



Superannuation Act 1965

1965 CHAPTER 74

PART I

SUPERANNUATION BENEFITS

Re-employment after retirement.

12 Cessation or reduction of annual allowance on re-employment.

Where any person enjoying any superannuation allowance in consequence of retiring from office on account of age, infirmity or any other cause, or enjoying any compensation for past services on the abolition or reduction of office, is appointed to fill any office in any public department, such allowance or compensation shall cease to be paid for any period after that appointment if the annual amount of the profits of the office to which he is appointed shall be equal to those of the office formerly held by him, and if they shall not be equal to those of his former office then no more of such allowance or compensation shall be paid to him than that which with the salary of his new appointment shall be equal to that of his former office.

13 Additions to allowances in certain cases of unestablished employment after retirement.

(1) Where—

- (a) a person who has ceased to be a civil servant re-enters, either immediately or after an interval, the civil service to serve in an unestablished capacity, and
- (b) when he re-enters the civil service, he has been granted or is eligible for the grant of a superannuation allowance,

any superannuation allowance or additional allowance granted to him may, as from the cessation of the said service in an unestablished capacity, be increased in accordance with the following provisions of this section:

Provided that—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (i) any service in an unestablished capacity which is not continuous service lasting for at least one year shall be left out of account for the purposes of this section ; and
- (ii) where the person in question ceased to be a civil servant before attaining the retiring age, no account shall be taken for any of the purposes of this section (including the purposes of paragraph (i) of this proviso) of any service in an unestablished capacity before he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant and if in continuing in that employment he had been employed in the United Kingdom.

The reference in this subsection to the cessation of a person's service in an unestablished capacity includes a reference to the cessation thereof by reason of his death.

- (2) The said allowances shall be computed—
 - (a) upon the amount of salary and emoluments upon which they would have fallen to be computed if the service in an unestablished capacity had been service in an established capacity and the salary and emoluments of the service in an unestablished capacity had fallen to be taken into account accordingly, or
 - (b) upon the amount upon which they would have fallen to be computed apart from this section,whichever is the higher.
- (3) For each completed year, not exceeding five, of continuous service in an unestablished capacity the superannuation allowance may be increased by one-eightieth of the higher of the amounts mentioned in subsection (2) of this section and the additional allowance, if any, may be increased by three-eightieths of the higher of those amounts.
- (4) If a person ceases to be a civil -servant and immediately re-enters the civil service to serve therein in an unestablished capacity, and when he ceases to be a civil servant,—
 - (a) his reckonable service is less than forty years and includes an odd part of a year, or
 - (b) his reckonable service is more than forty years, and the part of that reckonable service (computed in accordance with the proviso to section 6(3) of this Act) after the two conditions set out in subsection (1) of that section have been satisfied in relation to him includes an odd part of a year,the said odd part of a year shall be taken into account for the purposes of this section as if it were part of the service in an unestablished capacity.
- (5) Notwithstanding anything in section 6(3) of this Act, no year shall be taken into account thereunder which would make the number of years taken into account under that and subsection (3) of this section exceed five in all.
- (6) The enactments relating to the computation of reckonable service, other than section 24 of this Act, shall apply to the computation of service for the purposes of the proviso to subsection (1) of this section, and of subsection (3) of this section, as if it were established service.