parliamentary Pensions Act [*Chapter 2:02*] in relation to 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 pension for a surviving spouse or children payable in terms of paragraph (b), (b1), (c) or (d) of subsection (1) of section two shall be commuted.

[Section inserted by section 5 of Act 2 of 2003]