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STATUTORY INSTRUMENTS

1949 No. 2114

The Superannuation (Governors of Dominions, etc.) Rules 1949

PART I

GENERAL

1.—(1) These Rules may be cited as the Superannuation (Governors of Dominions, etc.) Rules, 1949.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) These Rules shall come into force on the 18th day of November, 1949.

2.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereunder respectively assigned to them—

(a) "The Act" means the Superannuation Act, 1949.

(b) "Officer" means a person who, having been a civil servant, becomes a Governor, within the meaning of the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947.

(c) "Governor" has the meaning assigned to it by section 12 of the Pensions (Governors of Dominions, etc.) Act, 1911.

(2) Any reference in these Rules to the provisions of any enactment shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

3. Part I and Part II of the Act, except sections 7 and 20 of the Act, shall apply to officers to whom these Rules apply, subject to the adaptations and modification specified in these Rules.

4. References in Part I and Part II of the Act (except in sections 7 and 20) to a person being, serving as, or ceasing to be, a civil servant shall, unless the context otherwise requires, be construed as references to him being, serving as, or ceasing to be a person to whom these Rules apply.

PART II

5. This part of these Rules shall apply to any officer who, at the time he became a Governor, was a person to whom Part I of the Act applied, or a nominator within the meaning of Part II of the Act.

6. An officer to whom this part of these Rules applies and who, on his retirement from the office of Governor, would become eligible for the grant of a pension under the provisions of section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929, shall elect within the three months next before the date of his retirement from the office of Governor, whether he desires to be pensioned under the provisions of section 1 and section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911, or to receive a pension under section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929.

7. Where an officer has elected to be pensioned under the provisions of section 1 and section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911,—

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(a) for the purposes of calculating the annual rate of any widow's pension or children's pension payable in respect of him under Part I of the Act, or any dependants' pension payable in respect of him under Part II of the Act, the expression “the rate of the superannuation allowance of the deceased” in Part I of the Act, and the expression “the superannuation allowance of the nominator” in Part II of the Act, shall respectively be construed as meaning the annual rate of the superannuation allowance for which the officer had become eligible (whether such an allowance at that or any other rate had actually been granted or not), or, as the case may be, for which he would or might have become eligible on his retirement form the office of Governor, under section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911, in respect of his service as a civil servant, any abatement falling to be made under Regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, being left out of account;

(b) for the purpose of calculating the contribution payable in respect of him under section 9 and section 22 of the Act, references therein to the average annual amount of the salary and emoluments of a civil servant's, or a nominator's office, shall be construed as references to the average annual amount of the salary and emoluments received by the officer during the last three years of his service as a civil servant, and references therein to reckonable service shall be construed as references to service which is reckonable for the purposes of section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911.

8. Where an officer has elected to receive a pension under section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929—

(a) for the purpose of calculating the amount of any widow's pension or children's pension payable in respect of him under Part I of the Act, or any dependants' pension payable in respect of him under Part II of the Act, the expression “the rate of the superannuation allowance of the deceased” in Part I of the Act, and the expression “the rate of the superannuation allowance of the nominator” in Part II of the Act, shall respectively be construed as meaning the annual rate of the superannuation allowance for which the officer had become eligible (whether such an allowance at that or at any other rate had actually been granted or not), or, as the case may be, for which he would or might have become eligible, under section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929, any abatement falling to be made under Regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, being left out of account;

(b) the contribution payable in respect of him under section 9 and section 22 of the Act shall be calculated as though the references in subsection (3) of section 9 and in subsection (3) of section 22 to the average annual amount of the salary and emoluments of the civil servant's, or of the nominator's office, during the last three years of his service were references to the annual amount of the salary and emoluments last received by him in respect of his employment as a civil servant.

9. Where an officer to whom this part of these Rules applies dies while still serving as a Governor without having made an election in accordance with Rule 6 hereof, the provisions of Rule 8 hereof shall apply to his case as if he had elected, before his death, to receive a pension under section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929.

10. When an officer has made contributions under section 7 or section 20 of the Act before becoming employed as a Governor, none of those contributions shall be returned to him upon his ceasing to be employed as a civil servant in order to be appointed a Governor.

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PART III

11. This part of these Rules shall apply to any officer who was serving as a Governor on the 14th day of July 1949 and who was, immediately before his appointment as Governor, employed as a civil servant.

12. Part I of the Act shall not apply to any officer to whom this part of these Rules applies unless he elects within the six months next following the commencement of these Rules, that the said Part I shall apply to him.

13. When an officer has elected that Part I of the Act shall apply to him, Rules 6, 7, 8, and 9 of these Rules shall also apply to him.

Dated this 16th day of November, 1949.

Joseph Henderson
Richard Adams
Two of the Lords Commissioners of His
Majesty's Treasury