

SCHEDULES

SCHEDULE 1

THE FORESTRY COMMISSION AND ITS STAFF.

PART II

SUPERANNUATION OF FORESTRY COMMISSIONERS AND COMMISSION STAFF

- 9 (1) This paragraph applies to Forestry Commissioners and to such officers employed by the Commissioners as may be from time to time determined by the Ministers with the approval of the Treasury.
- (2) Subject to the following provisions, there may be granted to or in respect of persons to whom this paragraph applies the same superannuation benefits as can be granted in respect of persons in the civil service under the civil service superannuation code and in particular, but without prejudice to the foregoing.—
- (a) the benefits which may be so granted include contributory pensions for widows, widowers, children and dependants corresponding to those payable under Parts III and IV of the Superannuation Act 1965 ; and
- (b) the relevant provisions of that Act, and also section 384 of the Income Tax Act 1952 (contributions not to qualify for tax relief) shall have effect accordingly with respect to persons to whom this paragraph applies as they have effect with respect to persons in the civil service.
- (3) Superannuation benefits under this paragraph shall be paid out of the Forestry Fund.
- (4) In this Part of this Schedule—
- " the civil service superannuation code " means the enactments, rules, regulations and warrants for the time being in force in relation to the superannuation of persons in the civil service; and
- " superannuation benefits " includes a superannuation allowance, additional allowance, annual allowance, retiring allowance, compensation allowance, gratuity, pension, compensation and annuity.
- 10 (1) The Ministers may with the approval of the Treasury, make schemes to supplement or replace (either as a whole or in part) paragraph 9(2) above, being schemes for the grant of superannuation and other allowances and gratuities to or for the benefit of persons to whom paragraph 9 applies ; and, without prejudice to the foregoing.—
- (a) the superannuation benefits to be granted in accordance with the scheme may include those which may be granted under the said paragraph 9(2), subject to the provisions of that sub-paragraph in the case of contributory pensions; and
- (b) on the coming into force of a scheme made under this paragraph, paragraph 9(2) shall, to the extent that the scheme makes any provision different therefrom, cease to have effect.

Status: This is the original version (as it was originally enacted).

- (2) Superannuation benefits under a scheme made by virtue of this paragraph shall be paid out of the Forestry Fund.
- (3) Section 52(2) of the Superannuation Act 1949 (which enables certain superannuation schemes to have retrospective effect) applies to a scheme made under this paragraph.
- 11 (1) This paragraph applies to a person who—
- (a) is appointed to the office of Forestry Commissioner with a salary, having been at the time of his appointment—
 - (i) the holder of an office in the civil service which entitled him to superannuation under the civil service superannuation code; or
 - (ii) an officer employed by the Commissioners and within the application of the Forestry Superannuation Scheme 1940, or paragraph 9(2) above, or a scheme made under paragraph 10; and
 - (b) retires from the office of Forestry Commissioner on the expiration of his term of office while under the age of sixty, without renewal of public employment, and is not entitled to any pension under paragraph 9(2) above or a scheme made under paragraph 10.
- (2) A person to whom this paragraph applies shall, on his retirement from the office of Forestry Commissioner, be entitled to the same superannuation benefits as if he had continued in the same office and at the same rate of salary and emoluments as at the time when he was appointed to be a Forestry Commissioner, and had retired therefrom on the ground of ill-health at the time when he retired from the office of Forestry Commissioner, subject nevertheless to the conditions which would in that case have been applicable with respect to the grant of superannuation benefits to or in respect of him.
- (3) In the case of a person to whom this paragraph applies, the power—
- (a) of the Treasury, as respects one who has held an office in the civil service, and
 - (b) of the Ministers, as respects one who has been an officer employed by the Commissioners,
- shall include power to grant to or in respect of that person the like superannuation benefits as could be granted to or in respect of a person in the civil service.
- (4) The Treasury may determine that the whole or any part of the superannuation benefits payable to or in respect of a person by virtue of this paragraph shall be paid out of the Forestry Fund.
- 12 Where on the death of a person to whom paragraph 9 above applies any sum not exceeding £500 is due to that person or his legal personal representative in respect of salary, wages or superannuation benefits, then, subject to any regulations made by the Treasury, probate or other proof of the title of the legal personal representatives may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners to be beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or, in the case of the illegitimacy of the deceased person or any of his children, to or among such persons as the Commissioners may think fit, and the Commissioners or other person responsible for the payment of any such sum shall be discharged from all liability in respect of any such payment or distribution.

- 13 The functions of the Ministers under this Part of this Schedule shall be exercisable by them jointly, except in so far as they make arrangements that this paragraph shall not apply.