



Superannuation (Various Services) Act 1938

1938 CHAPTER 13

An Act to extend the powers conferred by certain enactments relating to superannuation so as to include power to grant the like superannuation benefits, and to permit the like allocation of superannuation benefits to spouses and dependants, as could be granted or permitted in respect of persons in the Civil Service of the State; to provide for distribution without probate of sums not exceeding one hundred pounds due to persons to whom those enactments apply or their legal personal representatives ; and for purposes connected with the matters aforesaid. [30th March 1938.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Extension of powers conferred by scheduled enactments

- (1) The powers of the appropriate authority, under any of the enactments mentioned in the first column of Parts I and II of the Schedule to this Act (hereafter in this section referred to as " the scheduled enactments "), shall, subject to the provisions of this section, extend, and be deemed always to have extended, so as to include power—
 - (a) to grant the like superannuation benefits to the persons to whom that enactment applies or their legal personal representatives, widows or dependants; and
 - (b) to permit the like allocation of superannuation benefits to spouses and dependants;

as could be, or could have been, granted or permitted in respect of persons in the Civil Service of the State under the enactments, rules, regulations and warrants for the time being in force in relation to the last-mentioned persons:

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Provided that nothing in this subsection shall be taken to confer power to permit such an allocation as aforesaid after the date of the commencement of this Act in the case of a person who retired from service before that date.

- (2) Where, by any of the scheduled enactments, the power of the appropriate authority thereunder to grant, pay or determine superannuation benefits is required to be exercised subject to the approval or sanction of the Treasury or the Board of Trade, the exercise of the powers conferred on that authority by the foregoing subsection shall be subject to the like approval or sanction.
- (3) Where, by any of the scheduled enactments, the power of the appropriate authority thereunder to pay or grant superannuation benefits is required to be exercised under a scheme approved by the Treasury or in accordance with regulations, the powers conferred on that authority by subsection (1) of this section shall be exercised in like manner, and the power of the authority to make a scheme or regulations shall be extended accordingly.
- (4) Any power of the Treasury under any of the scheduled enactments to determine that allowances and gratuities awarded under that enactment shall be paid wholly or partly out of a particular fund, shall extend to any sums allocated in pursuance of this section to the spouse or dependants of a person to whom the said enactment applies.
- (5) The powers conferred by this section shall be in addition to, and not in derogation of, any existing power exercisable under any of the scheduled enactments or otherwise.
- (6) Any amount by which the sums payable under any enactment out of moneys provided by Parliament are increased by reason of the provisions of this section shall be defrayed out of moneys so provided.
- (7) For the purposes of this section the expression " the appropriate authority " means, in relation to any of the scheduled enactments, the person or body specified in relation to that enactment in the second column of Part I or Part II of the Schedule to this Act.

2 Distribution of money not exceeding one hundred pounds without probate

- (1) Where, on the death of a person to whom any of the enactments mentioned in the first column of Part I of the Schedule to this Act applies, any sum not exceeding one hundred pounds is due to that person or his legal personal representatives 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 appropriate authority 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 appropriate authority may think fit, and the appropriate authority 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.
- (2) For the purposes of this section, the expression " the appropriate authority " means, in relation to any of the said enactments, the person or body specified in relation to that enactment in the third column of Part I of the Schedule to this Act.

3 Short title and interpretation

- (1) This Act may be cited as the Superannuation (Various Services) Act, 1938.
- (2) In this Act the expression " superannuation benefits " includes a superannuation allowance, additional allowance, annual allowance, retiring allowance, compensation allowance, gratuity, pension, compensation and annuity.

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

SCHEDULE

Sections 1 and 2.

ENACTMENTS EXTENDED AND APPROPRIATE AUTHORITY THEREUNDER

PART I

ENACTMENTS TO WHICH SECTIONS ONE AND TWO APPLY

Enactment.	Appropriate Authority.	
	For the purposes of section one of this Act.	For the purposes of section two of this Act.
The Caledonian and Crinan Canals Amendment Act, 1860, section thirty-two, as amended by and in pursuance of section two and subsection (2) of section thirty of the Ministry of Transport Act, 1919.	The Minister of Transport.	The Minister of Transport.
The Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, both as originally enacted and as applied by section five of the Metropolitan Police Courts Act, 1897.	The Secretary of State.	The Receiver for the Metropolitan Police District.
The Merchant Shipping Act, 1894, section six hundred and sixty-five, as amended by paragraph (c) of subsection (1) of section one of the Merchant Shipping (Mercantile Marine Fund) Act, 1898.	A general lighthouse authority.	A general lighthouse authority.
The Development and Road Improvement Fund Act, 1910, section two, subsection (1).	The Treasury.	The Development Commissioners.
The Development and Road Improvement Funds Act, 1910, section two, subsection (2).	The Development Commissioners.	The Development Commissioners.
The Electricity (Supply) Act, 1919, section one, subsection (7), as amended by and in pursuance of subsection (1) of section thirty-nine of that Act and by	The Minister of Transport.	The Electricity Commissioners.

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Enactment.	Appropriate Authority.	
	For the purposes of section one of this Act.	For the purposes of section two of this Act.
section fifty of, and the Sixth Schedule to, the Electricity (Supply) Act, 1926.		
The Forestry Act, 1919, section ten, subsection (2), as amended by subsection (1) of section six of the Forestry (Transfer of Woods) Act, 1923.	The Forestry Commissioners.	The Forestry Commissioners.
The Forestry (Transfer of Woods) Act, 1923, section six, subsection (2), so far as it relates to persons who have held an office in the Civil Service.	The Treasury.	The Forestry Commissioners.
The Forestry (Transfer of Woods) Act, 1923, section six, subsection (2), so far as it relates to persons who have been officers employed by the Forestry Commissioners.	The Forestry Commissioners.	The Forestry Commissioners.
The Railways Act, 1921, section twenty-one, subsection (1).	The Minister of Transport.	The Minister of Transport.
The Assessor of Public Undertakings (Scotland) Act, 1934, section two.	The Secretary of State.	The Secretary of State.

PART II

ENACTMENTS TO WHICH SECTION ONE APPLIES

Enactment.	Appropriate authority for the purposes of section one of this Act.
The Ecclesiastical Commissioners (Superannuation) Act, 1865, as amended by the Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Act, 1914, and the Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Act, 1933.	The Ecclesiastical Commissioners.
The Queen Anne's Bounty (Superannuation) Act, 1870, as amended, by the Superannuation (Ecclesiastical	Queen Anne's Bounty.

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Enactment.

Commissioners and Queen Anne's Bounty)
Act, 1914, and the Superannuation
(Ecclesiastical Commissioners and Queen
Anne's Bounty) Act, 1933.

Appropriate authority for the
purposes of section one of this Act.