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PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 6 OF 2006

**THE PUBLIC SERVICE PENSIONS ORDER, 1993
(Kings-Order-in-Council No. 13 of 1993)**

**THE PUBLIC SERVICE PENSIONS FUND (VOLUNTARY EARLY RETIREMENT
SCHEME) REGULATIONS, 2005
(Under Section 9)**

In exercise of the powers conferred by section 9 of the Public Service Pensions Order, 1993, the Minister for Finance hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Public Service Pensions Fund (Voluntary Early Retirement) Regulations, 2006, and shall be deemed to have come into effect on the 1st day of January, 2005.

Duration

2. These Regulations shall continue to be of force and effect until the 30th day of June, 2006, or until such date as the Minister may, by Notice published in the Gazette determine.

Interpretation

3. In these Regulations, unless the context otherwise determines:

“Committee” means a Ministerial Committee appointed in terms of Regulation 4;

“member” means a member of the public service pensions fund;

“Public Service Reconstruction Committee” means the committee established under Cabinet Circular No. 2 of 1991.

Ministerial Committee

4. (1) A Principal Secretary in each Ministry shall appoint a Ministerial Committee, consisting of heads of sections in that Ministry.

(2) The Chairperson of a Committee shall be appointed by the Principal Secretary from amongst the members of the Committee.

(3) A Committee shall consider applications for voluntary early retirement from members employed in that Ministry and may co-opt such officers of the Ministry concerned as it deems relevant.

Application for Voluntary Early Retirement

5. During the period of operation of these Regulations a member who:
 - (a) wishes to apply for voluntary early retirement from the Public Service;
 - (b) is at least fifty-five years old; and

- (c) has at least ten years of continuous service on a permanent and pensionable basis in the public service,

may, at least three months before the intended date of retirement, lodge an application in writing with the Chairperson of the Committee for the Ministry in which the member is employed.

Consideration of Applications

6. (1) A Committee shall, not later than 14 days from the date of such application, consider the application.

(2) In considering the application the Committee shall have regard to the following issues;

- (a) whether the member satisfies the requirements set out in Regulation 5;
- (b) the nature of the member's work;
- (c) the specialty of the member's skill;
- (d) whether the member's retirement will impact negatively on the performance of the Ministry or department to which the member is attached; and
- (e) whether the post which the member holds will be abolished upon the member's retirement.

(3) The Committee shall, within 5 days after consideration of the issues referred to in sub-regulation 2, advise the Principal Secretary as to whether or not the member should be allowed to retire.

(4) The Principal Secretary, acting on the advice of a Committee, shall, within 5 days after receiving the advice of the Committee, forward a full report, together with his comments to the Principal Secretary in the Ministry of Public Service and Information.

(5) In considering a report forwarded in terms of sub-regulation (4), the Principal Secretary in the Ministry of Public Service and Information may;

- (a) refer an application back to the Committee concerned with such specific instructions as he deems appropriate; or
- (b) direct the Committee to furnish him with supplementary information that may assist him in making a recommendation to Public Service Reconstruction Committee

in which case the provisions of sub-regulation (4) shall, *mutatis mutandis*, apply.

(6) The Principal Secretary in the Ministry of Public Service and Information shall, within 5 days of receipt of a report forwarded in terms of sub-regulation (4), forward the report together with his recommendation thereon to the Public Service Reconstruction Committee.

Powers of the Public Service Reconstruction Committee

7. The Public Service Reconstruction Committee may reject an application if, in its opinion, it appears that the:

- (a) application is not justified having regard to any of the matters set out in Regulation 6 (2); or
- (b) acceptance of the application will adversely affect the performance of the member's Ministry.

Non applicability of Regulation 9(4)

8. The provisions of Regulation 9 (4) of the Public Service Pension Fund Regulations, 1993, shall not apply to a member who retires in terms of these Regulations and the retirement benefits of that member shall be computed as at the date the member retires in accordance with Regulation 8(4) of the Public Service Pension Fund Regulations, 1993.

MAJOZI V. SITHOLE
Minister of Finance

Mbabane
27th January, 2006