



THE UNITED REPUBLIC OF TANZANIA

CHAPTER 225

**THE POLITICAL SERVICE
RETIREMENT BENEFITS ACT**

[PRINCIPAL LEGISLATION]

REVISED EDITION OF 2015

This Edition of the Political Service Retirement Benefits Act, Chapter 225, incorporates all amendments made up to and including 31st December, 2015 and is printed under the authority of section 4 of the Laws Revision Act, Chapter 4.

Dar es Salaam,
30th March, 2016

GEORGE M. MASAJU,
Attorney General

CHAPTER 225

THE POLITICAL SERVICE RETIREMENT BENEFITS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 225

THE POLITICAL SERVICE RETIREMENT BENEFITS ACT

An Act to provide for the granting of benefits and services to leaders upon cessation of service in a political office.

[1st November, 2000]

[s. 2(1)]

Act Nos.
3 of 1999
9 of 2000
4 of 2004
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PART I
PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Political Service Retirement Benefits Act.

Omitted **2.** [Omitted].

Repealed
Act No.
9 of 2000
s. 15 **3.** [Repealed].

Interpretation
Act No.
9 of 2000
s.16 **4.** In this Act, unless the context otherwise requires-
“appointing, nominating or electoral authority” means the President and the National Electoral Commission;
“appropriate authority” in relation to any provision of this Act, means a person, declared under section 6(3);

Cap. 2

“benefits” means pension, gratuity, winding up allowance or any other award granted under the provisions of this Act;

“Constitution” means the Constitution of the United Republic of Tanzania;

“dependant” in relation to a deceased leader, means-

(a) where the deceased leader was a male, his widow or where immediately preceding his death he was married to two or more wives, his widows;

(b) where the deceased leader was a female, her husband;

(c) every child of the deceased leader who was wholly or substantially dependent upon the deceased leader’s income for his livelihood immediately preceding the death of the deceased officer;

(d) the immediate parents of the deceased leader, who satisfies the Permanent Secretary to the Treasury that they were wholly or substantially dependent upon the deceased leader’s income for their livelihood immediately preceding the death of the deceased leader;

“former President” means a person who has held the office of the President of the United Republic, but has ceased to hold that office and the expressions “former Vice-President”, “former Prime Minister”, “former Minister” Deputy Minister” shall be construed accordingly;

“former Speaker” means a person who has held the office of the Speaker of the National Assembly but has ceased to hold that office and the expression;

“former Deputy Speaker and “former Member of Parliament” shall be construed accordingly;

“gratuity” means payment granted to a leader upon cessation of service;

“leader” means a person who serves or has served in office as the President, Vice-President, Prime Minister, Minister, Deputy Minister, Speaker of the National Assembly, Deputy Speaker, a Member of Parliament, Regional Commissioner or District Commissioner;

“public officer” or “public department” means every officer or department invested with or performing duties of a public nature, whether under the immediate control of the President or not and includes an officer or department under the control of a local authority, the community, or a public corporation;

“public service” means service in the Government;

“qualifying period” means service which may be taken into account in determining whether or not that leader is eligible by length of service for a pension or gratuity;

“repealed Acts” means the Political Leaders’ Pensions Act and the Specified State Leaders Retirement Benefits Act;

“salary” means the basic salary of a leader excluding bonus, allowance of any kind or any other additional emoluments of any kind;

“survivor” means a widow, widows or widower of the deceased leader.

Act Nos.
14 of 1981
and
2 of 1986

PART II

PROVISIONS GOVERNING GRANT OF BENEFITS

Scope of
entitlement
to the
benefits

5.-(1) A person shall be entitled to a benefit under this Act upon the occurrence of any of the following events-

(a) upon completion of a term of service in an

office to which he was elected, nominated or appointed;

- (b) upon cessation of service in pursuance to the provisions of the Constitution or the provisions of any other law or order issued under any written law;
- (c) upon abolition of the office to which he was elected, nominated or appointed;
- (d) existence of medical evidence to the satisfaction of the electoral, nominating or appointing authority that he is incapable by reason of any infirmity of mind or body of discharging the duties of the office to which he was elected, nominated or appointed;
- (e) upon death while serving in a political office before completion of a term of service in which benefit shall be granted to dependants of survivors.

(2) Where, immediately before he was elected, nominated or appointed as the case may be, the President, Vice-President, Prime Minister and Speaker of the National Assembly, who was employed on pensionable terms or his employment was governed by an employers' terminal benefits scheme or a national social security scheme under which the benefits on retirement from service or from the scheme took the form of payment of a pension, the right of that person to receive terminal benefits under that scheme shall cease, and he shall be entitled only to benefits granted under this Act.

Benefits payable as of right
Act No. 11 of 2005
s.39

6.-(1) Subject to subsection (2), the benefits which are granted under this Part, are a right conferred upon the holders of the office concerned under the Constitution and no person or authority

within the United Republic may reduce, withhold or freeze such benefits, except with the prior authorisation of the National Assembly signified by Act of Parliament.

(2) A person shall not be entitled to benefits under this Act if he ceases to hold office as a leader in the circumstances provided for in Articles 46A(11), 50(5), 57(2)(g) or 71(1)(d) of the Constitution of the United Republic of Tanzania.

(3) Where a former President, Vice President, Prime Minister or Speaker was, prior to becoming a leader, under the repealed Act, whose terms of service were permanent and pensionable, his pension or gratuity in relation to the services he rendered prior to being elected or appointed as the President, Vice President, Prime Minister or Speaker, as the case may be, shall be granted in addition to the benefits granted to him in accordance with the provisions of sections 9, 12, 14 or 18.

(4) The expression “appropriate authority” for the purpose of sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, means the Permanent Secretary to the Treasury and for the purposes of section 26, the President.

Conditions regarding leave without salary
Act No. 9 of 2000
s.17

7.-(1) Where immediately before a leader other than the former President, the former Vice-President, the former Prime Minister or the former Speaker was elected, nominated or appointed to become a leader, was a public officer employed on pensionable terms or his employment was governed by an employees’ terminal benefits scheme under which the terminal benefits on retirement took the form of payment of a pension, that leader shall be deemed to have been on leave without salary from his former employer but the period during which he

served as a leader shall be taken into account for the purposes of determining the qualifying period.

Cap. 371 (2) Where a leader other than the former President, the former Vice-President, the former Prime Minister or the former Speaker who prior to become a leader was a public officer and who, upon ceasing to become a leader has not attained the age of compulsory retirement, does not retire from service under his former employer, his pension or gratuity shall be calculated the provisions of sections 24 and 25 of the Public Service Retirement Benefits Act or any other law or regulations which governed his employment as such public officer.

Cap. 371 (3) Subject to subsections (1) and (2), a leader who, upon ceasing to be a leader has not attained the age of retirement and does not return to his former employer or while serving as a leader attains the age of compulsory retirement, that leader shall be eligible to receive a pension or gratuity calculated in accordance with the provisions of section 24 or 25 of the Public Service Retirement Benefits Act, or any other law or regulation which governs his employment while he was in the public service.

Benefits to be charged out of consolidated Fund

8. There shall be charged on and paid out of the Consolidated Fund the sums of moneys which may be granted by way of benefits under the provisions of this Act.

PART III
GRANT OF BENEFITS TO FORMER PRESIDENT
AND FORMER VICE-PRESIDENT

(i) Benefits to former President

Benefits to be granted to former President
Act No. 11 of 2005
s. 40

9.-(1) A leader who held the office of the President of the United Republic shall, upon ceasing to hold office, be granted -

- (a) an annual pension granted monthly of a sum equal to eighty percent of the salary of the incumbent President;
- (b) a gratuity of the sum equal to fifty percent of the total sum received by him as salaries when he was in office;
- (c) other benefits as stipulated in Part I of the Schedule to this Act.

(2) If the former President is requested by the Government or an international organization to travel outside the United Republic, the appropriate authority shall meet the first class travelling expenses which shall also cover expenses for-

- (a) the spouse;
- (b) personal assistance,

and where the former President is requested to travel within the United Republic, the Government shall meet travelling expenses which shall, in addition cover expenses for the driver.

Grant of gratuity to dependants of former President

10. Where the President dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants a gratuity which shall be equal to the total sum received by him as salaries when he was in office.

Pension and benefits for widow or widower of the former President
Act No. 11 of 2005
S. 41

11. Where the former President dies this widow or widower shall be granted by an appropriate authority-

- (a) survivor's pension of the sum equal to forty per cent of the salary of the incumbent President; and
- (b) other benefits as stipulated in Part II of the Schedule to this Act.

(ii) Benefits to former Vice-President

Benefits to be granted to former Vice-President
Act No. 11 of 2005
s. 42

12.-(1) A leader who held the office of the Vice-President of the United Republic shall, upon ceasing to hold office, be granted-

- (a) an annual pension granted monthly of a sum equal to eight percent of the salary of the incumbent Vice-President;
- (b) a gratuity of the sum equal to fifty percent of the total sum received by him as salaries when he was in office;
- (c) other benefits as stipulated in Part I of the Schedule to this Act.

(2) All necessary security and other protection shall be provided to him and his immediate family.

(3) If the former Vice-President is requested by the Government or an international organisation to travel outside the United Republic, the appropriate authority shall meet the first class travelling expenses which shall also cover expenses for-

- (a) the spouse;

(b) one personal assistant,
and where the former Vice-President is requested to travel within the United Republic, the Government shall meet travelling expenses which shall in addition cover expenses for the driver.

Pension and benefits for widow or widower of the former Vice-President
Act No. 11 of 2005
s. 43

13. Where the former Vice-President dies his widow or widower shall be granted by an appropriate authority-

- (a) survivor's pension of the sum equal to forty percent of the salary of the incumbent Vice-President; and
- (b) other benefits as stipulated in Part II of the Schedule to this Act.

PART IV
BENEFITS CONFERRED TO FORMER PRIME MINISTER, FORMER MINISTER AND FORMER DEPUTY MINISTER

(i) Benefits to former Prime Minister

Benefits to be granted to former Prime Minister
Act No. 11 of 2005
s.44

14.-(1) A leader who held the office of the Prime Minister of the United Republic shall, upon ceasing to hold Office, be granted-

- (a) an annual pension payable monthly the sum equal to eighty percent of the salary of the incumbent Prime Minister;
- (b) a gratuity of the sum equal to fifty percent of the total sums of money received by him as salaries when he was in office;
- (c) other benefits as stipulated in Part I of the Schedule to this Act.

(2) All necessary security and other protection services shall be provided to him and his immediate family.

(3) If a former Prime Minister is requested by the Government or an international organization to travel outside the United Republic, the appropriate authority shall meet the first class travelling expenses which shall also cover expenses for-

(a) the spouse;

(b) two personal assistants,

and where the former Prime Minister is requested to travel within the United Republic, the Government shall meet travelling expenses which shall in addition cover expenses for the driver.

Grant of
gratuity to
dependants of
former Prime
Minister
Act No.
11 of 2005
s. 45

15.-(1) Where the Prime Minister dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to the dependants gratuity which shall be calculated on the basis of the period he served in office.

(2) Where the former Prime Minister dies, his widow or widower shall be granted by an appropriate authority-

(a) survivor's pension of the sum equal to forty percent of the salary of the incumbent; and

(b) other benefits as stipulated in Part II of the Schedule to this Act.

(ii) Benefits to former Minister and former Deputy Minister

Payment of
pension and
gratuity to
former
Minister and
Deputy
Minister
Act No.
11 of 2005
s. 46

16.-(1) The Minister or Deputy Minister shall, upon ceasing to hold office, be granted a gratuity of the sum equal to forty percent of the total sums of money he received as salaries when he was in office.

(2) A Minister, the Attorney-General and a Deputy Minister shall upon ceasing to hold office,

be granted a winding-up allowance, such other allowances and benefits of an amount, as may be determined by the appropriate authority, pursuant to the provisions of section 24.

(3) The payment made in pursuance to subsection (1) shall be calculated on the basis of total number of months which the Minister or Deputy Minister, as the case may be, held office.

Payment of pension etc, to dependants of former Minister and Deputy Minister

17. Where the former Minister or Deputy Minister dies in office or if he dies after ceasing to hold office but before benefits are paid to him, the appropriate authority shall pay to his dependants gratuity which shall be calculated on the basis of the period he served in office.

PART V
BENEFITS CONFERRED TO FORMER SPEAKER
AND
FORMER MEMBER OF PARLIAMENT

(i) Benefits to former Speaker

Benefits to former Speaker Act No. 11 of 2005 s. 47

18.-(1) A leader who held the office of the Speaker of the National Assembly shall upon ceasing to hold office, be granted-

- (a) a gratuity of the sum equal to fifty percent of the total sums of moneys received by him as salaries when he held office of Speaker;
- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of the incumbent Speaker of the National Assembly;
- (c) other benefits as stipulated in Part I of the Schedule.

(2). Where the former Speaker dies his widow or widower shall be granted by an appropriate authority-

- (a) survivor's pension of the sum equal to forty percent of the salary of the incumbent Speaker; and
- (b) other benefits as stipulated in Part II of the Schedule.

Grant of gratuity to dependants of former Speaker

19. Where the Speaker of the National Assembly dies in office or if he dies after ceasing to hold office but before benefits are paid to him, the appropriate authority shall pay to the dependants gratuity which shall be calculated on the basis of the period he held office.

(ii) Benefits to former Deputy Speaker

Benefits to former Deputy Speaker

20.-(1) A leader who held the office of the Deputy Speaker of the National Assembly shall, upon ceasing to hold office, be granted a gratuity of the sum equal to fifty percent of the total sums of moneys he received as salaries when he was in office.

(2) The former Deputy Speaker of the National Assembly shall, in addition to the benefits granted under subsection (1), be granted a winding-up allowance of a sum equal to ten percent of the total sum of the salaries he received while he held the office as Deputy Speaker of the National Assembly.

(iii) Benefits to former Member of Parliament

Benefits to former Member of Parliament

21.-(1) A leader who held the office of the Parliament shall, upon ceasing to hold office, be granted gratuity of the sum equal to forty percent of

Act No.
11 of 2005
s. 48

his salary for each complete month of his service payable in lump sum.

(2) The payment made in pursuance to subsection (1) shall be calculated on the basis of total number of months which the leader held office of the Member of Parliament.

(3) A Member of Parliament shall, in addition to the benefits granted under subsection (1), be granted a winding up allowance, such other allowances and benefits as may be determined by the appropriate authority pursuant to the provisions of section 24.

Grant of
gratuity etc. to
dependants of
former
Member of
Parliament

22. Where a member of parliament dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants gratuity which shall be calculated on the basis of the period he served in office.

PART VI
BENEFITS CONFERRED TO FORMER REGIONAL
COMMISSIONER OR DISTRICT COMMISSIONER

Benefits for
Regional
Commissioner
or District
Commissioner
Act No.
4 of 2004

23.-(1) Subject to subsection (2), with effect from the effective date, a leader holding the office of a Regional Commissioner or District Commissioner be entitled to a gratuity of a sum equal to forty percentum of the salaries drawn by him in the course of his service as Regional Commissioner or as the case may be District Commissioner.

(2) A person who on or after the effective date holds or is appointed to the office of a Regional Commissioner or District Commissioner and prior to his appointment was a public officer shall, upon

ceasing to be a leader be granted retirement benefits in accordance with the provisions of section 7 of this Act.

Benefits to
prior effective
date
Act No.
4 of 2004

24.-(1) A person who on the effective date holds the office of a Regional Commissioner or District Commissioner and prior to taking office was a public officer to whom the provisions of section 7(1) of this Act apply and as of the effective date has not attained the age of retirement, shall on the effective date be entitled to the grant of gratuity or pension calculated in accordance with the provisions of section 11 of the Political Leaders Pensions Act, for the period he served as a Regional Commissioner or District Commissioner, as the case may be, on the effective date shall be taken into account in computing any gratuity or pension to which such leader is entitled under that Act its repeal notwithstanding.

Act No.
14 of 1981

(2) A person who on the effective date holds the office of a Regional Commissioner or District Commissioner and to whom the provisions of subsection (1) do not apply, shall on the effective date be entitled to the grant of a gratuity or pension calculated in accordance with the provisions of section 11 of the Political Leaders' Pension Act, for the period he served as a Regional Commissioner or District Commissioner prior and up to the effective date and his salary as Regional Commissioner or District Commissioner, as he may be, on the effective date shall be taken into account in computing any gratuity or pension to which such leader is entitled under that Act its repeal notwithstanding. [s.23A]

Act No.
14 of 1981

Grant of
gratuity to
dependants of
former
Regional or
District
Commissioner
Act No.
4 of 2004

25. Where a Regional or District Commissioner dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants gratuity which shall be calculated on the basis of the period served in the office. [s.23B]

Review of
benefits and
exemption
from income
tax
Act Nos. 9 of
2000
s.18

26.-(1) A winding-up allowance, such other allowances and benefits payable under this Act shall be determined by the appropriate authority and may be reviewed, at intervals of not less than fifty months from the date on which the National Assembly was first summoned, upon the recommendation of-

11 of 2005
s.49

- (a) in the case of a former President, a former Vice-President and a former Prime Minister, a former Minister, a former Attorney-General and a former Deputy Minister, the Minister responsible for public service; and
- (b) in the case of a former Speaker, a former Deputy Speaker and a former Member of Parliament, the Parliamentary Services Commission.

(2) Survivors' pension and other benefits granted to a widow or widower of a political leader pursuant to the provisions of this Act shall apply in relation to a leader who assumes or retire from office on or after the 1st day of November, 1999.

(3) All benefits granted to a political leader pursuant to the provisions of this Act shall be exempted from income tax. [s.24]

Repeal and savings
Act Nos.
14 of 1981
and
2 of 1986

27.-(1) [Repeals the Political Leaders Pensions Act]. (2) [Repeals the Specified State Leaders Retirement Benefits Act.]

(3) A person who enjoys any benefits by reason of operation of the repealed enactments shall continue to enjoy those benefits and for the purposes of further enjoyment of those benefits, such enactments shall be treated as if they have not been repealed. [s.25]

SCHEDULE

PART I

Act No. 11 A: DESCRIPTION OF BENEFITS TO BE GRANTED TO THE FORMER
of 2005
s.50

PRESIDENT

1. A winding-up allowance calculated on the basis of-
 - (a) the highest salary received in a number of months; and
 - (b) the percentage rate,as may be determined by the appropriate authority.
2. Diplomatic passport and for the spouse or spouses.
3. Medical treatment within and outside the United Republic borne by the Government.
4. The service of two motor vehicles to be provided by the Government of not less than 3 tonnage replaceable after every five years.
5. A furnished house containing not less than four bed rooms of which two rooms shall be self contained and shall contain-
 - (a) a furnished office; and
 - (b) a servant quarter.
6. A monthly maintenance allowance of the sum equal to eighty percent of the salary granted to the incumbent President.
7. Necessary security and other protection services to him and his immediate family.
8. One personal assistant.
9. One personal secretary.
10. One office attendant.
11. One cook.
12. One laundryman.
13. One domestic servant.
14. One gardener.
15. Two drivers.
16. Use of VIP lounge.
17. Burial expenses.

B: DESCRIPTION OF BENEFITS TO BE GRANTED TO THE FORMER VICE PRESIDENT:

1. A winding-up allowance calculated on the basis of-
 - (a) the highest salary received in a number of months; and
 - (b) the percentage rate,as may be determined by the appropriate authority.
2. Diplomatic passport and for the spouse or spouses.
3. Medical treatment within and outside the United Republic borne by the Government.
4. The service of one motor vehicle to be provided by the Government of not less than 3 tonnage replaceable after every five years.
5. A monthly maintenance allowance of the sum equal to eighty percent of the salary payable to the incumbent Vice President.
6. Payment of the amount of money sufficient to pay salaries at the rate of the Government employees' minimum wages in respect of-
 - (a) one personal assistant;
 - (b) one cook;
 - (c) one laundryman;

- (d) one domestic servant;
- (e) one gardener; and
- (f) one driver.

- 7. Use of VIP lounge.
- 8. Burial expenses.

C: DESCRIPTION OF BENEFITS TO BE GRANTED TO THE FORMER PRIME MINISTER

- 1. A winding-p allowance calculated on the basis of-
 - (a) the highest salary received in a number of months; and
 - (b) The percentage rate,as may be determined by the appropriate authority.
- 2. Diplomatic passport and for the spouse.
- 3. Medical treatment within and outside the United Republic borne by the Government.
- 4. The service of one motor vehicle to be provided by the Government of not less than 3 tonnages replaceable after every five years.
- 5. Maintenance allowance of the sum equal to eighty percent of the salary payable to the incumbent Prime Minister.
- 6. Payment of the amount of money sufficient to pay salaries at the rate of the Government employees' minimum wages in respect of-
 - (a) one personal assistant;
 - (b) one cook;
 - (c) one laundryman;
 - (d) one domestic servant;
 - (e) one gardener; and
 - (f) one driver.
- 7. Use of VIP lounge
- 8. Burial expenses.

PARTII

A: DESCRIPTION OF BENEFITS TO BE GRANTED TO THE WIDOW OR WIDOWER OF THE FORMER PRESIDENT

- 1. A house which the deceased spouse was granted by the President.
- 2. A monthly maintenance allowance through his life of the sum equal to forty per cent of the salary of the incumbent President.
- 3. Medical treatment within the United Republic borne by the Government.
- 4. The service of one motor vehicle to be provided by the Government ownership of which shall revert to the spouse on expiry of three years.
- 5. Payment of the amount of money sufficient to pay salaries at the rate of the Government employees' minimum wages in respect of-
 - (a) a driver;
 - (b) a domestic servant.
- 6. Transport to a place of living for the rest of his life.
- 7. Burial expenses.

B: DESCRIPTION OF BENEFITS TO BE GRANTED TO THE WIDOW OR WIDOWER OF THE FORMER VICE -PRESIDENT

- 1. A house which the deceased spouse was granted by the President.
- 2. A monthly maintenance allowance through his life of the sum equal to forty per cent of the salary of the incumbent President.
- 3. Medical treatment within the United Republic borne by the Government.
- 4. The service of one motor vehicle to be provided by the Government ownership of which shall revert to the spouse on expiry of three years.
- 5. Payment of the amount of money sufficient to pay salaries at the rate of the Government employees' minimum wages in respect of-
 - (a) a driver;

- (b) a domestic servant.
- 6. Transport to a place of living for the rest of his life.
- 7. Burial expenses.

C: DESCRIPTION OF BENEFITS TO BE GRANTED TO THE WIDOW OR WIDOWER OF THE FORMER PRIME MINISTER

- 1. A house which the deceased spouse was granted by the President.
- 2. A monthly maintenance allowance through his life of the sum equal to forty per cent of the salary of the incumbent President.
- 3. Medical treatment within the United Republic borne by the Government.
- 4. The service of one motor vehicle to be provided by the Government ownership of which shall revert to the spouse on expiry of three years.
- 5. Payment of the amount of money sufficient to pay salaries at the rate of the Government employees' minimum wages in respect of-
 - (a) a driver;
 - (b) a domestic servant.
- 6. Transport to a place of living for the rest of his life.
- 7. Burial expenses.

D: DESCRIPTION OF BENEFITS TO BE GRANTED TO A FORMER MINISTER, A FORMER ATTORNEY-GENERAL AND A FORMER DEPUTY MINISTER

- 1. A winding-up allowance calculated on the basis of-
 - (a) the highest salary received in a number of months; and
 - (b) the percentage rate,as may be determined by the appropriate authority.
- 2. Diplomatic passport for him and for the spouse or spouses.

E. DESCRIPTION OF BENEFITS TO BE GRANTED TO A FORMER SPEAKER

- 1. A winding-up allowance of a sum equal to the amount that would be received as salary by the incumbent Speaker in a number of months as may be determined by the appropriate authority.
- 2. One motor vehicle to be granted once and which shall be maintained by him.
- 3. A driver.
- 4. A diplomatic passport for him and for his spouse or spouses.
- 5. Seventy litres of fuel per week.
- 6. Maintenance allowance for a motor vehicle at a rate equal to forty percent of fuel allowance.

F. DESCRIPTION OF BENEFITS TO BE GRANTED TO A FORMER DEPUTY SPEAKER

- 1. A winding-up allowance of a sum equal to a percentage as may be determined by appropriate authority of the total sum of the salaries he received when he held the office as Deputy Speaker.
- 2. A diplomatic passport for him and for his spouse or spouses.