



Courts-Martial (Appeals) Act 1951

1951 CHAPTER 46

PART II

PROVISIONS WITH RESPECT TO OFFICES OF JUDGE ADVOCATE OF HIS MAJESTY'S FLEET AND JUDGE ADVOCATE GENERAL

Provisions with respect to Office of Judge Advocate General

34 Pension of Judge Advocate General

- (1) Subject to the provisions of this section, there may be paid to any person who has held the office of Judge Advocate General for a period of not less than fifteen years, on his ceasing to hold that office, a pension at the following rate:—
 - (a) if he has held that office for a period of not less than twenty years, two-thirds of the salary payable to him immediately before he ceased to hold it;
 - (b) if he has held that office for a period of less than twenty years, one-half of that salary.
- (2) No pension shall be paid to any person under the foregoing subsection unless at the time of his ceasing to hold the office of Judge Advocate General he has attained the age of sixty years or is disabled by a permanent infirmity from performing the functions of that office.
- (3) No pension shall be paid to any person under subsection (1) of this section unless within three months after his appointment to the office of Judge Advocate General he gives notice in writing to the Treasury that he elects that that subsection shall apply to him.
- (4) Unless a person who holds the office of Judge Advocate General duly elects that subsection (1) of this section shall apply to him, the Superannuation Acts, 1834 to 1950, shall have effect in his case as if service in that office were service in an established capacity in the civil service of the State in an appointment held directly from the Crown; but, where such a person duly elects that the said subsection (1) shall apply to him—

Status: This is the original version (as it was originally enacted).

- (a) for the purposes of section forty-one of the Superannuation Act, 1949 (which empowers the Treasury to pay a gratuity or allowance to or in respect of a civil servant who is injured in the actual discharge of his duty or contracts a disease to which the nature of his duty exposes him) he shall be deemed to be a civil servant and any pension payable to him under the said subsection (1) shall be deemed to be a superannuation allowance; but
 - (b) no pension, allowance or gratuity shall be payable to or in respect of him under any other provision of the Superannuation Acts, 1834 to 1950, by reference to any service of his (whether before or after the date of the election).
- (5) The foregoing provisions of this section shall not apply to any person who ceased to hold the office of Judge Advocate General before the date of the passing of this Act, and in their application to the person who holds that office at that date shall have effect with the substitution, in subsection (3), for the reference to three months after his appointment to that office, of a reference to three months from the said date.
- (6) Any pension paid to a person under subsection (1) of this section, and any increase attributable to subsection (4) of this section in the sums which, under the Superannuation Acts, 1834 to 1950, are payable out of moneys provided by Parliament, shall be paid out of moneys so provided.