



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.

Status: This is the original version (as it was originally enacted).

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

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.

Status: This is the original version (as it was originally enacted).

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—

- (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.

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—

- (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

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- (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.

*Modification, as respects certain civil servants, of
certain provisions as to allowances and gratuities.*

14 Modification of ss. 1, 3, 4, 6 and 13 as respects certain civil servants.

Sections 1, 3, 4, 6 and 13 of this Act shall, in relation to any person to whom Part I, Part II, Part III or Part IV of Schedule 1 to this Act applies, have effect subject to

the provisions of the said Part I, the said Part II, the said Part III or the said Part IV, as the case may be.

Gratuities in respect of unestablished and part-time service.

15 Gratuities for unestablished service.

- (1) If a person employed in an unestablished capacity dies while still in his employment after having served continuously therein for not less than five years the Treasury may grant a gratuity to his personal representatives.
- (2) If a person employed as aforesaid retires or is removed from his employment after having served continuously therein for not less than five years, the Treasury may, on the recommendation of the head officer of the department, grant a gratuity to him.
- (3) The rate at which a gratuity may be granted under either of the foregoing subsections shall be—
 - (a) for each year of service in the employment, up to five years, one week's pay,
 - (b) for each year of such service in excess of five years and up to ten years, two weeks' pay, and
 - (c) for each year of such service in excess of ten years, four weeks' pay:

Provided that the total amount of the gratuity shall not exceed the amount of one year's pay.

- (4) If a civil servant who, before he was a civil servant, was employed in an unestablished capacity dies without having completed sufficient service for it to be possible that a gratuity should be paid in respect of him, his employment as a civil servant may be treated for the purposes of this section as if it were employment in an unestablished capacity.
- (5) Service taken into account for the purposes of section 13 of this Act shall not also be taken into account for the purposes of this section.
- (6) Where a married woman who before her marriage was employed as a civil servant has in consequence of her marriage been transferred to employment in an unestablished capacity and no gratuity was paid to her on her marriage in respect of her service as a civil servant, then, for the purposes of this section, her said service shall be treated as if it were service in an unestablished capacity.

16 Gratuities for part-time service.

- (1) The part-time service to which this section applies is part-time service in the civil service where the person employed gives personal service of at least eighteen hours a week and the remuneration is defrayed entirely out of moneys provided by Parliament or the Post Office Fund.
- (2) Subject to the provisions of this subsection, section 15(1) to (4) of this Act, and section 21(2) thereof, shall apply in relation to persons who die while employed in, or retire or are removed from, part-time service to which this section applies, or who, having become civil servants after having been employed in such part-time service as aforesaid, die while still civil servants, as if references in those subsections to employment or service in an unestablished capacity were references to employment or service in such part-time service as aforesaid:

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

Provided that—

- (a) if the pay for the part-time service covers expenses, the rate thereof shall be treated for the purposes of this subsection as reduced to such extent as the Treasury may think fit;
- (b) if the pay for the part-time service is computed by reference to a weekly rate based on full-time service and varies according to the number of hours actually worked in the week, the rate thereof shall be taken for the purposes of this subsection to be one half of that weekly rate.

17 Gratuities for mixed unestablished and part-time service.

- (1) Section 15(1) and (2) of this Act and those subsections, as applied by section 16(2) of this Act, shall have effect as if the references in those subsections to continuous service in an unestablished capacity or, as the case may be, in part-time service to which the said section 16 applies included references to service which is partly the one and partly the other (in this section called " mixed service ").
- (2) For the purposes of section 15(3) of this Act as it applies in relation to mixed service—
 - (a) the amount of one week's pay shall, where the last part of the period of employment was part-time service to which the said section 16 applies, be the weekly rate for full-time service in that capacity, and references to a year's pay shall be construed accordingly ; and
 - (b) only one half of any part of the employment which is part-time service to which the said section 16 applies shall count.
- (3) Subject to subsections (4) and (5) of this section, where section 18(5) of this Act applies in relation to mixed service—
 - (a) the period of mixed service shall, for the purposes of that subsection, be taken as a whole; and
 - (b) the period of five years to be assumed under that subsection shall be regarded as made up of the two kinds of service in the same proportions as the actual mixed service.
- (4) Where the effect of this subsection would be to afford a larger gratuity to any person, the foregoing provisions of this section shall not apply to him, but for the purposes of sections 15, 16(2) and 18(5) of this Act the part of the mixed service which is service in an unestablished capacity shall be treated as if it were part-time service to which the said section 16 applies.
- (5) Where the effect of this subsection would be to afford a larger gratuity to any person whose mixed service began before 29th April 1965, the provisions contained in Schedule 2 to this Act, and not the foregoing provisions of this section, shall apply to him.

Gratuities and allowances payable to or in respect of civil servants and others injured, etc., in discharge of their duties.

18 Gratuities and allowances to civil servants and others injured or contracting disease in the discharge of their duties.

(1) Where a person who is a civil servant, or, not being a civil servant, is employed in a civil capacity for the purposes of Her Majesty's Government in the United Kingdom, whether temporarily or permanently and whether for reward or not, either—

- (a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or
- (b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct,

the Treasury may grant to him, and, if he dies as a direct result thereof, to all or any of the following persons, that is to say—

- (i) his widow,
- (ii) his mother, or, where his mother is dead, his father, if his mother, or, as the case may be, his father, is wholly or mainly dependent on him at the time of his death,
- (iii) his children, and
- (iv) where he has no children who are, under the terms of the warrant hereinafter mentioned, eligible for the grant of a gratuity or allowance under this section, any brother or sister of his who is wholly or mainly dependent on him at the time of his death,

such gratuity or annual allowance as the Treasury may consider reasonable, and as may be permitted by the terms of a warrant of the Treasury under this section.

(2) The reference in subsection (1) of this section to the widow of the person who is injured or contracts the disease shall, where that person is a female, be deemed to be a reference to her widowed husband if he is wholly or mainly dependent on her at the time of her death.

(3) Where the person who is injured or contracts the disease is a civil servant, any allowance granted under this section to him shall not, together with any superannuation allowance, and the annuity value of any additional allowance, for which he is otherwise eligible, exceed five-sixths of the annual salary and emoluments of his office.

In this subsection " annuity value " means, in relation to an additional allowance for which a person is eligible, the value thereof computed in accordance with the Tables for immediate life annuities framed under Part II of the Government Annuities Act 1929 which are in force when he ceases to be a civil servant.

Any reduction effected or to be effected in the amount of any additional allowance by way of contribution under Part III or Part IV of this Act shall be left out of account for the purposes of this subsection and, accordingly, the annuity value of any additional allowance shall be determined as if no such reduction as aforesaid had been or had to be made.

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

- (4) Where the person who is injured or contracts the disease is a civil servant whose service, as computed for the purposes of section 4 of this Act, is less than five years and he dies as the direct result of the injury or disease, he shall be treated for the purposes of that section as if his service had amounted to five years.
- (5) Where the person who is injured or contracts the disease is a person employed in an unestablished capacity whose continuous service therein, as computed for the purposes of section 15 of this Act, is less than five years, or is a person in part-time service to which section 16 of this Act applies whose continuous service of that kind as so computed is less than five years, and he dies as the direct result of the injury or disease, his continuous service shall be treated for the purposes of the said section 15 as amounting to five years.
- (6) Where a civil servant recruited as such in the United Kingdom is employed outside the United Kingdom for the purposes of Her Majesty's Government in the United Kingdom and suffers an aggravation of a disease from which he is already suffering, being an aggravation to which he is exposed by the nature of his duty outside the United Kingdom and which is not wholly or mainly due to his own serious and culpable negligence or misconduct, this section shall apply in relation to him as if, when he sustained the aggravation, he had contracted such a disease as is mentioned in subsection (1)(b) thereof.
- (7) A warrant under this section may be revoked or varied by a subsequent warrant of the Treasury thereunder.

19 Recovery in certain circumstances of payments made under s. 18.

- (1) If a warrant under section 18 of this Act authorises the Treasury to take into account, as against any sums otherwise payable under the warrant, any damages which are recovered or recoverable by or on behalf of the recipient of the payments under that section in respect of the injury, disease or death in consequence of which the payments are made, and the Treasury make any payments without taking such damages into account, then if and when the Treasury are satisfied that there are any damages to be so taken into account they shall have the right to recover from the recipient—
 - (a) where the amount of the payments made by the Treasury is less than the net amount of the damages, the amount of those payments ;
 - (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.
- (2) So far as any amount recoverable under this section represents a payment made by the Treasury from which income tax has been deducted before payment, the proper allowance shall be made in respect of the amount so deducted, and in this section " the net amount of the damages" means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.
- (3) No proceeding shall be brought to recover any amount under this section—
 - (a) after the death of the recipient of the payments, or
 - (b) after the expiration of two years from the date on which the amount of the damages taken into account in arriving at the amount so recoverable is finally determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from the date on which the final

determination of that amount first came to the knowledge of the Treasury, whichever date is the later.

- (4) A certificate issued by the Treasury and stating the date on which the final determination of any amount of damages first came to the knowledge of the Treasury shall be admissible in any proceedings as sufficient evidence of that date.
- (5) The provisions of this section are without prejudice to any right of the Treasury under any such warrant to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of the payment.

Reckoning of certain types of service in civil service.

20 Reckoning of continuous unestablished service.

- (1) If, at the time when any person became or becomes a civil servant, he was or is employed in an unestablished capacity, then, subject to subsections (2) and (3) of this section, his continuous service in such a capacity shall—
 - (a) as to one half of the period thereof (if any) rendered before 14th July 1949, and
 - (b) as to the whole of the period thereof rendered after 13th July 1949,be reckoned for the purposes of this Act as service in the capacity of a civil servant.
- (2) For the purpose of computing, in the case of any person, the service to be reckoned under subsection (1) of this section, no account shall be taken of any period for which that person has served before attaining the age of eighteen years.
- (3) The provisions of Schedule 3 to this Act shall have effect in relation to persons whose continuous service in employment in an unestablished capacity began before 27th June 1935 and who subsequently became or become civil servants.

21 Reckoning of discontinuous unestablished service.

- (1) The Treasury may direct—
 - (a) that, subject to such conditions as they may determine, the service of any person in an unestablished capacity for two or more periods shall, for the purpose of determining whether or not his service in such a capacity is to be reckoned under section 20(1) of this Act, be treated as if it were continuous service beginning at the commencement of the first of those periods or of such one of them as the Treasury may determine;
 - (b) that, subject as aforesaid, discontinuous periods of service in an unestablished capacity shall be aggregated for the purpose of computing the service to be reckoned under the said section 20(1);
 - (c) that, subject as aforesaid, a person admitted into the civil service with a certificate from the Civil Service Commissioners shall, if before the certificate was issued he was for any period employed in an unestablished capacity, be treated for the purpose of the said section 20(1) as having become a civil servant at such date after the beginning of that period and before the certificate was issued as the Treasury may determine (not being a date earlier than that on which the Treasury had decided to recognise the post in which he was serving as an established post) and that any service of his in an unestablished capacity after the date determined shall be reckoned for the purposes of this Act as service in the capacity of a civil servant.

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

- (2) Paragraphs (a) and (b) of the foregoing subsection shall apply for the purposes of section 15 of this Act as they apply for the purposes of section 20(1) thereof.

22 Interval between unestablished and established service: reckoning of unestablished service.

The Treasury may direct that, subject to such conditions as they may determine, sections 20 and 21(1) of this Act shall apply to a person who became or becomes a civil servant after having previously been employed in an unestablished capacity notwithstanding that there was or is an interval between the conclusion of his employment in such a capacity and the time when he became or becomes a civil servant.

23 Part-time service preceding service as civil servant.

- (1) Where either of the following conditions is satisfied in relation to a person who on 14th July 1949 or at any time thereafter was or is a civil servant, that is to say—
- (a) that, when he became a civil servant, he was serving in part-time service to which section 16 of this Act applies which would, in the opinion of the Treasury, have fallen to be treated as reckonable service, whether as to the whole or as to one-half thereof, if it had been whole-time service, or
 - (b) that he became a civil servant after serving in an unestablished capacity in such circumstances that all or some of his service in an unestablished capacity falls to be treated as reckonable service, either as to the whole or as to one-half thereof, and was serving in such part-time service as aforesaid when his service in an unestablished capacity began,

then, subject to the following subsection, his continuous service in such part-time service as aforesaid immediately before he became a civil servant or, as the case may be, immediately before he began to serve in an unestablished capacity, except so much thereof as took place before he attained the age of eighteen years, shall, as to one-half or, if and so far as that service took place before 14th July 1949, one-quarter of the period thereof, be reckoned for all the purposes of this Act as service as a civil servant.

- (2) The Treasury may direct—
- (a) that, subject to such conditions as they may determine, the service of any person in part-time service to which section 16 of this Act applies for two or more periods, shall, for the purpose of determining whether or not such service by him is to be reckoned as aforesaid, be treated as if it were continuous service beginning at the commencement of the first of those periods or of such one of them as the Treasury may determine ;
 - (b) that, subject as aforesaid, discontinuous periods of such part-time service as aforesaid shall be aggregated for the purpose of computing the service to be reckoned as aforesaid; and
 - (c) that, subject as aforesaid, the foregoing subsection shall apply to a person who had part-time service to which the said section 16 applies notwithstanding that there is an interval between the conclusion of his part-time service and the beginning of his service as a civil servant or of his service in an unestablished capacity, as the case may be.

24 Late entrants.

- (1) If with respect to any person becoming a civil servant after attaining the age of forty years the Treasury have directed that he shall be subject to the provisions of this subsection, then, for the purposes of this Act, the length of his service shall be treated as eight-fifths of the actual length thereof.
- (2) If with respect to any person becoming a civil servant between the ages of thirty and forty years the Treasury have directed that he shall be subject to the provisions of subsection (1) of this section, those provisions shall apply in his case accordingly, but his service before attaining the age of forty years shall be disregarded for the purposes of this Act:

Provided that, notwithstanding the direction, this subsection shall not have effect so as to prevent or reduce any award under this Act which might have been made if the direction had not been given.

- (3) No direction shall be given under this section in the case of any person after the expiration of six months from the date on which he became a civil servant.
- (4) Any direction under this section shall be laid before Parliament forthwith after being given.

25 Computation of service and reduction of retiring age where service has been in certain places abroad.

- (1) This section shall apply in relation to such countries and places (being countries or places outside the United Kingdom) as the Treasury may by order specify (in this section referred to as "countries or places to which this section applies").
- (2) Subject to the provisions of this section, in computing the amount of any superannuation allowance, additional allowance or gratuity, each year of actual service in a country or place to which this section for the time being applies, either as a civil servant or in an unestablished capacity, shall be reckoned as service as a civil servant or service in an unestablished capacity, as the case may be, for one and a half years and so proportionately as regards parts of a year:

Provided that this subsection shall not apply to any service which would, apart from this subsection, fall to be reckoned for any of the purposes aforesaid at a rate greater than one and a half years for each year of actual service.

- (3) Subject to the provisions of this section, for each completed year of actual service as a civil servant in countries or places to which this section for the time being applies, the age on retirement at which without a medical certificate a superannuation allowance or additional allowance may be granted apart from the provisions of sections 7 and 10 of this Act shall be reduced by three months, so, however, that the said age shall not in any case be reduced below fifty-five years.

Service in an unestablished capacity in countries or places to which this section for the time being applies which could be taken into account in computing the amount of any superannuation allowance shall be taken into account under this subsection as if it were service as a civil servant.

- (4) Nothing in this section shall, without the consent of the Treasury, apply to a person who was residing in a country or place to which this section for the time being applies when he first entered the civil service.

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

- (5) Nothing in this section shall affect the minimum period which it is requisite that a person should serve in order that a superannuation allowance, additional allowance or gratuity may become payable to or in respect of him.
- (6) Any order made under the Superannuation Act 1876 declaring a country or place to be an unhealthy place shall be deemed for the purposes of this section to be an order under subsection (1) of this section specifying that country or place for the purposes of this section.
- (7) Any order under this section may be revoked or varied by a subsequent order of the Treasury.
- (8) An order under this section may, if in the special circumstances of the case it appears proper to the Treasury so to frame the order, be so framed as to apply this section to a country or place as from a date before that of the making of the order, and where an order is so framed references in this section to a country or place to which this section for the time being applies shall be construed accordingly.
- (9) This section—
 - (a) so far as it affects superannuation allowances, additional allowances and gratuities other than gratuities under section 15 of this Act shall have effect, and be deemed always to have had effect, in relation to any person who has served as a civil servant at any time after 13th July 1949;
 - (b) so far as it affects gratuities under the said section 15 shall have effect and be deemed always to have had effect, in relation to any person who has served in an unestablished capacity at any time after 13th July 1949:

Provided that, for the purpose of the computation of service required to be made by section 13 of this Act, this section shall have effect and be deemed always to have had effect in relation to every person to whom that section applies, whether or not he has served as a civil servant after 13th July 1949.

26 Computation of service and reduction of retiring age in the case of certain prison and other employments.

- (1) This section applies to employment in prisons and other institutions to which the Prison Act 1952 or the Prisons (Scotland) Act 1952 applies, whether with or without modifications, being employment of any such classes as the Secretary of State may with the approval of the Treasury by order prescribe.
- (2) Fifty-five years shall be substituted for sixty years as the age on retirement at which without a medical certificate a superannuation allowance or additional allowance may be granted apart from the provisions of sections 7 and 10 of this Act to a civil servant who retires from employment to which this section applies.
- (3) After twenty years of actual service, whether as a civil servant or in an unestablished capacity, in employment to which this section applies, each year of actual service in such employment shall be reckoned for the purpose of computing the amount of any superannuation allowance, additional allowance or gratuity as two years of service as a civil servant or, as the case may be, of service in an unestablished capacity, and so proportionately as regards parts of a year.

The foregoing provision shall not be taken as affecting the reckoning of service in any year earlier than the twenty-first of the years of actual service mentioned in

that provision, being service of the kind specified in that provision as extended by section 27(1) of this Act.

- (4) Any order or other instrument made or issued under the Superannuation (Prison Officers) Act 1919 prescribing an employment for the purposes of that Act shall be deemed for the purposes of this section to be an order under subsection (1) thereof prescribing that employment for the purposes of this section.

This subsection applies to orders and instruments made or issued under the said Act in relation to employment in Broad-moor institutions or criminal lunatic asylums, or made or issued under section 10 of the Superannuation Act 1935, in relation to employment in institutions maintained by the Board of Control under sections 25 and 35 of the Mental Deficiency Act 1913, and the provisions of subsection (1) of this section shall be extended accordingly.

- (5) Any order under this section may be revoked or varied by a subsequent order of the Secretary of State made with the approval of the Treasury.
- (6) This section shall have effect in relation to any person who has served in an employment to which this section applies at any time after 13th July 1949 and, in relation to any such person, shall be deemed always to have had effect:

Provided that, for the purpose of the computation of service required to be made by section 13 of this Act, this section shall have effect and be deemed always to have had effect in relation to every person to whom that section applies, whether or not he has served as a civil servant after 13th July 1949.

27 Persons transferring to prison service from employments outside civil service.

- (1) The Treasury may order that for the purpose of section 26(3) of this Act there shall be treated as employment to which that section applies employment of any kind specified in the order, being employment otherwise than in the civil service—
- (a) which, by virtue of regulations under section 67 of the National Health Service Act 1946 or section 66 of the National Health Service (Scotland) Act 1947, or of rules under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948, or of any other enactment or instrument, may be taken into account in computing any allowance, gratuity or other benefit under this Act, or
 - (b) which may be taken into account for the purposes of any provision whereby any period of such employment as is mentioned in paragraph (a) of this subsection may be treated as if it were a longer period.
- (2) Where by virtue of an order under this section any such employment as is mentioned in subsection (1)(b) of this section is treated as employment to which the said section 26 applies, the said section 26(3) shall have effect subject to such modifications, if any, as may be specified in the order.
- (3) Except as otherwise provided by an order under this section, any such order shall have effect as respects employment of the kind specified in the order in periods before or after the making of the order.
- (4) Any order under this section may be varied or revoked by a subsequent order.

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

28 Computation of pensions, etc., on average salary not affected by ss. 24-26.

Sections 24(1), 25 and 26 of this Act shall not be taken as affecting any provision of this Act under which any allowance or gratuity is computed on the average annual amount of the salary and emoluments of an office during the last three years of actual service or sections 57(3) and 69(3) thereof or paragraph 2(2), 3, 6, 7 or 10 of Schedule 1 thereto.

War service and national service.

29 Counting of certain war service for superannuation purposes.

- (1) Where a person who was a civil servant on 14th July 1949 had, before he became a civil servant, served in whole-time service in the armed forces of the Crown, the merchant navy or the mercantile marine at any time between 4th August 1914 and 31st August 1921, then, if and so far as that service took place after the date on which he was declared successful in a competitive examination for persons desiring to become civil servants or, as the case may be, the date on which he was nominated by the head officer of a government department for appointment to the civil service, it shall be reckoned for the purposes of this Act as if it had been service as a civil servant.
- (2) For the purposes of this section a person who became a civil servant more than three months after the date on which he was declared or nominated as mentioned in the foregoing subsection shall be deemed to have served in whole-time service in the armed forces of the Crown, the merchant navy or the mercantile marine during the whole of the period between that date and the date on which he became a civil servant, unless the contrary appears.

30 War service to count as unestablished service.

- (1) Where a person entered the civil service during the period beginning with 3rd September 1939 and ending with 30th June 1950 after whole-time service during that period in the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the women's services specified in Schedule 4 to this Act, then, for the purposes of sections 15, 20 and 21 of this Act, any such whole-time service as aforesaid served by that person after he had attained the age at which, in the opinion of the Treasury, he might but for war circumstances have been appointed to the civil service in the class in which he was in fact appointed shall, subject to any regulations made under this section, be treated as if it had been continuous service in an unestablished capacity ending immediately before the date on which the said person entered the civil service.
- (2) Where a person entered the civil service after 30th June 1950 through recruitment by a competition determined by the Treasury to be a reconstruction competition and after whole-time service at any time since 2nd September 1939 in any of the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the women's services specified in Schedule 4 to this Act, then, for the purposes of sections 15, 20, 21 and 22 of this Act, any such whole-time service as aforesaid served by that person after he had attained the age at which, in the opinion of the Treasury, he might but for war circumstances have been appointed to the civil service in the class in which he was in fact appointed shall, subject to any regulations made under this section, be treated as if it had been continuous service in an unestablished capacity.
- (3) The Treasury may make regulations—

- (a) for securing that service shall not be reckoned for the purposes of subsection (1) or (2) of this section if it is reckoned for the purposes of the grant of naval, military or air force non-effective pay, including gratuities other than war gratuities to which section 23 of the Finance (No. 2) Act 1945 (which exempted war gratuities from income tax) applied ;
- (b) for excluding from the operation of the said subsection (1) or (2) any period in respect of which the person in question was in receipt of such non-effective pay as aforesaid, or in respect of which he was in receipt of remuneration in excess of the full normal remuneration of his post in consideration of the service in respect of which the excess remuneration was payable not being reckoned for increase of any such non-effective pay;

so however that the regulations shall not prevent any service from counting for the purposes of so much of section 15 of this Act as requires a minimum period of service as a condition for the grant of a gratuity.

31 Modifications of Act to meet war circumstances.

- (1) For the purpose of adapting this Act to the circumstances of persons whose employment in the civil service (in this subsection referred to as " usual employment") was interrupted or terminated by war circumstances, so as to authorise the making of awards which, or the amount of which, would not be authorised under this Act apart from this section, the Treasury may make regulations providing, in the case of persons of any class to which the regulations apply,—
 - (a) for reckoning time during the war period during which such a person was absent from his usual employment in order to engage in other employment recognised by the Treasury as being of national importance as if he had spent the time in his usual employment at the remuneration which he would have been receiving if he had not left that employment;
 - (b) in the case of a person who, having entered on his usual employment after having served on a regular engagement in the armed forces of the Crown, left his usual employment to enter on further service in those forces, and was subsequently reinstated in his usual employment, for reckoning such further service, or any subsequent employment in the civil service before he was reinstated, for the purposes of this Act in such manner as may be specified in the regulations;
 - (c) in the case of a person who, not being a person falling within the last foregoing paragraph, left his usual employment after 2nd September 1939, without the consent of the head officer in the department in which he was employed, to enter on service in the armed forces of the Crown or on other work recognised by the Treasury as being of national importance, and was subsequently reinstated in his usual employment, for reckoning as aforesaid such service or work, or any subsequent employment in the civil service before he was reinstated;
 - (d) in the case of a person who after the said date left his usual employment through having for reasons of conscience refused to enter on service in the armed forces of the Crown or to continue in his usual employment, but later entered on such service or returned to employment in the civil service and was subsequently reinstated in his usual employment, for reckoning as aforesaid such service or employment before he was reinstated ;
 - (e) for applying section 1 of the Superannuation Act 1887 (which provided in the case of death or injury arising from service for awards in accordance with

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

the terms of a Treasury warrant) and any warrant made thereunder to persons who were injured while in territory occupied by an enemy, or whose injury is attributable to circumstances arising while they were in such territory.

- (2) In this section " war period " means the period beginning with 3rd September 1939 and ending with 31st December 1949.

32 Reckoning of certain kinds of national service.

- (1) The Treasury may make rules providing that where a person immediately before he entered upon compulsory national service was a civil servant or serving in an unestablished capacity, the period of his compulsory national service and such further period, if any, after the termination thereof as may be specified in the rules shall be treated for the purposes of this Act as service as a civil servant or in an unestablished capacity, as the case may be.
- (2) The foregoing subsection shall, subject to the following provisions of this section, apply in relation to persons who enter upon service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (hereinafter referred to as " the Act of 1951 ") as it applies in relation to persons who entered upon compulsory national service.
- (3) Where a person who had been successful in a competitive examination for persons desiring to obtain posts in the civil service entered upon compulsory national service before becoming a civil servant, and that examination, or any subsequent examination for persons desiring to obtain similar posts held before 29th April 1965, was one in which persons below the age of eighteen years were allowed to compete, then, where rules made under this section so provide, so much of the period of his compulsory national service as fell after the date on which the Civil Service Commissioners issued their certificate of qualification in relation to him, and such further period, if any, after the termination of his compulsory national service as may be specified in the rules, shall be treated for the purposes of this Act as service as a civil servant.
- (4) Where a person who has been successful in a competitive examination for persons desiring to obtain posts in the civil service or who has been nominated by a government department with the approval of the Treasury for appointment to such a post enters upon service of a description specified in Schedule 1 to the Act of 1951 other than compulsory national service, then, where rules made under this section so provide, so much of the period of such service of his as falls after the date on which the Civil Service Commissioners issue their certificate of qualification in relation to him and such further period, if any, after the termination of that period as may be specified in the rules shall be treated for the purposes of this Act as service as a civil servant.
- (5) Rules made under this section may make provision for securing that, where a person undertakes service of a description specified in Schedule 1 to the Act of 1951 other than compulsory national service—
- (a) the same period of time shall not be reckoned both for the purposes of any superannuation benefits which may become payable to or in respect of him by virtue of the rules and also for the purposes of naval, military or air force service retired pay, service pension or service gratuity; and
 - (b) for the purpose of computing any superannuation benefits which may become payable as aforesaid, that person shall be treated as having received during the period of that service the remuneration which he would have received if

he had remained in the employment in which he was engaged immediately before he undertook that service.

(6) Rules made under this section may be so framed as to apply, and to be deemed always to have applied—

- (a) in relation to any person referred to in subsection (1) of this section who entered upon his compulsory national service after 30th June 1947, and
- (b) in relation to any person referred to in subsection (3) of this section who entered upon his compulsory national service at any time after 31st December 1945;

and rules so made in relation to persons in relation to whom the said subsection (1) applies by virtue of subsection (2) of this section, or in relation to any person referred to in subsection (4) of this section, may be framed so as to have effect as from 15th July 1950.

(7) Rules made under this section may contain such consequential and incidental provisions as appear to the Treasury to be necessary or expedient, including provisions requiring the giving of information and the production of documents, and provisions repealing, revoking, varying or applying any statutory provision relating to the subject-matter of the rules; and any such rules may make different provision for different cases or classes of

In this subsection "statutory provision" means a provision, whether of a general or special nature, contained in or in any document made or issued under any Act, whether of a general or special nature.

(8) In this section " compulsory national service " means service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts 1939 to 1947 or Part I of the National Service Act 1948 or work or training in pursuance of an order of a tribunal under section 5 of the National Service (Armed Forces) Act 1939 or work or training in pursuance of an order made or direction given under the said Part I as respects a conditionally registered conscientious objector.

Reckoning of service in certain employments preceding entry to civil service.

33 Persons taken into civil service after employment with certain bodies, etc.

(1) Where, in connection with the provision of a new government service or the extension of an existing government service, persons have been taken into the civil service after having been employed by a body or organisation—

- (a) which had as its object, or one of its objects, the provision of services similar to the said government service, and
- (b) the income of which was wholly or partly derived from moneys provided by Parliament,

and in the opinion of the Treasury their employment by that body or organisation was of the same nature and for the same purpose as their employment in the civil service, the Treasury may by rules provide for service in employment by that body or organisation being reckoned, in such manner and to such extent as may be specified in the rules, as service in the civil service for the purposes of this Act and modify in other respects the provisions of this Act as they apply in relation to those persons.

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

- (2) Rules under this section may, in relation to persons who had acquired or were in the course of acquiring pension rights in respect of their employment by any such body or organisation, in particular provide for making it a condition of obtaining benefits under this Act—
- (a) that any contributions made by a person in order to obtain any such pension rights, being contributions refunded to him on the termination of the employment, shall be paid to the Exchequer, and
 - (b) that payments are to be made by the body or organisation to the Exchequer in respect of those persons.

In this subsection " pension right " includes all forms of right to or eligibility for present or future payments of a pension, lump sum or gratuity.

- (3) This section shall not apply in relation to employment of any of the kinds specified in section 35(1) or 36(1) of this Act, but, subject to that, this section shall apply whatever the time at which the persons concerned were taken into the civil service.

34 Reckoning of service of former teachers.

- (1) For the purpose of determining whether a civil servant has served for the minimum period prescribed under this Act for the payment of a superannuation allowance or additional allowance, or a gratuity to his personal representatives on his death, any service before he became a civil servant which is—
- (a) recognised or contributory service for the purposes of the Teachers (Superannuation) Acts 1918 to 1956, or
 - (b) service which is recorded as first class service under regulations made under section 101 of the Education (Scotland) Act 1946 (as substituted by section 10 of the Education (Scotland) Act 1956) or section 102 of the Education (Scotland) Act 1962 or any amendment thereof (hereinafter referred to as " the Scottish Regulations "), or
 - (c) service (not falling within the foregoing paragraphs) approved by the Treasury for the purposes of this section, being—
 - (i) service which may be treated for any of the purposes of the Teachers (Superannuation) Acts 1918 to 1956 as recognised or contributory service, or
 - (ii) employment which may be treated as service for the purpose of determining whether a teacher has completed a definite period of service prescribed as a condition of obtaining a retiring allowance or a gratuity under the Scottish Regulations,

shall, subject to subsection (2) of this section, be treated as if it were service as a civil servant.

- (2) Any service which under section 12(2) of the Teachers (Superannuation) Act 1925 or under the Scottish Regulations would, by reason of the repayment of contributions, be excluded in reckoning periods of contributory or recognised service for the purposes of Part II of the said Act of 1925 or in reckoning periods of first class service under the Scottish Regulations, as the case may be, shall be disregarded for the purposes of subsection (1) of this section.

35 Special provision as to certain transfers to the service of the State.

(1) Rules made by the Treasury under this subsection may make provision with respect to the pensions payable to and in respect of the following persons, namely—

- (a) persons who, having been employed in one or more of the following employments, that is to say—
 - (i) as officers or servants of a local authority in service all or any part of which was not pensionable employment; or
 - (ii) in any other employment service in which was not then pensionable but was service in respect of which those persons would, if they had continued in that employment, have become entitled to participate in the benefits of a superannuation fund maintained under Part I of the Local Government Superannuation Act 1937, or Part I of the Local Government Superannuation (Scotland) Act 1937, or under a local Act scheme,

left any such employment before such date, being a date before 28th May 1948, as may be specified in the rules, in order to become civil servants in the department of the Assistance Board ; and

- (b) persons who, having been employed by the Safety in Mines Research Board, or by a War Agricultural Executive Committee within the meaning of the Agriculture (Miscellaneous War Provisions) Act 1940, became, before such date as may be specified in the rules, civil servants or persons employed in an unestablished capacity; and
- (c) persons who, having been employed in the body which, at the time when it ceased to exist, was known as " K " Signals Company of the Royal Corps of Signals, became, before such date, being a date before 28th May 1948, as may be specified in the rules, civil servants employed in the Post Office ; and
- (d) persons who, having been employed by the body known as the Meteorological Committee, became at any time before 28th May 1948 civil servants in the Meteorological Office of the Secretary of State, not being civil servants subject to a superannuation scheme to which section 89 of this Act applies ;

and any such rules may provide for service in any such employment as aforesaid being reckoned, in such manner and to such extent as may be specified in the rules, as service to the State for the purposes of this Act.

(2) Rules made under the foregoing subsection may, in relation to persons of the class specified in paragraph (a) of that subsection who—

- (a) at any time before the coming into force of the rules, whether before or after they became civil servants, and whether by reason of their becoming civil servants or for any other reason, received any payment by way of a return of contributions under any enactment, including any scheme made thereunder or in pursuance thereof, relating to the superannuation of officers and servants of local authorities, being contributions in respect of a period of service as an officer or servant of a local authority which was pensionable employment, and
- (b) in the case of such payments received before their appointment to be civil servants, did not, before their said appointment, refund the contributions so returned to them,

include provisions requiring those persons to pay into the Exchequer amounts equal to the whole or any part of the contributions so returned to them as a condition of their service as officers or servants of a local authority as aforesaid being reckoned, to the extent specified in the rules, as service to the State for the purposes of this Act.

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

- (3) Rules made by the Treasury under this subsection may make provision to secure that benefits corresponding as nearly as may be to the benefits conferred under subsection (1) of this section on or in respect of the persons specified in paragraph (d) of that subsection are conferred on or in respect of persons who, having been employed by the aforesaid Meteorological Committee, were at any time before 28th May 1948 employed in the civil service in the aforesaid Meteorological Office and became, and thereafter remained, subject to a superannuation scheme to which section 89 of this Act applies.
- (4) Section 32(7) shall apply in relation to rules made under any provision of this section as it applies in relation to rules made under that section.
- (5) In this section—
- " local Act scheme " and " local authority " have, in relation to England and Wales, the same meanings as in the Local Government Superannuation Act 1937, and, in relation to Scotland, the same meanings as in the Local Government Superannuation (Scotland) Act 1937;
- " pension ", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump sum or a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto ;
- " pension fund " means a fund established for the purpose of paying pensions;
- " pension rights " includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person;
- " pensionable employment " means employment which is relevant in relation to the pension rights of the person employed, and includes all such employment, whether or not for a period sufficient to render him entitled to, or eligible for, the payment of a pension to or in respect of him.

36 Rules as to former employees of Approved Societies, etc., who became civil servants.

- (1) Rules made by the Minister of Pensions and National Insurance, with the consent of the Treasury, may make provision with respect to the pensions payable to and in respect of persons who, having been employed full-time—
- (a) by an Approved Society, or
 - (b) by some other body (including a body of which the Society was a branch or section) administering the affairs of an Approved Society, or
 - (c) by a body administering a special scheme under section 73 of the Unemployment Insurance Act 1935,
- became civil servants before such date as may be specified in the rules.
- (2) Any such rules may include provisions—
- (a) authorising or requiring persons who have received payments in respect of their pension rights to pay all or any of the amounts received into the Exchequer; or
 - (b) continuing, amending, repealing or revoking any pension scheme under which the persons to whom the rules apply have pension rights and any statutory provisions relating thereto and any trust deed, rules or other instrument made

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- for the purposes thereof, and providing for the transfer in whole or in part of any pension funds or assets held for the purposes of, or any liabilities under, any such scheme, or for the winding up of any such scheme, or the extinguishment of any such liabilities ; or
- (c) dealing in such manner as may appear appropriate with cases in which, in connection with any provision made by the National Insurance Act 1946 or by the Superannuation (Miscellaneous Provisions) Act 1948, or in anticipation of the making of any such provision, pension rights were created otherwise than in the ordinary course.
- (3) Where the persons having pension rights under any pension scheme or interested in any pension fund include both such persons as are mentioned in subsection (1) of this section and other persons in respect of whom the following conditions are fulfilled, that is to say—
- (a) that they had been employed full time by any such society or body as is mentioned in subsection (1) of this section, and
- (b) that they lost that employment, and
- (c) that the loss of employment was directly attributable to the passing of the National Insurance Act 1946, or the making of any regulations thereunder,
- rules made under this section may apply in relation to pensions payable to and in respect of those other persons as if they were persons such as are mentioned in the said subsection (1), and may provide for payment out of moneys provided by Parliament in respect of the pension rights of those other persons, so, however, that nothing in this subsection shall be construed as requiring identical provision to be made in relation to persons who fall, and persons who do not fall, within the said subsection (1).
- (4) The provisions of this section shall have effect in relation to any persons notwithstanding that provision could have been, or could be, made in relation to those persons under any provision of the Superannuation (Miscellaneous Provisions) Act 1948, other than section 3 thereof, or could be made in relation to them under section 32 or 35 of this Act, and nothing in any provision of the said Act of 1948 or of the said section 32 or 35 shall be construed as limiting the powers exercisable under this section.
- (5) Section 32(7) of this Act shall apply in relation to rules made under this section as it applies in relation to rules made under that section, but with the substitution for the reference to the Treasury of a reference to the Minister of Pensions and National Insurance.
- (6) In this section—
- " pension ", " pension fund " and " pension rights " have the same meanings respectively as in the last foregoing section;
- " pension scheme " includes any form of arrangements for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise ;
- " statutory provision " means a provision, whether of a general or special nature, contained in or in any document made or issued under any Act, whether of a general or special nature.

37 Temporary service with Imperial War Graves Commission before October 1934.

- (1) Where at some time before 30th September 1934 a person entered the civil service, after having served in a temporary capacity with the Imperial War Graves

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

Commission, his service in a temporary capacity with that Commission before that time, but not before 1st January 1919, may, subject to the provisions of this section, be reckoned for the purposes of this Act as employment in an unestablished capacity.

- (2) Where the said Commission paid a gratuity to a person to whom the foregoing subsection applies in respect of his service with the Commission, it shall be a condition of the making of any payment under this Act in respect of that person's service, so far as the amount of that payment is dependent on the provisions of that subsection, that there has been paid to the Exchequer a sum equal to the amount of the said gratuity.
- (3) The Treasury may, if they think fit, deduct any amount payable to them under the last foregoing subsection from any allowance or gratuity payable in respect of the person in question under section 3 or 4 of this Act, or any other lump sum payment so payable under this Act, and, where they do so, the person entitled to the lump sum payment shall not be entitled to require any other person to make any contribution towards the deduction borne by him.

*Service in civil service preceded or followed by
service in other public office or approved employment.*

38 Employment in more than one public office.

- (1) The Treasury may make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed in more than one public office.
- (2) Rules under this section may in particular in relation to such persons—
 - (a) modify this Act and any other enactments forming part of the law of the United Kingdom or any part thereof or of the Isle of Man which are for the time being in force and under which pensions are payable in respect of employment in a public office,
 - (b) apply the provisions of this Act, with or without modifications, in substitution for any other enactments forming part of the law of the United Kingdom or any part thereof or of the Isle of Man, notwithstanding that this Act is not otherwise applicable in relation to any of those public offices,
 - (c) make provisions as to the manner in which any pensions are to be defrayed, and in particular make provision for the payment of a transfer value by one pension authority to another, including the payment of a transfer value out of the Exchequer,
 - (d) define the kinds of public offices which are to be treated for the purposes of the rules as different public offices,

and rules under this section may include such supplemental and incidental provisions as appear to the Treasury to be expedient.
- (3) Rules under this section may provide either for separate pensions under the respective enactments relating to the different employments or for a single pension under the enactments relating to the later or latest employment (or by virtue of subsection (2)(b) of this section under this Act) or employ partly the one method and partly the other:

Provided that if the rules provide for separate pensions in relation to different public offices the rules shall not modify this Act or any other enactments so as to include as reckonable service in computing one of the separate pensions service in a public office in respect of which another of those separate pensions is payable.

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

- (4) Rules under this section may be so framed as to apply to persons ceasing to be employed in one public office and becoming employed in another notwithstanding that the cessation of the first employment or the commencement of the second employment was before the date of the making of the rules:

Provided that no rules shall be framed so as to apply when the cessation of the first employment took place before the making of the rules unless the rules are only to apply with the consent of the person ceasing to be employed, or that person is by the rules given an opportunity to elect that they shall not apply to him.

- (5) If the application of the rules in force under this section would put a particular individual in a position less advantageous than that in which he would have been if the rules did not apply in relation to him, they shall not be so applied.
- (6) In this section " pension ", in relation to any person, means a pension of any kind whatsoever payable to or in respect of him, and includes a lump sum or gratuity so payable.

39 Meaning of " public office " and supplementary provisions.

- (1) In the last foregoing section references to employment in a public office shall be construed as references to employment of the following kinds, and " public office " shall be construed accordingly,—
1. Employment in the civil service (whether or not in an established capacity).
 2. Employment in any other capacity remunerated out of moneys provided by Parliament or the Consolidated Fund or the Post Office Fund or the revenue of the Isle of Man, but not including employment in the armed forces of the Crown.
 3. Subject to subsection (5) of this section, employment in the civil service of the Government of Northern Ireland (whether or not in an established capacity).
 4. Subject to subsection (5) of this section, employment in any other capacity remunerated out of moneys provided by the Parliament of Northern Ireland or the Consolidated Fund of Northern Ireland.
 5. Employment in the civil service of the government of any colony, or of any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or of any territory consisting partly of one or more colonies and partly of one or more such countries or places.
 6. Employment as an officer to whom the Overseas Service Act 1958 applies (if not employment within any of the other paragraphs in this subsection).
 7. Employment which is remunerated out of any of the following funds, or out of the revenues of any of the following bodies—
 - The Agricultural Research Council.
 - The Church Commissioners. The Crown Agents for Oversea Governments and Administrations.
 - The Development Fund. The Forestry Fund.
 - The funds of the Branches of the Royal Mint at Melbourne and Perth.
 - The General Lighthouse Fund.
 - The Greenwich Hospital Fund.
 - The land revenues managed by the Crown Estate Commissioners.
 - The Metropolitan Police Fund.
 - The Nature Conservancy.

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

The Overseas Audit Department.

- (2) The Treasury may by order—
 - (a) designate any employment as employment in a public office for the purposes of this section, and
 - (b) add to, amend or repeal any of the provisions of subsection (1) of this section, and an order under this subsection—
 - (i) may include transitional and other supplemental provisions, and
 - (ii) may vary or revoke a previous order made under this subsection.
- (3) The last foregoing section and this section shall have effect subject to the transitional provisions in paragraphs 10 and 11 of Schedule 10 to this Act.
- (4) For the purposes of section 6 of the Government of Ireland Act 1920 (conflict of laws) the last foregoing section and this section shall be deemed to be contained in an Act passed before the day appointed for the purposes of the said section 6.
- (5) Rules in force under the last foregoing section shall not apply in relation to any person if the only public offices in which he has been employed have been employments in a capacity remunerated out of moneys provided by the Parliament of Northern Ireland or the Consolidated Fund of Northern Ireland.
- (6) Nothing in this or the last foregoing section shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of those sections until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

40 Power to grant allowances to civil servants transferred to approved employment.

- (1) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department, retires from that employment under conditions which would have entitled him to any superannuation allowance, additional allowance or gratuity had he continued to be employed as a civil servant, and to be so employed in service in the United Kingdom, then, if the head officer of the department in which he was serving at the date of the transfer makes a recommendation to that effect, the Treasury may grant to him such superannuation allowance, additional allowance or gratuity as might have been granted to him if, at the date of the transfer, he had retired from the civil service on the ground of ill-health.

In this section " approved employment " means employment, whether within or without Her Majesty's dominions (not being employment in a public office within the meaning of section 38 of this Act service in which qualifies for the grant of a superannuation allowance), which is recognised by the head officer of the department in which the civil servant was serving at the date of the transfer, and by the Treasury, as being employment to which it is expedient that the provisions of this subsection should apply.

- (2) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department, retires from that employment on the ground of age before attaining the age of sixty years and is, on such retirement, qualified for, or entitled to, the benefits of any system of superannuation applicable to the approved employment, the Treasury may either—

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

- (a) grant to him on his attaining the age of sixty years, such superannuation allowance, additional allowance or gratuity as might be granted to him under subsection (1) of this section, or
 - (b) grant to him, within six months after the date of his retirement from the approved employment (if requested by him to do so) such superannuation allowance, additional allowance or gratuity as the Treasury consider to be actuarially equivalent, at the said date, to the superannuation allowance, additional allowance or gratuity, as the case may be, which might be granted to him under the said subsection (1).
- (3) The foregoing provisions of this section shall apply to a person who, after being transferred from the civil service to approved employment, is with the consent of the Treasury transferred to one or more subsequent employments recognised by the Treasury as being employments to which it is expedient that the provisions of subsection (1) of this section should apply, subject to the following adaptations, that is to say—
- (a) references to retirement from the approved employment, and to a system of superannuation applicable to the approved employment, shall be construed respectively as references to retirement from the latest employment recognised as aforesaid and to a system of superannuation applicable to that employment, and
 - (b) any reference in subsection (1) of this section to the transfer shall be construed as a reference to the transfer from employment as a civil servant.

41 Power to grant death gratuity in respect of civil servants transferred to approved employment.

- (1) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department dies while in that employment, 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 day before the day of the transfer, after deducting therefrom the total amount of any sums paid or payable, under any system of superannuation applicable to the approved employment, in respect of his death.
- (2) Where any person who, after having served as a civil servant for not less than five years, was transferred to approved employment with the consent of the head officer of his department, dies after retiring from that employment in circumstances which qualified him for the grant of a superannuation allowance and an additional allowance under the last foregoing section, then if—
- (a) no provision is made, under any system of superannuation applicable to the approved employment, for the grant of pensions to widows or dependants of persons who die after retiring from that employment, and
 - (b) the sums paid or payable to him at the time of his death on account of the said superannuation allowance and additional allowance, together with any sums paid or payable to him, his personal representatives and his widow or dependants under such a system of superannuation, are less than the annual amount of salary and emoluments upon which the said superannuation allowance and additional allowance have been computed,
- the Treasury may grant to his personal representatives a gratuity equal to the difference.

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

- (3) The foregoing provisions of this section shall apply to any person who, after being transferred from the civil service to approved employment, is with the consent of the Treasury transferred to one or more subsequent employments recognised by the Treasury as being employments to which it is expedient that section 40(1) of this Act should apply, subject to the following adaptations, that is to say,—
- (a) references to dying while in the approved employment, and to a system of superannuation applicable to the approved employment, shall be construed respectively as references to dying while in the latest employment recognised as aforesaid and to a system of superannuation applicable to that employment, and
 - (b) the reference in subsection (1) of this section to the transfer shall be construed as a reference to the transfer from employment as a civil servant.
- (4) The foregoing provisions of this section shall not apply in relation to any person who was transferred to approved employment before 27th June 1935.
- (5) In this section " approved employment " has the same meaning as in the last foregoing section.

42 Application of certain provisions of Act to persons employed in public office, etc. or approved employment.

- (1) The provisions of this Act specified in subsection (3) of this section shall, in relation to persons who, whether before or after they are civil servants, serve in a public office (not in the civil service) within the meaning of section 38 of this Act, or as members of a police force within the meaning of the Police Pensions Act 1948, or in service by virtue of which they are deemed for the purposes of that Act to be members of such a force, or who, having been civil servants, become Governors within the meaning of the Governors' Pensions Act 1957, have effect subject to such adaptations and modifications as may be prescribed by rules made by the Treasury; and where rules are made under this subsection, they may contain provisions modifying, in relation to the persons affected by the rules, any other enactment relating to the pensions and other benefits payable to or in respect of them.
- (2) The provisions of this Act specified in subsection (3) of this section shall, in relation to persons who, having ceased to be civil servants, are employed in approved employment within the meaning of section 40 of this Act, have effect subject to such adaptations and modifications as may be prescribed by rules made by the Treasury, and rules made under this subsection may contain such provisions for modifying sections 40 and 41 of this Act as appear to the Treasury to be equitable having regard to the provisions of this Act specified in the said subsection (3), as modified by rules made under this subsection.
- (3) The provisions of this Act referred to in subsections (1) and (2) of this section are sections 5, 6, 7, 10, 13 (except subsection (4)), 15(1) to (5), 16, 17, 18, 20(1), 21(2), 22, 23, 25, 26, 29, 43, 44 and 45(1), Parts III and IV, sections 83 to 88, 91, 94, 98(2) and (3) and 99 and paragraph 3 of Schedule 3.

Allocation of part of superannuation benefits to dependants and spouses.

43 Allocation of part of superannuation benefits to dependants.

- (1) The Treasury may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules, a retiring officer, that is to say, a person of such a class as may be so specified to whom any superannuation allowance or any annual compensation or retiring allowance is granted under this Act, otherwise than on retirement (from the civil service or other employment) on the ground of ill-health, shall be allowed to surrender, as from the beginning of the period in respect of which the allowance is paid, in return for the benefits of the rules such part, not exceeding one-third, of any superannuation allowance or any annual compensation or retiring allowance which the Treasury may grant to him under this Act, as may be specified in the rules, and for enabling the Treasury to grant either to the wife or husband, as the case may be, or to a dependant, of the retiring officer a pension of such value as, according to tables to be prepaid from time to time by the Government Actuary, is actuarially equivalent, at the said date, to the value of that part of the allowance which is

Rules under this section may define classes of persons for the purposes of the section by reference to the age which they have attained at a specified date.

- (2) Any such pension as aforesaid for the benefit of a dependant (not being the spouse) of a retiring officer shall be payable in respect of the period, if any, for which the dependant survives the retiring officer, and any such pension as aforesaid for the benefit of the spouse of a retiring officer shall, according as the retiring officer may, in conformity with the rules under this section, elect, be payable either—
- (a) in respect of the period, if any, for which the spouse survives the retiring officer, or
 - (b) in respect both of the period of their joint lives after the beginning of the period in respect of which the allowance granted to the retiring officer is paid and of the period, if any, for which the spouse survives the retiring officer;
- and the rules may provide that a pension payable thereunder in respect of the periods mentioned in paragraph (b) of this subsection shall be paid at one rate in respect of the first of those periods and at a higher rate in respect of the second.
- (3) For the purposes of the references in subsections (1) and (2) of this section to the beginning of the period in respect of which an allowance is paid, any suspension of a pension under section 12 of this Act shall be disregarded.
- (4) If any person has, in accordance with rules under this section, surrendered part of a superannuation allowance, then, for the purpose of calculating the amount of any gratuity which may be granted to his personal representatives under section 4(2) of this Act, the sums paid or payable to him at the time of his death on account of such superannuation allowance shall be deemed to be the sums which would have been so paid or payable but for the surrender; and if any person has, in accordance with rules under this section, surrendered part of a superannuation or compensation allowance, then, for the purpose of determining whether any, and if so, what, amount may be paid to him under section 12 of this Act by way of such allowance in respect of any period during which, after retiring, he is employed in a public department, the profits of the office from which he retired shall be treated as reduced by the amount surrendered by him as aforesaid.

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

44 Power of certain retired civil servants to allocate part of their superannuation benefits to their spouses.

- (1) The Treasury may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules, a retired civil servant under seventy years of age who has married since his retirement shall be allowed to surrender, as from the date of his marriage, in return for the benefits of the rules, such part of any superannuation allowance or any annual compensation or retiring allowance granted or to be granted to him as may be specified in the rules and for enabling the Treasury to grant to his spouse a pension of such value as, according to tables prepared from time to time by the Government Actuary, is actuarially equivalent, at the said date, to the value of that part of the superannuation, compensation or retiring allowance which is surrendered:

Provided that the part of any allowance surrendered by a person under this section, together with any part thereof surrendered under the last foregoing section, shall not exceed one-third of the allowance.

- (2) This section shall not apply where the retirement of the civil servant was on the ground of ill-health.
- (3) Subsections (2) and (4) of the last foregoing section, so far as they apply to surrenders made for the benefit of spouses and pensions granted to spouses, shall apply also to surrenders under this section and pensions granted by virtue thereof, but as if any references to the beginning of the period in respect of which an allowance granted to a retiring officer is paid and to the date of retirement were references to the date of the marriage.