

OVERSEAS SERVICE

1959 No. 1347

The Governors' Pensions (Allocation) Rules, 1959

<i>Made</i> - - - -	30th July, 1959
<i>Laid before Parliament</i>	5th August, 1959
<i>Coming into Operation</i>	7th August, 1959

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred upon them by section 14 of the Governors' Pensions Act, 1957(a), and of all other powers enabling them in that behalf, hereby make the following Rules :—

1. In such circumstances and subject to such conditions as are specified in these Rules,—

- (a) a Governor shall be allowed to surrender, as from the date of his retirement, and
- (b) a retired Governor under the age of seventy who has married since his retirement shall be allowed to surrender, as from the date of his marriage,

in return for the benefits of these Rules, such part of the pension granted or to be granted to him under the Act as is specified in these Rules, and the Treasury may grant either to his spouse, or (unless the surrender was made under paragraph (b) of this Rule) to a dependant, a pension under section 14 of the Act and these Rules.

2. A Governor who has retired before the coming into operation of these Rules shall not be allowed to surrender a part of his pension under the foregoing Rule unless he retired not earlier than the first day of September, nineteen hundred and fifty-five.

3.—(1) The part of a pension surrendered under Rule 1 of these Rules (whether by virtue of paragraph (a) or paragraph (b) thereof or both) shall not exceed one-third of the amount of the pension which the Governor is eligible to receive under the Act or, where part of the pension is commuted under section 7 of the Act, one-third of the remainder of such amount.

(2) The part of a pension surrendered under Rule 1 of these Rules (whether by virtue of paragraph (a) or paragraph (b) thereof)—

(a) shall not be so much as to make the pension payable to the Governor (as reduced by the amount surrendered) less than the amount of pension payable to the beneficiary after the Governor's death ;

(b) shall not be a smaller amount than would secure for the beneficiary after the Governor's death a pension equal to one-fourth of the amount of the pension payable to the Governor (as reduced by the amount surrendered) ; and

(c) shall be an exact number of pounds.

(3) Where a Governor has declared a desire to surrender an amount of his pension which is greater than the maximum amount which he is allowed to surrender under this Rule, the Treasury may make an award as if the Governor had declared a desire to surrender such maximum amount.

4.—(1) A pension granted under section 14 of the Act and these Rules for the benefit of the spouse of a Governor shall be payable either—

(a) (if the Governor so elects by exercising the option to be known as Option A) in respect of the period, if any, for which the spouse survives him, or

(b) (if he so elects by exercising the option to be known as Option B) in respect of the period of their joint lives (subsequent to the retirement or marriage), and of the period, if any, for which the spouse survives him ; and the rate of the pension payable to the spouse in respect of the latter period shall be twice the rate payable to the spouse in respect of the former period.

(2) A pension granted under section 14 of the Act and these Rules for the benefit of a dependant (not being the spouse) of a Governor shall be payable in respect of the period, if any, for which the dependant survives him.

5. The amount of pension payable in return for each one pound of the Governor's pension surrendered by him shall be the amount, according to the age and sex of the Governor and of the beneficiary, shown in the appropriate table of the Option Tables in force at the date as from which the surrender is made.

6. The pension of the beneficiary shall be payable in arrear in the same manner as the Governor's pension is or would have been payable.

7.—(1) Every retired Governor who, at the date of the coming into operation of these Rules, is in receipt of a pension and is eligible to make an allocation, shall be notified by the Secretary of State of the making of these Rules as soon as possible thereafter, and, upon request, shall be supplied with a copy of these Rules and of the Option Tables for the time being in force.

(2) Every Governor who, upon retirement after the coming into operation of these Rules, will be eligible to make an allocation shall be notified by the Secretary of State of the date, or probable date, of his retirement, and shall at the same time be supplied with a copy of these Rules and of the Option Tables for the time being in force and a provisional estimate of the amount of the pension for which he will be eligible.

(3) Where possible, in cases of retirement on the ground of age, such notification as is referred to in the last foregoing paragraph shall be given at least three months before the date, or probable date, of retirement.

(4) Where, after a Governor has received notification in accordance with paragraph (2) of this Rule, the date, or probable date, of his retirement is altered, he shall be notified by the Secretary of State of the alteration in the date as soon as possible after the altered date has been determined, and shall be informed of any alteration in the provisional estimate of the pension for which he will be eligible.

8.—(1) A Governor, if he desires to make an allocation, shall, not less than thirty days before the closing date, notify the Secretary of State to that effect and furnish to the Secretary of State on the form provided for the purpose the particulars required thereby in respect of the beneficiary.

(2) The form furnished to the Secretary of State under the foregoing paragraph shall be signed by the beneficiary in the appointed space, unless the Treasury dispense with his signature under the next succeeding paragraph.

(3) Where it is shown to the satisfaction of the Treasury that, by reason of the beneficiary's inability through infirmity or other sufficient cause, he is unable to write his signature as required by the foregoing paragraph, the Treasury may, if they think fit, dispense with the beneficiary's signature, subject to such conditions as they may deem desirable.

(4) For the purposes of these Rules, the expression "the closing date" means—

(a) in the case of a retired Governor who, on the coming into operation of these Rules, is in receipt of a pension and is eligible to make an allocation, the last day of the period of three months beginning with the date on which he received, under paragraph (1) of the last foregoing Rule, a copy of these Rules ;

(b) in the case of a Governor who has not retired before the coming into operation of these Rules and who becomes eligible to make an allocation as from the date of his retirement, the date of his retirement, or the last day of the period of three months beginning with the date on which he received, under paragraph (2) of the last foregoing Rule, a copy of these Rules, whichever is the later ; and

(c) in the case of a retired Governor who, after the coming into operation of these Rules, becomes eligible to make an allocation as from the date of his marriage, the last day of the period of three months beginning with the date of his marriage :

Provided that, where the Treasury appoint a special closing date, either on the ground that, as a result of exceptional circumstances beyond the control of the Governor or retired Governor, it is not, or was not, practicable for him to carry through before the due date the steps necessary to enable him to make an allocation, or in accordance with paragraph (4) of Rule 10 of these Rules, then the expression "the closing date" shall mean the date so appointed by the Treasury.

9.—(1) The Governor shall furnish to the Secretary of State at his own expense—

(a) a certified copy of his birth certificate, unless the date of his birth has been recorded in the Office of the Secretary of State after the production of an official certificate, and the date so recorded is not disputed; and

(b) with respect to the beneficiary, a birth certificate, a marriage certificate (where the beneficiary is a woman who has been married), and any other information or evidence which the Treasury may consider necessary.

(2) If for any reason a birth or marriage certificate cannot be supplied, the Secretary of State may, with the consent of the Treasury, accept such other evidence of birth or marriage as he may think fit.

10.—(1) On receipt from a Governor of notification, in accordance with Rule 8 of these Rules, of his desire to make an allocation, and of the form referred to in that Rule duly completed, the Secretary of State shall arrange for the Governor to be medically examined by one of the Secretary of State's consulting physicians or by a physician nominated by the Treasury.

(2) If, on considering the result of that examination, the Secretary of State is not satisfied that the Governor is of good health, regard being had to his age, he shall notify him accordingly and shall offer him an opportunity of a further examination by a medical referee selected by the Treasury.

(3) The fee payable to any physician or medical referee in respect of any medical examination under paragraph (1) or (2) of this Rule shall be paid by the Governor at the time of the examination.

(4) When, on considering the result of the medical examinations provided for under paragraphs (1) and (2) of this Rule, the Secretary of State is not satisfied that the Governor is of good health, but it appears to the Secretary of State that the disability from which the Governor is suffering may be temporary and that there is a good prospect that he would be shown to be in good health if examined again after a short interval, then the Treasury may, at the request of the Secretary of State, appoint a special closing date in order that a further medical examination may be arranged accordingly at a later date. Any fee required for such further medical examination shall be paid by the Secretary of State.

(5) The physician and, in the case of a further examination, the medical referee shall make their reports direct to the Secretary of State, and the contents of any such reports shall not be disclosed to the Governor.

(6) If, in any case in which the Secretary of State reports to the Treasury that he is satisfied that a Governor is of good health, the date of the Governor's retirement is postponed to a date more than three months after the date of the Secretary of State's report, the Treasury may, if they think fit, require the Governor to undergo such further medical examination as they may direct. Any fee required for such further medical examination shall be paid by the Secretary of State.

11.—(1) If the Secretary of State reports to the Treasury that he is satisfied that a Governor is of good health, and the Secretary of State is

satisfied with the evidence and particulars furnished by the Governor in accordance with these Rules, the Secretary of State shall notify the Governor that he may make an allocation declaration.

(2) An allocation declaration shall be made in the form set out in the Schedule to these Rules, and shall be lodged with the Secretary of State before midnight of the closing date.

(3) An allocation declaration which is not lodged with the Secretary of State before midnight of the closing date, or which does not comply with these Rules, shall be invalid.

12. As soon as possible after the receipt of an allocation declaration from a Governor, the Secretary of State shall inform him whether such declaration is valid or invalid, and shall in the former case furnish him with a statement or estimate of the pensions that will be payable to himself and to the beneficiary, and in the latter case state the grounds upon which the declaration has been held to be invalid.

13.—(1) Where an allocation declaration is lodged by a Governor with the Secretary of State before midnight on the day of his retirement, he may cancel or amend his allocation declaration by notice in writing lodged with the Secretary of State at any time before midnight on that day, but save as is provided in Rule 14 of these Rules, no cancellation or amendment of his allocation declaration shall be permitted after that day.

(2) Save as is provided in Rule 14 of these Rules, an allocation declaration which is lodged by a Governor with the Secretary of State after the day of his retirement may not be cancelled or amended.

14. Where a Governor who, in accordance with paragraph (2) of Rule 7 of these Rules, has been supplied with a provisional estimate of the amount of his pension is subsequently notified by the Secretary of State of an alteration in the amount, or the estimated amount, of his pension less than fourteen days before the closing date, or after the closing date, but within six months after the date of his retirement, the Governor may, if he has already made a valid allocation declaration, amend that declaration by notice in writing lodged with the Secretary of State before midnight of the fourteenth day after the receipt of such notification:

Provided that no notice of an amendment of an allocation declaration may be lodged with the Secretary of State after the closing date except for the purpose of increasing or decreasing the amount of the pension to be surrendered by an amount not exceeding the increase or decrease (to the nearest pound) in the estimated amount of pension previously notified to the Governor in accordance with paragraph (2) of Rule 7 of these Rules.

15. An amendment of an allocation declaration shall not be valid if the allocation declaration as so amended does not comply with these Rules.

16. If any notice, declaration or other document is sent through the post, it shall not be deemed to be lodged with the Secretary of State within the time prescribed by these Rules unless it is posted at a time which will normally ensure its due delivery within the time so prescribed.

17. An allocation declaration shall become null and void if either the Governor or the beneficiary dies before midnight on the day of the Governor's retirement, or before midnight on the day on which the allocation declaration is lodged with the Secretary of State, whichever is the later.

18. Where, as the result of effect being given to an allocation declaration which is lodged with the Secretary of State after the date of the Governor's

retirement or marriage, an overpayment of pension has been made to the Governor, such overpayment shall be brought into account on the next payment or payments of pension to the Governor.

19.—(1) In these Rules, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act” means the Governors’ Pensions Act, 1957;

“beneficiary” means the person for whose benefit a part of a pension is surrendered under these Rules;

“closing date” has the meaning assigned to it by paragraph (4) of Rule 8 of these Rules;

“make an allocation” means surrender a part of a pension under these Rules;

“Option Tables” means the tables prepared by the Government Actuary under subsection (1) of section 14 of the Act.

(2) References in these Rules to a Governor include, except where the context otherwise requires, references to a retired Governor.

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

20. These Rules may be cited as the Governors’ Pensions (Allocation) Rules, 1959, and shall come into operation on the 7th day of August, nineteen hundred and fifty-nine.

Dated this 30th day of July, nineteen hundred and fifty-nine.

*Martin Redmayne,
Michael Hughes-Young,*

Two of the Lords Commissioners
of Her Majesty’s Treasury.

SCHEDULE

ALLOCATION DECLARATION UNDER THE GOVERNORS’ PENSIONS (ALLOCATION) RULES, 1959

I,, hereby declare that I desire to surrender £..... of my pension under the Governors’ Pensions (Allocation) Rules, 1959, in return for the grant of a pension payable in accordance with Option to

Signature

Date

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules are made under s. 14 of the Governors’ Pensions Act, 1957, and enable a Governor to surrender part of his pension, from the date of his retirement, in order to secure one for his wife or for a dependant. They also enable a retired Governor aged under 70 who has married since his retirement to surrender, as from the date of his marriage, part of his pension in order to secure one for his wife. The Governor must be in good health, and there are certain restrictions on the amount which may be surrendered.