



# Superannuation Act 1965

## 1965 CHAPTER 74

### PART V

#### MISCELLANEOUS AND GENERAL

##### *General.*

#### **93 Distribution of money without representation.**

- (1) Where on the death of any person any sum not exceeding £500 is due from a government department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then, if the government department prescribed by order of the Treasury for the purpose of this section so direct, but subject to regulations (if any) made by the Treasury, proof of the title of the personal representatives of that person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the department to be beneficially entitled to the personal or moveable estate of that person, or to or among any one or more of those persons or, in case of the illegitimacy of that person or his children, to or among such persons as the department think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.
- (2) Subsection (1) of this section shall apply to any sum not exceeding £500 payable to the personal representatives of a deceased person under this Act as it applies to such a sum due from a government department to a person who has died, and accordingly the sum may either be paid to the personal representatives (without proof of title) or be paid or distributed among the persons appearing to the Treasury to be beneficially entitled to the estate of the deceased, or among such other persons as are described in that subsection.
- (3) Nothing in this section shall affect section 8(1) of the Finance Act 1894 (application to estate duty of probate duty law and practice as regards payment of sums under £100 without requiring representation).

---

*Status: This is the original version (as it was originally enacted).*

---

**94 Power to ignore breaks in dependence.**

The Treasury may treat a person for all or any of the purposes of this Act, except section 43 thereof, as wholly or mainly dependent on another person notwithstanding that for the time being he is not in fact so dependent on him, if they are satisfied that it is reasonable to expect that the first-mentioned person will again become dependent on the second-mentioned person and are further satisfied that the break in dependence ought in all the circumstances to be regarded as a temporary one.

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

- (1) Any power conferred by this Act to make rules, regulations or orders or to issue any warrant shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing rules or regulations or an order or warrant made or issued under this Act, other than rules made under section 43 thereof, an order made under section 48 or section 93 thereof or regulations made under the said section 93, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing rules made under the said section 43 shall be laid before Parliament after being made.

**96 Power of Treasury to delegate power to grant allowances, etc.**

The Treasury may, to such extent and subject to such conditions as they think fit, delegate to any Minister or officer of the Crown—

- (a) any power conferred on them by this Act to grant any allowance or gratuity, and
  - (b) any functions exercisable by them under any provision of this Act relating to pensions or contributions under Parts III and IV thereof,
- and references in this Act to the Treasury shall be construed accordingly.

**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; 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) any expenses incurred under section 89 of this Act, and
  - (c) any administrative expenses incurred by any government department under this Act.
- (3) Contributions under Parts III and IV of this Act, except so far as they take the form of a reduction of an allowance or gratuity or fall to be paid into some other fund, shall be paid into the Exchequer, and there shall be paid into the Exchequer any other sums falling to be so paid in consequence of the provisions of this Act.

**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.
- (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) The Treasury 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 the Treasury under this section may be expressed to have effect retrospectively.

**99 Further provisions as to interpretation.**

- (1) In this Act, except so far as is otherwise expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

---

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

---

" additional allowance " means an allowance granted under section 3 of this Act;

" brother " includes, in relation to a person, every male child of his father or his mother ;

" child ", in relation to a person, includes an illegitimate child, a stepchild and an adopted child;

" compensation allowance " means an allowance under section 8 of this Act;

" father " includes, in relation to a person, his stepfather and a male person by whom he has been adopted;

" gratuity " means a gratuity granted under any provision of this Act;

" medical certificate ", in relation to the retirement of any person, means a medical certificate to the satisfaction of the Treasury that that person is incapable from infirmity of mind or body to discharge the duties of his situation and that that infirmity is likely to be permanent;

" mother " includes, in relation to a person, his stepmother and a female person by whom he has been adopted;

" presumptively eligible for a life pension ", in relation to a person, means nominated under Part IV of this Act after his period of childhood and full-time education or under a nomination which states that he is permanently incapacitated;

" reckonable service " means service as computed in accordance with the enactments relating to the computation of service for the purpose of determining the amount of a superannuation allowance or additional allowance ;

" retiring age " means, in relation to a civil servant, the age which a civil servant in accordance with the provisions of this Act must, apart from sections 7 and 10 of this Act, attain in order that a superannuation allowance may be granted to him on retirement without a medical certificate ;

" retiring allowance " means an allowance under section 9 of this Act;

" sister " includes, in relation to a person, every female child of his father or his mother;

" superannuation allowance " means an allowance under section 1 of this Act

" unestablished capacity " means employment in the civil service otherwise than in the capacity of a civil servant, being employment to which a person serving therein is required to devote his whole time and the remuneration for which is paid entirely out of moneys provided by Parliament or the Post Office Fund.

- (2) Any reference in this Act to an adopted child of a person shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person) in pursuance of an adoption order made under the Adoption of Children Act 1926, the Adoption Act 1950, the Adoption Act 1958, or the Adoption of Children (Scotland) Act 1930, or any corresponding enactment of the Parliament of Northern Ireland, or adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of the adoption, and references to a person by whom another person has been adopted shall be construed accordingly.
- (3) In this Act " incapacitated " means, in relation to a person, incapable by reason of old age or some specific bodily or mental disability of earning his own living, and a person

who is in any event too young to earn his own living shall be treated as incapacitated for the purposes of this Act if it appears that, by reason of any specific bodily or mental disability, he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so.

- (4) Any reference in this Act to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment.

**100 Act not to apply to naval, etc., service pensions.**

Nothing in this Act with respect to superannuation, compensation or other allowances shall extend or be construed to extend to any naval, military or air force service retired pay, service pension or service gratuity.

**101 Act not to apply to existing Irish officers.**

- (1) This Act shall not apply to any existing Irish officers.
- (2) In this section " existing Irish officers " has the same meaning as in the Government of Ireland Act 1920.

**102 Application of Superannuation Acts by Superannuation Act (Northern Ireland) 1921.**

It is hereby declared that nothing in the Superannuation Acts 1834 to 1965 passed since the Superannuation Act (Northern Ireland) 1921, and nothing in the repeals in this Act or in any other provision of this Act (except the power in section 38 to amend enactments forming part of the law of any part of the United Kingdom) affects the Superannuation Acts 1834 to 1914 as applied by the said Superannuation Act (Northern Ireland) 1921.

**103 Consequential amendment of Acts.**

The enactments specified in Schedule 9 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

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

- (1) The savings and transitional provisions contained in Schedule 10 to this Act shall have effect.
- (2) The enactments specified in Schedule 11 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

**105 Saving for s, 38 of Interpretation Act 1889.**

The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

---

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

---

**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.