



# Superannuation Act 1965

## 1965 CHAPTER 74

### PART I

#### SUPERANNUATION BENEFITS

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

#### **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 <sup>M1</sup>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.

*Changes to legislation: There are currently no known outstanding effects for the Superannuation Act 1965, Section 39. (See end of Document for details)*

The Church Commissioners.  
<sup>F1</sup>The Countryside Council for Wales.]  
 .....<sup>F2</sup>  
 The Development Fund.  
<sup>F3</sup> ...  
<sup>F4</sup>[ The Forestry Commissioners. ]  
 ...  
 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.  
<sup>F5</sup> . . .<sup>F6</sup>[The Nature Conservancy Council for Scotland]  
 The Overseas Audit Department<sup>F7</sup>[Scottish Natural Heritage.]

- (2) [<sup>F8</sup>The Minister for the Civil Service] 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) .....<sup>F9</sup>
- (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.

#### Textual Amendments

- F1** Words inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 128, **Sch. 6 para. 22(a)**
- F2** Entry repealed by [Crown Agents Act 1979 \(c. 43\)](#), ss. 1(1), 32(3), **Sch. 7**
- F3** S. 39(1): entry repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 37**, **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)
- F4** Words in s. 39(1) inserted (16.3.2000) by S.I. 2000/746, art. 2, **Sch. para. 4**
- F5** Words in s. 39(1) repealed (30.1.2001) by 2000 c. 37, ss. 73(4), 102, 103(2), **Sch. 8 para. 2(b)**, **Sch. 16 Pt. III**
- F6** Entry in s. 39(1) para. 7 repealed (E.W.S.) (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), s. 27(1)(2), **Sch. 10 para. 2**, **Sch. 11**; S.I. 1991/2633, **art. 4**.
- F7** Entry in s. 39(1) para. 7 inserted (E.W.S.) (27.11.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), s. 27(1), **Sch. 10 para. 2**; S.I. 1991/2633, art. 3, **Sch.**

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**Changes to legislation:** There are currently no known outstanding effects for the Superannuation Act 1965, Section 39. (See end of Document for details)

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- F8** Words substituted by virtue of S.I. 1968/1656, **arts. 2(1)(6)**, 3(2)  
**F9** S. 39(4) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

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

- C1** S. 39(2) 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)  
**C2** References to moneys provided by Parliament of Northern Ireland to be construed now as references to moneys appropriated by Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 5 para. 2(1)**

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**Marginal Citations**

- M1** 1958 c. 14.

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