



Superannuation Act 1965

1965 CHAPTER 74

PART I

SUPERANNUATION BENEFITS

Superannuation allowances, etc. in respect of service as a civil servant.

1 Superannuation allowance.

- (1) Subject to the provisions of this Act, the Treasury may grant to any civil servant who—
 - (a) retires from the civil service having served as a civil servant for not less than ten years, and
 - (b) either has attained the age of sixty years or retires on a medical certificate, a superannuation allowance computed by multiplying one-eightieth of the average annual amount of the salary and emoluments of his office during the last three years of his service by forty or by the number of completed years of his service as a civil servant, whichever is the less.
- (2) This section shall not apply in relation to any person for whom provision is otherwise made by Act of Parliament or who is specially excepted by the authority of Parliament.

2 Short service gratuity.

Subject to the provisions of this Act, where a civil servant is constrained, by reason of infirmity of mind or body, to retire from the civil service before completing the period of service which would make him eligible for the grant of a superannuation allowance, the Treasury may grant to him such sum of money by way of gratuity as the Treasury think proper, not exceeding one-twelfth of the average annual amount of the salary and emoluments of his office during the last three years of his service for each year of service.

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3 Additional allowance.

Subject to the provisions of this Act, the Treasury may grant to any civil servant who—

- (a) retires from the civil service having served as a civil servant for not less than two years, and
- (b) either has attained the age of sixty years or retires on the ground of ill-health, by way of additional allowance, in addition to the superannuation allowance (if any) for which he may be eligible or the gratuity (if any) which may be granted to him under section 2 of this Act, a lump sum equal to three-eightieths of the average annual amount of the salary and emoluments of his office during the last three years of his service multiplied by the number of completed years he has served, so, however, that the additional allowance shall in no case exceed one and a half times that amount.

4 Death gratuity.

- (1) Subject to the provisions of this Act, where a civil servant dies, after having served as a civil servant for not less than five years, while still employed in the civil service, the Treasury may grant to his personal representatives a gratuity of whichever of the two following amounts is the greater, that is to say—
 - (a) an amount equal to the average annual amount of the salary and emoluments of his office during the last three years of his service, or
 - (b) an amount equal to the amount of the additional allowance which the Treasury might have granted to him if he had retired from the civil service on the ground of ill-health at the date of his death.
- (2) Subject to the provisions of this Act, where a civil servant having become eligible for the grant of a superannuation allowance dies after he has retired from the civil service, and the sums paid or payable to him at the time of his death on account of such allowance, together with the sum received by him by way of additional allowance, are less than the average annual amount of the salary and emoluments of his office during the last three years of his service, the Treasury may grant to his personal representatives a gratuity equal to the deficiency.

5 Increase of certain allowances in cases of retirement for ill-health with less than 20 years' service.

- (1) Where—
 - (a) a person, on retiring from the civil service on a medical certificate, becomes eligible for the grant of a superannuation allowance, and
 - (b) his reckonable service is less than twenty years,the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if his reckonable service had been twenty years.
- (2) In the case of a person whose reckonable service would, if he had continued to serve in the employment in which he was when he was last a civil servant until five years after the retiring age, have been a period shorter than twenty years, subsection (1) of this section shall have effect as if for the last reference therein to twenty years there were substituted a reference to that shorter period:

Provided that if his retirement was immediately preceded by a period no part of which counted towards reckonable service and it is recognised by the Treasury as a period

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throughout which he was on sick leave, this subsection shall only apply if the said period of reckonable service (that is, assuming that the person had continued to serve until five years after the retiring age) plus that period of sick leave together amount to a period shorter than twenty years, and then subsection (1) of this section shall have effect as if for such reference therein to twenty years there were substituted a reference to that shorter period.

- (3) This section applies only—
- (a) to cases of actual retirement from the civil service on a medical certificate, and
 - (b) to the computation of pensions under Part III and Part IV of this Act which fall to be computed by reference to the amount of the superannuation allowance for which a person who dies while a civil servant would have been eligible if, instead of dying, he had retired on a medical certificate,
- and does not affect cases falling within, or pensions under the said Part III or the said Part IV falling to be computed by reference to the superannuation allowance grantable under, any provision (whether contained in this or any other Act) which provides for the grant, in other circumstances, of the same superannuation allowance or additional allowance as might be granted on retirement from the civil service on such a certificate.

6 Additions to allowances for service after retiring age in certain cases.

- (1) Where a civil servant continues to serve as such after both the two following conditions are satisfied in relation to him, that is to say—
- (a) that he has attained the retiring age, and
 - (b) that he has forty years of reckonable service,
- any superannuation allowance or additional allowance which may be granted to him shall be calculated in accordance with the following provisions of this section.
- (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 he had retired as soon as the said two conditions were satisfied in relation to him, or
 - (b) upon the amount of salary and emoluments upon which they would fall to be computed apart from this section,
- whichever is the higher.
- (3) For each completed year, not exceeding five, of the reckonable service of the civil servant after the said two conditions were satisfied in relation to him 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:
- Provided that section 24 of this Act shall not apply to the computation, for the purposes of this subsection, of the reckonable service of a person after the said two conditions are satisfied in relation to him.
- (4) This section, so far as it applies to additional allowances, applies also for the purposes of section 4(1) of this Act.

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7 Allowances, etc., in cases of premature retirement of civil servant at his request.

- (1) If the employment of a civil servant who has attained the age of fifty years is terminated at his request before the retiring age, the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate:

Provided that, unless the Treasury otherwise determine on compassionate grounds, no such allowance shall be granted to a person by virtue of this subsection 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.

- (2) Where a person who would have been eligible for the grant of a superannuation allowance but for the operation of the proviso to the foregoing subsection dies without any such allowance being granted to him, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.

8 Allowances in cases of premature retirement on abolition of office.

The Treasury may grant to any person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belonged, by which greater efficiency and economy can be effected, such special allowance or allowances by way of compensation as on a full consideration of the circumstances of the case seem to the Treasury to be a reasonable and just compensation for the loss of office, but not exceeding in any case the amount which might be granted to a civil servant if he retired on the ground of ill-health.

9 Allowances in cases of discharge for inefficiency.

- (1) Where a civil servant is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and a superannuation allowance cannot lawfully be granted to him, and the Treasury think that the special circumstances of the case justify the grant to him of a retiring allowance, they may grant to him such retiring allowance as they think just and proper, but in no case exceeding the amount for which his length of service would qualify him under section 1 of this Act.
- (2) A person to whom an allowance is granted under subsection (1) of this section may also be granted the same additional allowance, if any, as might have been granted to him if he had retired on a medical certificate.
- (3) Before granting any allowance under this section to any civil servant the Treasury shall consider any representations which he may have submitted to them.
- (4) A minute of the Treasury granting an allowance or allowances under this section to a civil servant shall set forth the amount of each allowance granted to him, and the reasons for granting it, and shall be laid before Parliament within fourteen days after being made.

10 Allowances in cases of premature retirement in interests of efficiency.

If—

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- (a) the employment of a civil servant who has attained the age of fifty years is terminated before the retiring age, and
- (b) the appropriate Minister certifies that the termination of his employment is desirable in the interests of efficiency,

the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate.

In this section " the appropriate Minister " means the Minister responsible for the civil servant's department or, if there is no such Minister or there is any doubt as to who that Minister is, such Minister as may be determined by the Treasury.

11 Allowances, etc., may be reduced for demerit.

If the defaults or demerit of any person in relation to the public service appear to the Treasury to justify it, the Treasury may grant to that person a superannuation allowance, additional allowance, compensation allowance or gratuity under this Act of less amount than would otherwise have been granted to him, or may grant to the personal representatives of that person a gratuity under section 4 of this Act of less amount than would otherwise have been granted to them.