



# Superannuation Act 1965

## 1965 CHAPTER 74

### PART V

#### MISCELLANEOUS AND GENERAL

##### *General*

93, 94. ....<sup>F1</sup>

##### Annotations:

##### Amendments (Textual)

**F1** Ss. 40, 41, 42(2)(3), 43-94, 95(3), 96, 97(3), 99-103, 104(2), 105, Schs. 1-7, Sch. 9, Sch. 10 paras. 1-9, 12-19, Sch. 11 repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

**95 Provisions as to rules, regulations, etc.**

(1) Any power conferred by this Act to make rules, [<sup>F2</sup>or orders] shall be exercisable by statutory instrument.

(2) Any statutory instrument containing rules or [<sup>F2</sup>an order made under this Act], shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) .....<sup>F3</sup>

##### Annotations:

##### Amendments (Textual)

**F2** Words substituted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 58**

**F3** Ss. 40, 41, 42(2)(3), 43-94, 95(3), 96, 97(3), 99-103, 104(2), 105, Schs. 1-7, Sch. 9, Sch. 10 paras. 1-9, 12-19, Sch. 11 repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

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*Changes to legislation: There are currently no known outstanding effects for the Superannuation Act 1965, Cross Heading: General. (See end of Document for details)*

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96 ..... F4

**Annotations:**

**Amendments (Textual)**

**F4** Ss. 40, 41, 42(2)(3), 43-94, 95(3), 96, 97(3), 99-103, 104(2), 105, Schs. 1-7, Sch. 9, Sch. 10 paras. 1-9, 12-19, Sch. 11 repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

**97 Financial provisions.**

- (1) There shall be paid out of the Consolidated Fund—
  - (a) any payments to be so made under provisions of this Act relating to public offices [<sup>F5</sup>including section 39A of this Act]; and
  - (b) any increase attributable to this Act in the sums to be so issued under any other Act.
- (2) There shall be paid out of moneys provided by Parliament—
  - (a) any pension, allowance, gratuity or return of contributions, with or without interest, which is payable under or by virtue of any of the provisions of this Act and does not fall to be paid from some other fund,
  - (b) ... <sup>F6</sup>
  - (c) any administrative expenses incurred by any government department under this Act.
- (3) ..... <sup>F7</sup>

**Annotations:**

**Amendments (Textual)**

**F5** Words inserted by [Administration of Justice Act 1969 \(c. 58\)](#), **Sch. 1**

**F6** [S. 97\(2\)\(b\)](#) repealed by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 8**

**F7** Ss. 40, 41, 42(2)(3), 43-94, 95(3), 96, 97(3), 99-103, 104(2), 105, Schs. 1-7, Sch. 9, Sch. 10 paras. 1-9, 12-19, Sch. 11 repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), **Sch. 8**

**98 Meaning of “civil service” and “civil servant” and supplementary provisions.**

- (1) In this Act “civil service” means the civil service of the State.
- (2) In this Act “civil servant” means a person serving in an established capacity in the permanent civil service, and references in this Act to persons ceasing to be civil servants, to persons retiring from being civil servants and to retired civil servants shall be construed accordingly.
 

Except where the context otherwise requires, any reference in this Act to a person ceasing to be a civil servant includes a reference to the death of a person who dies while he is a civil servant.
- (3) For the purposes of this Act no person shall be deemed to have served in the permanent civil service unless he holds his appointment directly from the Crown or has been admitted into the civil service with a certificate from the Civil Service Commissioners.

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- (4) For the purposes of pensions and other superannuation benefits—
- (a) service in an established capacity—
    - (i) in employment of any of the kinds listed in Schedule 8 to this Act, or
    - (ii) in the office of Falkland Macer,shall, where the person in question has been admitted into that employment, or as the case may be has been appointed to the said office, with a certificate from the Civil Service Commissioners, be treated as service in the permanent civil service within the meaning of subsection (3) of this section, and
  - (b) service in the employment of any of the said kinds, or in the said office, in any other case shall be treated as service in the civil service, not falling within the said subsection (3).
- (5) [<sup>F8</sup>The Minister for the Civil Service] may by order add any employment to those listed in the said Schedule, being employment by a body or in an institution specified in the order.
- (6) The references in section 12 of this Act to a public department, the references in section 33 of this Act to a government service, and the references in section 93 of this Act to a government department, shall include references to any of the bodies or institutions listed in the said Schedule or, as the case may be, to the service provided by any of those bodies or institutions.
- (7) Section 46(1)(b) of this Act shall, notwithstanding subsection (3)(d) of that section, include employment of any of the kinds listed in the said Schedule.
- (8) References in this section to employment of the kinds listed in the said Schedule are references, in the case of any institution specified in that Schedule, to employment by the trustees or other authority responsible for the institution, and, in other cases, references to employment by the body specified in the Schedule.
- (9) Subsections (4) to (8) of this section shall be deemed always to have had effect, and any order of [<sup>F8</sup>the Minister for the Civil Service] under this section may be expressed to have effect retrospectively.

**Annotations:**

**Amendments (Textual)**

**F8** Words substituted by virtue of S.I. 1968/1656, arts. 2(1)(6), 3(2)

**Modifications etc. (not altering text)**

**C1** S. 98 has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: S.I. 1981/1670, arts. 2(1)(c), 3(5)

99— ..... <sup>F9</sup>  
103.

**Annotations:**

**Amendments (Textual)**

**F9** Ss. 40, 41, 42(2)(3), 43-94, 95(3), 96, 97(3), 99-103, 104(2), 105, Schs. 1-7, Sch. 9, Sch. 10 paras. 1-9, 12-19, Sch. 11 repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

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**104 Savings, transitional provisions and repeals.**

(1) The savings and transitional provisions contained in Schedule 10 to this Act shall have effect.

(2) ..... **F10**

**Annotations:**

**Amendments (Textual)**

**F10** Ss. 40, 41, 42(2)(3), 43-94, 95(3), 96, 97(3), 99-103, 104(2), 105, Schs. 1-7, Sch. 9, Sch. 10 paras. 1-9, 12-19, Sch. 11 repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

**105** ..... **F11**

**Annotations:**

**Amendments (Textual)**

**F11** Ss. 40, 41, 42(2)(3), 43-94, 95(3), 96, 97(3), 99-103, 104(2), 105, Schs. 1-7, Sch. 9, Sch. 10 paras. 1-9, 12-19, Sch. 11 repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

**106 Short title and commencement.**

This Act may be cited as the Superannuation Act 1965 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

**Changes to legislation:**

There are currently no known outstanding effects for the Superannuation Act 1965, Cross  
Heading: General.