



Superannuation (Various Services) Act 1938

1938 CHAPTER 13

1 Extension of powers conferred by scheduled enactments

- (1) The powers of the appropriate authority, under any of the enactments mentioned in the first column of Parts I and II of the Schedule to this Act (hereafter in this section referred to as "the scheduled enactments"), shall, subject to the provisions of this section, extend, and be deemed always to have extended, so as to include power—
- to grant the like superannuation benefits to the persons to whom that enactment applies or their legal personal representatives, widows or dependants; and
 - to permit the like allocation of superannuation benefits to spouses and dependants;

as could be, or could have been, granted or permitted in respect of persons in the Civil Service of the State under the enactments, rules, regulations and warrants for the time being in force in relation to the last-mentioned persons:

Provided that nothing in this subsection shall be taken to confer power to permit such an allocation as aforesaid after the date of the commencement of this Act in the case of a person who retired from service before that date.

- (2) Where, by any of the scheduled enactments, the power of the appropriate authority thereunder to grant, pay or determine superannuation benefits is required to be exercised subject to the approval or sanction of the Treasury or the Board of Trade, the exercise of the powers conferred on that authority by the foregoing subsection shall be subject to the like approval or sanction.
- (3) Where, by any of the scheduled enactments, the power of the appropriate authority thereunder to pay or grant superannuation benefits is required to be exercised under a scheme approved by the Treasury or in accordance with regulations, the powers conferred on that authority by subsection (1) of this section shall be exercised in like manner, and the power of the authority to make a scheme or regulations shall be extended accordingly.

Status: This is the original version (as it was originally enacted).

- (4) Any power of the Treasury under any of the scheduled enactments to determine that allowances and gratuities awarded under that enactment shall be paid wholly or partly out of a particular fund, shall extend to any sums allocated in pursuance of this section to the spouse or dependants of a person to whom the said enactment applies.
- (5) The powers conferred by this section shall be in addition to, and not in derogation of, any existing power exercisable under any of the scheduled enactments or otherwise.
- (6) Any amount by which the sums payable under any enactment out of moneys provided by Parliament are increased by reason of the provisions of this section shall be defrayed out of moneys so provided.
- (7) For the purposes of this section the expression " the appropriate authority " means, in relation to any of the scheduled enactments, the person or body specified in relation to that enactment in the second column of Part I or Part II of the Schedule to this Act.