



# Superannuation Act 1965

## 1965 CHAPTER 74

An Act to consolidate the Superannuation Acts 1834 to 1965 and certain other enactments relating to the superannuation of civil servants and other persons employed in the civil service of the State. [8th November 1965]

BE IT ENACTED by the Queen'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:—

### PART I

#### SUPERANNUATION BENEFITS

*Superannuation allowances, etc. in respect of service as a civil servant.*

#### **1 Superannuation allowance.**

- (1) Subject to the provisions of this Act, the Treasury may grant to any civil servant who—
  - (a) retires from the civil service having served as a civil servant for not less than ten years, and
  - (b) either has attained the age of sixty years or retires on a medical certificate, a superannuation allowance computed by multiplying one-eightieth of the average annual amount of the salary and emoluments of his office during the last three years of his service by forty or by the number of completed years of his service as a civil servant, whichever is the less.
- (2) This section shall not apply in relation to any person for whom provision is otherwise made by Act of Parliament or who is specially excepted by the authority of Parliament.

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## **2 Short service gratuity.**

Subject to the provisions of this Act, where a civil servant is constrained, by reason of infirmity of mind or body, to retire from the civil service before completing the period of service which would make him eligible for the grant of a superannuation allowance, the Treasury may grant to him such sum of money by way of gratuity as the Treasury think proper, not exceeding one-twelfth of the average annual amount of the salary and emoluments of his office during the last three years of his service for each year of service.

## **3 Additional allowance.**

Subject to the provisions of this Act, the Treasury may grant to any civil servant who—

- (a) retires from the civil service having served as a civil servant for not less than two years, and
- (b) either has attained the age of sixty years or retires on the ground of ill-health, by way of additional allowance, in addition to the superannuation allowance (if any) for which he may be eligible or the gratuity (if any) which may be granted to him under section 2 of this Act, a lump sum equal to three-eightieths of the average annual amount of the salary and emoluments of his office during the last three years of his service multiplied by the number of completed years he has served, so, however, that the additional allowance shall in no case exceed one and a half times that amount.

## **4 Death gratuity.**

- (1) Subject to the provisions of this Act, where a civil servant dies, after having served as a civil servant for not less than five years, while still employed in the civil service, the Treasury may grant to his personal representatives a gratuity of whichever of the two following amounts is the greater, that is to say—
  - (a) an amount equal to the average annual amount of the salary and emoluments of his office during the last three years of his service, or
  - (b) an amount equal to the amount of the additional allowance which the Treasury might have granted to him if he had retired from the civil service on the ground of ill-health at the date of his death.
- (2) Subject to the provisions of this Act, where a civil servant having become eligible for the grant of a superannuation allowance dies after he has retired from the civil service, and the sums paid or payable to him at the time of his death on account of such allowance, together with the sum received by him by way of additional allowance, are less than the average annual amount of the salary and emoluments of his office during the last three years of his service, the Treasury may grant to his personal representatives a gratuity equal to the deficiency.

## **5 Increase of certain allowances in cases of retirement for ill-health with less than 20 years' service.**

- (1) Where—
  - (a) a person, on retiring from the civil service on a medical certificate, becomes eligible for the grant of a superannuation allowance, and
  - (b) his reckonable service is less than twenty years,

the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if his reckonable service had been twenty years.

- (2) In the case of a person whose reckonable service would, if he had continued to serve in the employment in which he was when he was last a civil servant until five years after the retiring age, have been a period shorter than twenty years, subsection (1) of this section shall have effect as if for the last reference therein to twenty years there were substituted a reference to that shorter period:

Provided that if his retirement was immediately preceded by a period no part of which counted towards reckonable service and it is recognised by the Treasury as a period throughout which he was on sick leave, this subsection shall only apply if the said period of reckonable service (that is, assuming that the person had continued to serve until five years after the retiring age) plus that period of sick leave together amount to a period shorter than twenty years, and then subsection (1) of this section shall have effect as if for such reference therein to twenty years there were substituted a reference to that shorter period.

- (3) This section applies only—
- (a) to cases of actual retirement from the civil service on a medical certificate, and
  - (b) to the computation of pensions under Part III and Part IV of this Act which fall to be computed by reference to the amount of the superannuation allowance for which a person who dies while a civil servant would have been eligible if, instead of dying, he had retired on a medical certificate,

and does not affect cases falling within, or pensions under the said Part III or the said Part IV falling to be computed by reference to the superannuation allowance grantable under, any provision (whether contained in this or any other Act) which provides for the grant, in other circumstances, of the same superannuation allowance or additional allowance as might be granted on retirement from the civil service on such a certificate.

## **6 Additions to allowances for service after retiring age in certain cases.**

- (1) Where a civil servant continues to serve as such after both the two following conditions are satisfied in relation to him, that is to say—
- (a) that he has attained the retiring age, and
  - (b) that he has forty years of reckonable service,
- any superannuation allowance or additional allowance which may be granted to him shall be calculated in accordance with the following provisions of this section.
- (2) The said allowances shall be computed—
- (a) upon the amount of salary and emoluments upon which they would have fallen to be computed if he had retired as soon as the said two conditions were satisfied in relation to him, or
  - (b) upon the amount of salary and emoluments upon which they would fall to be computed apart from this section,
- whichever is the higher.
- (3) For each completed year, not exceeding five, of the reckonable service of the civil servant after the said two conditions were satisfied in relation to him the superannuation allowance may be increased by one-eightieth of the higher of the

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amounts mentioned in subsection (2) of this section and the additional allowance, if any, may be increased by three-eightieths of the higher of those amounts:

Provided that section 24 of this Act shall not apply to the computation, for the purposes of this subsection, of the reckonable service of a person after the said two conditions are satisfied in relation to him.

- (4) This section, so far as it applies to additional allowances, applies also for the purposes of section 4(1) of this Act.

**7 Allowances, etc., in cases of premature retirement of civil servant at his request.**

- (1) If the employment of a civil servant who has attained the age of fifty years is terminated at his request before the retiring age, the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate:

Provided that, unless the Treasury otherwise determine on compassionate grounds, no such allowance shall be granted to a person by virtue of this subsection before he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant and if in continuing in that employment he had been employed in the United Kingdom.

- (2) Where a person who would have been eligible for the grant of a superannuation allowance but for the operation of the proviso to the foregoing subsection dies without any such allowance being granted to him, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.

**8 Allowances in cases of premature retirement on abolition of office.**

The Treasury may grant to any person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belonged, by which greater efficiency and economy can be effected, such special allowance or allowances by way of compensation as on a full consideration of the circumstances of the case seem to the Treasury to be a reasonable and just compensation for the loss of office, but not exceeding in any case the amount which might be granted to a civil servant if he retired on the ground of ill-health.

**9 Allowances in cases of discharge for inefficiency.**

- (1) Where a civil servant is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and a superannuation allowance cannot lawfully be granted to him, and the Treasury think that the special circumstances of the case justify the grant to him of a retiring allowance, they may grant to him such retiring allowance as they think just and proper, but in no case exceeding the amount for which his length of service would qualify him under section 1 of this Act.
- (2) A person to whom an allowance is granted under subsection (1) of this section may also be granted the same additional allowance, if any, as might have been granted to him if he had retired on a medical certificate.

- (3) Before granting any allowance under this section to any civil servant the Treasury shall consider any representations which he may have submitted to them.
- (4) A minute of the Treasury granting an allowance or allowances under this section to a civil servant shall set forth the amount of each allowance granted to him, and the reasons for granting it, and shall be laid before Parliament within fourteen days after being made.

#### **10 Allowances in cases of premature retirement in interests of efficiency.**

If—

- (a) the employment of a civil servant who has attained the age of fifty years is terminated before the retiring age, and
- (b) the appropriate Minister certifies that the termination of his employment is desirable in the interests of efficiency,

the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate.

In this section " the appropriate Minister " means the Minister responsible for the civil servant's department or, if there is no such Minister or there is any doubt as to who that Minister is, such Minister as may be determined by the Treasury.

#### **11 Allowances, etc., may be reduced for demerit.**

If the defaults or demerit of any person in relation to the public service appear to the Treasury to justify it, the Treasury may grant to that person a superannuation allowance, additional allowance, compensation allowance or gratuity under this Act of less amount than would otherwise have been granted to him, or may grant to the personal representatives of that person a gratuity under section 4 of this Act of less amount than would otherwise have been granted to them.

*Re-employment after retirement.*

#### **12 Cessation or reduction of annual allowance on re-employment.**

Where any person enjoying any superannuation allowance in consequence of retiring from office on account of age, infirmity or any other cause, or enjoying any compensation for past services on the abolition or reduction of office, is appointed to fill any office in any public department, such allowance or compensation shall cease to be paid for any period after that appointment if the annual amount of the profits of the office to which he is appointed shall be equal to those of the office formerly held by him, and if they shall not be equal to those of his former office then no more of such allowance or compensation shall be paid to him than that which with the salary of his new appointment shall be equal to that of his former office.

#### **13 Additions to allowances in certain cases of unestablished employment after retirement.**

(1) Where—

- (a) a person who has ceased to be a civil servant re-enters, either immediately or after an interval, the civil service to serve in an unestablished capacity, and

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- (b) when he re-enters the civil service, he has been granted or is eligible for the grant of a superannuation allowance,

any superannuation allowance or additional allowance granted to him may, as from the cessation of the said service in an unestablished capacity, be increased in accordance with the following provisions of this section:

Provided that—

- (i) any service in an unestablished capacity which is not continuous service lasting for at least one year shall be left out of account for the purposes of this section ; and
- (ii) where the person in question ceased to be a civil servant before attaining the retiring age, no account shall be taken for any of the purposes of this section (including the purposes of paragraph (i) of this proviso) of any service in an unestablished capacity before he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant and if in continuing in that employment he had been employed in the United Kingdom.

The reference in this subsection to the cessation of a person's service in an unestablished capacity includes a reference to the cessation thereof by reason of his death.

- (2) The said allowances shall be computed—

- (a) upon the amount of salary and emoluments upon which they would have fallen to be computed if the service in an unestablished capacity had been service in an established capacity and the salary and emoluments of the service in an unestablished capacity had fallen to be taken into account accordingly, or
- (b) upon the amount upon which they would have fallen to be computed apart from this section,

whichever is the higher.

- (3) For each completed year, not exceeding five, of continuous service in an unestablished capacity the superannuation allowance may be increased by one-eightieth of the higher of the amounts mentioned in subsection (2) of this section and the additional allowance, if any, may be increased by three-eightieths of the higher of those amounts.

- (4) If a person ceases to be a civil -servant and immediately re-enters the civil service to serve therein in an unestablished capacity, and when he ceases to be a civil servant,—

- (a) his reckonable service is less than forty years and includes an odd part of a year, or
- (b) his reckonable service is more than forty years, and the part of that reckonable service (computed in accordance with the proviso to section 6(3) of this Act) after the two conditions set out in subsection (1) of that section have been satisfied in relation to him includes an odd part of a year,

the said odd part of a year shall be taken into account for the purposes of this section as if it were part of the service in an unestablished capacity.

- (5) Notwithstanding anything in section 6(3) of this Act, no year shall be taken into account thereunder which would make the number of years taken into account under that and subsection (3) of this section exceed five in all.

- (6) The enactments relating to the computation of reckonable service, other than section 24 of this Act, shall apply to the computation of service for the purposes of

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the proviso to subsection (1) of this section, and of subsection (3) of this section, as if it were established service.

*Modification, as respects certain civil servants, of certain provisions as to allowances and gratuities.*

**14 Modification of ss. 1, 3, 4, 6 and 13 as respects certain civil servants.**

Sections 1, 3, 4, 6 and 13 of this Act shall, in relation to any person to whom Part I, Part II, Part III or Part IV of Schedule 1 to this Act applies, have effect subject to the provisions of the said Part I, the said Part II, the said Part III or the said Part IV, as the case may be.

*Gratuities in respect of unestablished and part-time service.*

**15 Gratuities for unestablished service.**

- (1) If a person employed in an unestablished capacity dies while still in his employment after having served continuously therein for not less than five years the Treasury may grant a gratuity to his personal representatives.
- (2) If a person employed as aforesaid retires or is removed from his employment after having served continuously therein for not less than five years, the Treasury may, on the recommendation of the head officer of the department, grant a gratuity to him.
- (3) The rate at which a gratuity may be granted under either of the foregoing subsections shall be—
  - (a) for each year of service in the employment, up to five years, one week's pay,
  - (b) for each year of such service in excess of five years and up to ten years, two weeks' pay, and
  - (c) for each year of such service in excess of ten years, four weeks' pay:

Provided that the total amount of the gratuity shall not exceed the amount of one year's pay.

- (4) If a civil servant who, before he was a civil servant, was employed in an unestablished capacity dies without having completed sufficient service for it to be possible that a gratuity should be paid in respect of him, his employment as a civil servant may be treated for the purposes of this section as if it were employment in an unestablished capacity.
- (5) Service taken into account for the purposes of section 13 of this Act shall not also be taken into account for the purposes of this section.
- (6) Where a married woman who before her marriage was employed as a civil servant has in consequence of her marriage been transferred to employment in an unestablished capacity and no gratuity was paid to her on her marriage in respect of her service as a civil servant, then, for the purposes of this section, her said service shall be treated as if it were service in an unestablished capacity.

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## **16 Gratuities for part-time service.**

- (1) The part-time service to which this section applies is part-time service in the civil service where the person employed gives personal service of at least eighteen hours a week and the remuneration is defrayed entirely out of moneys provided by Parliament or the Post Office Fund.
- (2) Subject to the provisions of this subsection, section 15(1) to (4) of this Act, and section 21(2) thereof, shall apply in relation to persons who die while employed in, or retire or are removed from, part-time service to which this section applies, or who, having become civil servants after having been employed in such part-time service as aforesaid, die while still civil servants, as if references in those subsections to employment or service in an unestablished capacity were references to employment or service in such part-time service as aforesaid:

Provided that—

- (a) if the pay for the part-time service covers expenses, the rate thereof shall be treated for the purposes of this subsection as reduced to such extent as the Treasury may think fit;
- (b) if the pay for the part-time service is computed by reference to a weekly rate based on full-time service and varies according to the number of hours actually worked in the week, the rate thereof shall be taken for the purposes of this subsection to be one half of that weekly rate.

## **17 Gratuities for mixed unestablished and part-time service.**

- (1) Section 15(1) and (2) of this Act and those subsections, as applied by section 16(2) of this Act, shall have effect as if the references in those subsections to continuous service in an unestablished capacity or, as the case may be, in part-time service to which the said section 16 applies included references to service which is partly the one and partly the other (in this section called " mixed service ").
- (2) For the purposes of section 15(3) of this Act as it applies in relation to mixed service—
  - (a) the amount of one week's pay shall, where the last part of the period of employment was part-time service to which the said section 16 applies, be the weekly rate for full-time service in that capacity, and references to a year's pay shall be construed accordingly ; and
  - (b) only one half of any part of the employment which is part-time service to which the said section 16 applies shall count.
- (3) Subject to subsections (4) and (5) of this section, where section 18(5) of this Act applies in relation to mixed service—
  - (a) the period of mixed service shall, for the purposes of that subsection, be taken as a whole; and
  - (b) the period of five years to be assumed under that subsection shall be regarded as made up of the two kinds of service in the same proportions as the actual mixed service.
- (4) Where the effect of this subsection would be to afford a larger gratuity to any person, the foregoing provisions of this section shall not apply to him, but for the purposes of sections 15, 16(2) and 18(5) of this Act the part of the mixed service which is service in an unestablished capacity shall be treated as if it were part-time service to which the said section 16 applies.



- (5) Where the effect of this subsection would be to afford a larger gratuity to any person whose mixed service began before 29th April 1965, the provisions contained in Schedule 2 to this Act, and not the foregoing provisions of this section, shall apply to him.

*Gratuities and allowances payable to or in respect of civil servants and others injured, etc., in discharge of their duties.*

**18 Gratuities and allowances to civil servants and others injured or contracting disease in the discharge of their duties.**

- (1) Where a person who is a civil servant, or, not being a civil servant, is employed in a civil capacity for the purposes of Her Majesty's Government in the United Kingdom, whether temporarily or permanently and whether for reward or not, either—
- (a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or
  - (b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct,

the Treasury may grant to him, and, if he dies as a direct result thereof, to all or any of the following persons, that is to say—

- (i) his widow,
- (ii) his mother, or, where his mother is dead, his father, if his mother, or, as the case may be, his father, is wholly or mainly dependent on him at the time of his death,
- (iii) his children, and
- (iv) where he has no children who are, under the terms of the warrant hereinafter mentioned, eligible for the grant of a gratuity or allowance under this section, any brother or sister of his who is wholly or mainly dependent on him at the time of his death,

such gratuity or annual allowance as the Treasury may consider reasonable, and as may be permitted by the terms of a warrant of the Treasury under this section.

- (2) The reference in subsection (1) of this section to the widow of the person who is injured or contracts the disease shall, where that person is a female, be deemed to be a reference to her widowed husband if he is wholly or mainly dependent on her at the time of her death.
- (3) Where the person who is injured or contracts the disease is a civil servant, any allowance granted under this section to him shall not, together with any superannuation allowance, and the annuity value of any additional allowance, for which he is otherwise eligible, exceed five-sixths of the annual salary and emoluments of his office.

In this subsection " annuity value " means, in relation to an additional allowance for which a person is eligible, the value thereof computed in accordance with the Tables for immediate life annuities framed under Part II of the Government Annuities Act 1929 which are in force when he ceases to be a civil servant.

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Any reduction effected or to be effected in the amount of any additional allowance by way of contribution under Part III or Part IV of this Act shall be left out of account for the purposes of this subsection and, accordingly, the annuity value of any additional allowance shall be determined as if no such reduction as aforesaid had been or had to be made.

- (4) Where the person who is injured or contracts the disease is a civil servant whose service, as computed for the purposes of section 4 of this Act, is less than five years and he dies as the direct result of the injury or disease, he shall be treated for the purposes of that section as if his service had amounted to five years.
- (5) Where the person who is injured or contracts the disease is a person employed in an unestablished capacity whose continuous service therein, as computed for the purposes of section 15 of this Act, is less than five years, or is a person in part-time service to which section 16 of this Act applies whose continuous service of that kind as so computed is less than five years, and he dies as the direct result of the injury or disease, his continuous service shall be treated for the purposes of the said section 15 as amounting to five years.
- (6) Where a civil servant recruited as such in the United Kingdom is employed outside the United Kingdom for the purposes of Her Majesty's Government in the United Kingdom and suffers an aggravation of a disease from which he is already suffering, being an aggravation to which he is exposed by the nature of his duty outside the United Kingdom and which is not wholly or mainly due to his own serious and culpable negligence or misconduct, this section shall apply in relation to him as if, when he sustained the aggravation, he had contracted such a disease as is mentioned in subsection (1)(b) thereof.
- (7) A warrant under this section may be revoked or varied by a subsequent warrant of the Treasury thereunder.

## **19 Recovery in certain circumstances of payments made under s. 18.**

- (1) If a warrant under section 18 of this Act authorises the Treasury to take into account, as against any sums otherwise payable under the warrant, any damages which are recovered or recoverable by or on behalf of the recipient of the payments under that section in respect of the injury, disease or death in consequence of which the payments are made, and the Treasury make any payments without taking such damages into account, then if and when the Treasury are satisfied that there are any damages to be so taken into account they shall have the right to recover from the recipient—
  - (a) where the amount of the payments made by the Treasury is less than the net amount of the damages, the amount of those payments ;
  - (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.
- (2) So far as any amount recoverable under this section represents a payment made by the Treasury from which income tax has been deducted before payment, the proper allowance shall be made in respect of the amount so deducted, and in this section " the net amount of the damages" means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.
- (3) No proceeding shall be brought to recover any amount under this section—

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- (a) after the death of the recipient of the payments, or
  - (b) after the expiration of two years from the date on which the amount of the damages taken into account in arriving at the amount so recoverable is finally determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from the date on which the final determination of that amount first came to the knowledge of the Treasury, whichever date is the later.
- (4) A certificate issued by the Treasury and stating the date on which the final determination of any amount of damages first came to the knowledge of the Treasury shall be admissible in any proceedings as sufficient evidence of that date.
- (5) The provisions of this section are without prejudice to any right of the Treasury under any such warrant to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of the payment.

*Reckoning of certain types of service in civil service.*

## **20 Reckoning of continuous unestablished service.**

- (1) If, at the time when any person became or becomes a civil servant, he was or is employed in an unestablished capacity, then, subject to subsections (2) and (3) of this section, his continuous service in such a capacity shall—
- (a) as to one half of the period thereof (if any) rendered before 14th July 1949, and
  - (b) as to the whole of the period thereof rendered after 13th July 1949,
- be reckoned for the purposes of this Act as service in the capacity of a civil servant.
- (2) For the purpose of computing, in the case of any person, the service to be reckoned under subsection (1) of this section, no account shall be taken of any period for which that person has served before attaining the age of eighteen years.
- (3) The provisions of Schedule 3 to this Act shall have effect in relation to persons whose continuous service in employment in an unestablished capacity began before 27th June 1935 and who subsequently became or become civil servants.

## **21 Reckoning of discontinuous unestablished service.**

- (1) The Treasury may direct—
- (a) that, subject to such conditions as they may determine, the service of any person in an unestablished capacity for two or more periods shall, for the purpose of determining whether or not his service in such a capacity is to be reckoned under section 20(1) of this Act, be treated as if it were continuous service beginning at the commencement of the first of those periods or of such one of them as the Treasury may determine;
  - (b) that, subject as aforesaid, discontinuous periods of service in an unestablished capacity shall be aggregated for the purpose of computing the service to be reckoned under the said section 20(1);
  - (c) that, subject as aforesaid, a person admitted into the civil service with a certificate from the Civil Service Commissioners shall, if before the certificate was issued he was for any period employed in an unestablished capacity, be treated for the purpose of the said section 20(1) as having become a civil servant at such date after the beginning of that period and before the certificate

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was issued as the Treasury may determine (not being a date earlier than that on which the Treasury had decided to recognise the post in which he was serving as an established post) and that any service of his in an unestablished capacity after the date determined shall be reckoned for the purposes of this Act as service in the capacity of a civil servant.

- (2) Paragraphs (a) and (b) of the foregoing subsection shall apply for the purposes of section 15 of this Act as they apply for the purposes of section 20(1) thereof.

**22 Interval between unestablished and established service: reckoning of unestablished service.**

The Treasury may direct that, subject to such conditions as they may determine, sections 20 and 21(1) of this Act shall apply to a person who became or becomes a civil servant after having previously been employed in an unestablished capacity notwithstanding that there was or is an interval between the conclusion of his employment in such a capacity and the time when he became or becomes a civil servant.

**23 Part-time service preceding service as civil servant.**

- (1) Where either of the following conditions is satisfied in relation to a person who on 14th July 1949 or at any time thereafter was or is a civil servant, that is to say—
- (a) that, when he became a civil servant, he was serving in part-time service to which section 16 of this Act applies which would, in the opinion of the Treasury, have fallen to be treated as reckonable service, whether as to the whole or as to one-half thereof, if it had been whole-time service, or
  - (b) that he became a civil servant after serving in an unestablished capacity in such circumstances that all or some of his service in an unestablished capacity falls to be treated as reckonable service, either as to the whole or as to one-half thereof, and was serving in such part-time service as aforesaid when his service in an unestablished capacity began,

then, subject to the following subsection, his continuous service in such part-time service as aforesaid immediately before he became a civil servant or, as the case may be, immediately before he began to serve in an unestablished capacity, except so much thereof as took place before he attained the age of eighteen years, shall, as to one-half or, if and so far as that service took place before 14th July 1949, one-quarter of the period thereof, be reckoned for all the purposes of this Act as service as a civil servant.

- (2) The Treasury may direct—
- (a) that, subject to such conditions as they may determine, the service of any person in part-time service to which section 16 of this Act applies for two or more periods, shall, for the purpose of determining whether or not such service by him is to be reckoned as aforesaid, be treated as if it were continuous service beginning at the commencement of the first of those periods or of such one of them as the Treasury may determine ;
  - (b) that, subject as aforesaid, discontinuous periods of such part-time service as aforesaid shall be aggregated for the purpose of computing the service to be reckoned as aforesaid; and
  - (c) that, subject as aforesaid, the foregoing subsection shall apply to a person who had part-time service to which the said section 16 applies notwithstanding that there is an interval between the conclusion of his part-time service and the

beginning of his service as a civil servant or of his service in an unestablished capacity, as the case may be.

#### **24 Late entrants.**

- (1) If with respect to any person becoming a civil servant after attaining the age of forty years the Treasury have directed that he shall be subject to the provisions of this subsection, then, for the purposes of this Act, the length of his service shall be treated as eight-fifths of the actual length thereof.
- (2) If with respect to any person becoming a civil servant between the ages of thirty and forty years the Treasury have directed that he shall be subject to the provisions of subsection (1) of this section, those provisions shall apply in his case accordingly, but his service before attaining the age of forty years shall be disregarded for the purposes of this Act:

Provided that, notwithstanding the direction, this subsection shall not have effect so as to prevent or reduce any award under this Act which might have been made if the direction had not been given.

- (3) No direction shall be given under this section in the case of any person after the expiration of six months from the date on which he became a civil servant.
- (4) Any direction under this section shall be laid before Parliament forthwith after being given.

#### **25 Computation of service and reduction of retiring age where service has been in certain places abroad.**

- (1) This section shall apply in relation to such countries and places (being countries or places outside the United Kingdom) as the Treasury may by order specify (in this section referred to as "countries or places to which this section applies").
- (2) Subject to the provisions of this section, in computing the amount of any superannuation allowance, additional allowance or gratuity, each year of actual service in a country or place to which this section for the time being applies, either as a civil servant or in an unestablished capacity, shall be reckoned as service as a civil servant or service in an unestablished capacity, as the case may be, for one and a half years and so proportionately as regards parts of a year:

Provided that this subsection shall not apply to any service which would, apart from this subsection, fall to be reckoned for any of the purposes aforesaid at a rate greater than one and a half years for each year of actual service.

- (3) Subject to the provisions of this section, for each completed year of actual service as a civil servant in countries or places to which this section for the time being applies, the age on retirement at which without a medical certificate a superannuation allowance or additional allowance may be granted apart from the provisions of sections 7 and 10 of this Act shall be reduced by three months, so, however, that the said age shall not in any case be reduced below fifty-five years.

Service in an unestablished capacity in countries or places to which this section for the time being applies which could be taken into account in computing the amount of any superannuation allowance shall be taken into account under this subsection as if it were service as a civil servant.

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- (4) Nothing in this section shall, without the consent of the Treasury, apply to a person who was residing in a country or place to which this section for the time being applies when he first entered the civil service.
- (5) Nothing in this section shall affect the minimum period which it is requisite that a person should serve in order that a superannuation allowance, additional allowance or gratuity may become payable to or in respect of him.
- (6) Any order made under the Superannuation Act 1876 declaring a country or place to be an unhealthy place shall be deemed for the purposes of this section to be an order under subsection (1) of this section specifying that country or place for the purposes of this section.
- (7) Any order under this section may be revoked or varied by a subsequent order of the Treasury.
- (8) An order under this section may, if in the special circumstances of the case it appears proper to the Treasury so to frame the order, be so framed as to apply this section to a country or place as from a date before that of the making of the order, and where an order is so framed references in this section to a country or place to which this section for the time being applies shall be construed accordingly.
- (9) This section—
  - (a) so far as it affects superannuation allowances, additional allowances and gratuities other than gratuities under section 15 of this Act shall have effect, and be deemed always to have had effect, in relation to any person who has served as a civil servant at any time after 13th July 1949;
  - (b) so far as it affects gratuities under the said section 15 shall have effect and be deemed always to have had effect, in relation to any person who has served in an unestablished capacity at any time after 13th July 1949:

Provided that, for the purpose of the computation of service required to be made by section 13 of this Act, this section shall have effect and be deemed always to have had effect in relation to every person to whom that section applies, whether or not he has served as a civil servant after 13th July 1949.

## **26 Computation of service and reduction of retiring age in the case of certain prison and other employments.**

- (1) This section applies to employment in prisons and other institutions to which the Prison Act 1952 or the Prisons (Scotland) Act 1952 applies, whether with or without modifications, being employment of any such classes as the Secretary of State may with the approval of the Treasury by order prescribe.
- (2) Fifty-five years shall be substituted for sixty years as the age on retirement at which without a medical certificate a superannuation allowance or additional allowance may be granted apart from the provisions of sections 7 and 10 of this Act to a civil servant who retires from employment to which this section applies.
- (3) After twenty years of actual service, whether as a civil servant or in an unestablished capacity, in employment to which this section applies, each year of actual service in such employment shall be reckoned for the purpose of computing the amount of any superannuation allowance, additional allowance or gratuity as two years of service as

a civil servant or, as the case may be, of service in an unestablished capacity, and so proportionately as regards parts of a year.

The foregoing provision shall not be taken as affecting the reckoning of service in any year earlier than the twenty-first of the years of actual service mentioned in that provision, being service of the kind specified in that provision as extended by section 27(1) of this Act.

- (4) Any order or other instrument made or issued under the Superannuation (Prison Officers) Act 1919 prescribing an employment for the purposes of that Act shall be deemed for the purposes of this section to be an order under subsection (1) thereof prescribing that employment for the purposes of this section.

This subsection applies to orders and instruments made or issued under the said Act in relation to employment in Broad-moor institutions or criminal lunatic asylums, or made or issued under section 10 of the Superannuation Act 1935, in relation to employment in institutions maintained by the Board of Control under sections 25 and 35 of the Mental Deficiency Act 1913, and the provisions of subsection (1) of this section shall be extended accordingly.

- (5) Any order under this section may be revoked or varied by a subsequent order of the Secretary of State made with the approval of the Treasury.
- (6) This section shall have effect in relation to any person who has served in an employment to which this section applies at any time after 13th July 1949 and, in relation to any such person, shall be deemed always to have had effect:

Provided that, for the purpose of the computation of service required to be made by section 13 of this Act, this section shall have effect and be deemed always to have had effect in relation to every person to whom that section applies, whether or not he has served as a civil servant after 13th July 1949.

## **27 Persons transferring to prison service from employments outside civil service.**

- (1) The Treasury may order that for the purpose of section 26(3) of this Act there shall be treated as employment to which that section applies employment of any kind specified in the order, being employment otherwise than in the civil service—
- (a) which, by virtue of regulations under section 67 of the National Health Service Act 1946 or section 66 of the National Health Service (Scotland) Act 1947, or of rules under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948, or of any other enactment or instrument, may be taken into account in computing any allowance, gratuity or other benefit under this Act, or
  - (b) which may be taken into account for the purposes of any provision whereby any period of such employment as is mentioned in paragraph (a) of this subsection may be treated as if it were a longer period.
- (2) Where by virtue of an order under this section any such employment as is mentioned in subsection (1)(b) of this section is treated as employment to which the said section 26 applies, the said section 26(3) shall have effect subject to such modifications, if any, as may be specified in the order.
- (3) Except as otherwise provided by an order under this section, any such order shall have effect as respects employment of the kind specified in the order in periods before or after the making of the order.

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- (4) Any order under this section may be varied or revoked by a subsequent order.

**28 Computation of pensions, etc., on average salary not affected by ss. 24-26.**

Sections 24(1), 25 and 26 of this Act shall not be taken as affecting any provision of this Act under which any allowance or gratuity is computed on the average annual amount of the salary and emoluments of an office during the last three years of actual service or sections 57(3) and 69(3) thereof or paragraph 2(2), 3, 6, 7 or 10 of Schedule 1 thereto.

*War service and national service.*

**29 Counting of certain war service for superannuation purposes.**

- (1) Where a person who was a civil servant on 14th July 1949 had, before he became a civil servant, served in whole-time service in the armed forces of the Crown, the merchant navy or the mercantile marine at any time between 4th August 1914 and 31st August 1921, then, if and so far as that service took place after the date on which he was declared successful in a competitive examination for persons desiring to become civil servants or, as the case may be, the date on which he was nominated by the head officer of a government department for appointment to the civil service, it shall be reckoned for the purposes of this Act as if it had been service as a civil servant.
- (2) For the purposes of this section a person who became a civil servant more than three months after the date on which he was declared or nominated as mentioned in the foregoing subsection shall be deemed to have served in whole-time service in the armed forces of the Crown, the merchant navy or the mercantile marine during the whole of the period between that date and the date on which he became a civil servant, unless the contrary appears.

**30 War service to count as unestablished service.**

- (1) Where a person entered the civil service during the period beginning with 3rd September 1939 and ending with 30th June 1950 after whole-time service during that period in the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the women's services specified in Schedule 4 to this Act, then, for the purposes of sections 15, 20 and 21 of this Act, any such whole-time service as aforesaid served by that person after he had attained the age at which, in the opinion of the Treasury, he might but for war circumstances have been appointed to the civil service in the class in which he was in fact appointed shall, subject to any regulations made under this section, be treated as if it had been continuous service in an unestablished capacity ending immediately before the date on which the said person entered the civil service.
- (2) Where a person entered the civil service after 30th June 1950 through recruitment by a competition determined by the Treasury to be a reconstruction competition and after whole-time service at any time since 2nd September 1939 in any of the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the women's services specified in Schedule 4 to this Act, then, for the purposes of sections 15, 20, 21 and 22 of this Act, any such whole-time service as aforesaid served by that person after he had attained the age at which, in the opinion of the Treasury, he might but for war circumstances have been appointed to the civil service in the class in which



he was in fact appointed shall, subject to any regulations made under this section, be treated as if it had been continuous service in an unestablished capacity.

- (3) The Treasury may make regulations—
- (a) for securing that service shall not be reckoned for the purposes of subsection (1) or (2) of this section if it is reckoned for the purposes of the grant of naval, military or air force non-effective pay, including gratuities other than war gratuities to which section 23 of the Finance (No. 2) Act 1945 (which exempted war gratuities from income tax) applied ;
  - (b) for excluding from the operation of the said subsection (1) or (2) any period in respect of which the person in question was in receipt of such non-effective pay as aforesaid, or in respect of which he was in receipt of remuneration in excess of the full normal remuneration of his post in consideration of the service in respect of which the excess remuneration was payable not being reckoned for increase of any such non-effective pay;

so however that the regulations shall not prevent any service from counting for the purposes of so much of section 15 of this Act as requires a minimum period of service as a condition for the grant of a gratuity.

### **31 Modifications of Act to meet war circumstances.**

- (1) For the purpose of adapting this Act to the circumstances of persons whose employment in the civil service (in this subsection referred to as "usual employment") was interrupted or terminated by war circumstances, so as to authorise the making of awards which, or the amount of which, would not be authorised under this Act apart from this section, the Treasury may make regulations providing, in the case of persons of any class to which the regulations apply,—
- (a) for reckoning time during the war period during which such a person was absent from his usual employment in order to engage in other employment recognised by the Treasury as being of national importance as if he had spent the time in his usual employment at the remuneration which he would have been receiving if he had not left that employment;
  - (b) in the case of a person who, having entered on his usual employment after having served on a regular engagement in the armed forces of the Crown, left his usual employment to enter on further service in those forces, and was subsequently reinstated in his usual employment, for reckoning such further service, or any subsequent employment in the civil service before he was reinstated, for the purposes of this Act in such manner as may be specified in the regulations;
  - (c) in the case of a person who, not being a person falling within the last foregoing paragraph, left his usual employment after 2nd September 1939, without the consent of the head officer in the department in which he was employed, to enter on service in the armed forces of the Crown or on other work recognised by the Treasury as being of national importance, and was subsequently reinstated in his usual employment, for reckoning as aforesaid such service or work, or any subsequent employment in the civil service before he was reinstated;
  - (d) in the case of a person who after the said date left his usual employment through having for reasons of conscience refused to enter on service in the armed forces of the Crown or to continue in his usual employment, but later entered on such service or returned to employment in the civil service and was

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subsequently reinstated in his usual employment, for reckoning as aforesaid such service or employment before he was reinstated ;

- (e) for applying section 1 of the Superannuation Act 1887 (which provided in the case of death or injury arising from service for awards in accordance with the terms of a Treasury warrant) and any warrant made thereunder to persons who were injured while in territory occupied by an enemy, or whose injury is attributable to circumstances arising while they were in such territory.
- (2) In this section " war period " means the period beginning with 3rd September 1939 and ending with 31st December 1949.

### **32 Reckoning of certain kinds of national service.**

- (1) The Treasury may make rules providing that where a person immediately before he entered upon compulsory national service was a civil servant or serving in an unestablished capacity, the period of his compulsory national service and such further period, if any, after the termination thereof as may be specified in the rules shall be treated for the purposes of this Act as service as a civil servant or in an unestablished capacity, as the case may be.
- (2) The foregoing subsection shall, subject to the following provisions of this section, apply in relation to persons who enter upon service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (hereinafter referred to as " the Act of 1951 ") as it applies in relation to persons who entered upon compulsory national service.
- (3) Where a person who had been successful in a competitive examination for persons desiring to obtain posts in the civil service entered upon compulsory national service before becoming a civil servant, and that examination, or any subsequent examination for persons desiring to obtain similar posts held before 29th April 1965, was one in which persons below the age of eighteen years were allowed to compete, then, where rules made under this section so provide, so much of the period of his compulsory national service as fell after the date on which the Civil Service Commissioners issued their certificate of qualification in relation to him, and such further period, if any, after the termination of his compulsory national service as may be specified in the rules, shall be treated for the purposes of this Act as service as a civil servant.
- (4) Where a person who has been successful in a competitive examination for persons desiring to obtain posts in the civil service or who has been nominated by a government department with the approval of the Treasury for appointment to such a post enters upon service of a description specified in Schedule 1 to the Act of 1951 other than compulsory national service, then, where rules made under this section so provide, so much of the period of such service of his as falls after the date on which the Civil Service Commissioners issue their certificate of qualification in relation to him and such further period, if any, after the termination of that period as may be specified in the rules shall be treated for the purposes of this Act as service as a civil servant.
- (5) Rules made under this section may make provision for securing that, where a person undertakes service of a description specified in Schedule 1 to the Act of 1951 other than compulsory national service—
  - (a) the same period of time shall not be reckoned both for the purposes of any superannuation benefits which may become payable to or in respect of him by virtue of the rules and also for the purposes of naval, military or air force service retired pay, service pension or service gratuity; and

- (b) for the purpose of computing any superannuation benefits which may become payable as aforesaid, that person shall be treated as having received during the period of that service the remuneration which he would have received if he had remained in the employment in which he was engaged immediately before he undertook that service.
- (6) Rules made under this section may be so framed as to apply, and to be deemed always to have applied—
- (a) in relation to any person referred to in subsection (1) of this section who entered upon his compulsory national service after 30th June 1947, and
  - (b) in relation to any person referred to in subsection (3) of this section who entered upon his compulsory national service at any time after 31st December 1945;

and rules so made in relation to persons in relation to whom the said subsection (1) applies by virtue of subsection (2) of this section, or in relation to any person referred to in subsection (4) of this section, may be framed so as to have effect as from 15th July 1950.

- (7) Rules made under this section may contain such consequential and incidental provisions as appear to the Treasury to be necessary or expedient, including provisions requiring the giving of information and the production of documents, and provisions repealing, revoking, varying or applying any statutory provision relating to the subject-matter of the rules; and any such rules may make different provision for different cases or classes of

In this subsection "statutory provision" means a provision, whether of a general or special nature, contained in or in any document made or issued under any Act, whether of a general or special nature.

- (8) In this section " compulsory national service " means service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts 1939 to 1947 or Part I of the National Service Act 1948 or work or training in pursuance of an order of a tribunal under section 5 of the National Service (Armed Forces) Act 1939 or work or training in pursuance of an order made or direction given under the said Part I as respects a conditionally registered conscientious objector.

*Reckoning of service in certain employments preceding entry to civil service.*

### **33 Persons taken into civil service after employment with certain bodies, etc.**

- (1) Where, in connection with the provision of a new government service or the extension of an existing government service, persons have been taken into the civil service after having been employed by a body or organisation—
- (a) which had as its object, or one of its objects, the provision of services similar to the said government service, and
  - (b) the income of which was wholly or partly derived from moneys provided by Parliament,

and in the opinion of the Treasury their employment by that body or organisation was of the same nature and for the same purpose as their employment in the civil service, the Treasury may by rules provide for service in employment by that body or organisation being reckoned, in such manner and to such extent as may be specified

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in the rules, as service in the civil service for the purposes of this Act and modify in other respects the provisions of this Act as they apply in relation to those persons.

- (2) Rules under this section may, in relation to persons who had acquired or were in the course of acquiring pension rights in respect of their employment by any such body or organisation, in particular provide for making it a condition of obtaining benefits under this Act—
- (a) that any contributions made by a person in order to obtain any such pension rights, being contributions refunded to him on the termination of the employment, shall be paid to the Exchequer, and
  - (b) that payments are to be made by the body or organisation to the Exchequer in respect of those persons.

In this subsection " pension right " includes all forms of right to or eligibility for present or future payments of a pension, lump sum or gratuity.

- (3) This section shall not apply in relation to employment of any of the kinds specified in section 35(1) or 36(1) of this Act, but, subject to that, this section shall apply whatever the time at which the persons concerned were taken into the civil service.

#### **34 Reckoning of service of former teachers.**

- (1) For the purpose of determining whether a civil servant has served for the minimum period prescribed under this Act for the payment of a superannuation allowance or additional allowance, or a gratuity to his personal representatives on his death, any service before he became a civil servant which is—
- (a) recognised or contributory service for the purposes of the Teachers (Superannuation) Acts 1918 to 1956, or
  - (b) service which is recorded as first class service under regulations made under section 101 of the Education (Scotland) Act 1946 (as substituted by section 10 of the Education (Scotland) Act 1956) or section 102 of the Education (Scotland) Act 1962 or any amendment thereof (hereinafter referred to as " the Scottish Regulations " ), or
  - (c) service (not falling within the foregoing paragraphs) approved by the Treasury for the purposes of this section, being—
    - (i) service which may be treated for any of the purposes of the Teachers (Superannuation) Acts 1918 to 1956 as recognised or contributory service, or
    - (ii) employment which may be treated as service for the purpose of determining whether a teacher has completed a definite period of service prescribed as a condition of obtaining a retiring allowance or a gratuity under the Scottish Regulations,
- shall, subject to subsection (2) of this section, be treated as if it were service as a civil servant.
- (2) Any service which under section 12(2) of the Teachers (Superannuation) Act 1925 or under the Scottish Regulations would, by reason of the repayment of contributions, be excluded in reckoning periods of contributory or recognised service for the purposes of Part II of the said Act of 1925 or in reckoning periods of first class service under the Scottish Regulations, as the case may be, shall be disregarded for the purposes of subsection (1) of this section.

### **35 Special provision as to certain transfers to the service of the State.**

(1) Rules made by the Treasury under this subsection may make provision with respect to the pensions payable to and in respect of the following persons, namely—

- (a) persons who, having been employed in one or more of the following employments, that is to say—
  - (i) as officers or servants of a local authority in service all or any part of which was not pensionable employment; or
  - (ii) in any other employment service in which was not then pensionable but was service in respect of which those persons would, if they had continued in that employment, have become entitled to participate in the benefits of a superannuation fund maintained under Part I of the Local Government Superannuation Act 1937, or Part I of the Local Government Superannuation (Scotland) Act 1937, or under a local Act scheme,

left any such employment before such date, being a date before 28th May 1948, as may be specified in the rules, in order to become civil servants in the department of the Assistance Board ; and

- (b) persons who, having been employed by the Safety in Mines Research Board, or by a War Agricultural Executive Committee within the meaning of the Agriculture (Miscellaneous War Provisions) Act 1940, became, before such date as may be specified in the rules, civil servants or persons employed in an unestablished capacity; and
- (c) persons who, having been employed in the body which, at the time when it ceased to exist, was known as " K " Signals Company of the Royal Corps of Signals, became, before such date, being a date before 28th May 1948, as may be specified in the rules, civil servants employed in the Post Office ; and
- (d) persons who, having been employed by the body known as the Meteorological Committee, became at any time before 28th May 1948 civil servants in the Meteorological Office of the Secretary of State, not being civil servants subject to a superannuation scheme to which section 89 of this Act applies ;

and any such rules may provide for service in any such employment as aforesaid being reckoned, in such manner and to such extent as may be specified in the rules, as service to the State for the purposes of this Act.

(2) Rules made under the foregoing subsection may, in relation to persons of the class specified in paragraph (a) of that subsection who—

- (a) at any time before the coming into force of the rules, whether before or after they became civil servants, and whether by reason of their becoming civil servants or for any other reason, received any payment by way of a return of contributions under any enactment, including any scheme made thereunder or in pursuance thereof, relating to the superannuation of officers and servants of local authorities, being contributions in respect of a period of service as an officer or servant of a local authority which was pensionable employment, and
- (b) in the case of such payments received before their appointment to be civil servants, did not, before their said appointment, refund the contributions so returned to them,

include provisions requiring those persons to pay into the Exchequer amounts equal to the whole or any part of the contributions so returned to them as a condition of their service as officers or servants of a local authority as aforesaid being reckoned, to the extent specified in the rules, as service to the State for the purposes of this Act.

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- (3) Rules made by the Treasury under this subsection may make provision to secure that benefits corresponding as nearly as may be to the benefits conferred under subsection (1) of this section on or in respect of the persons specified in paragraph (d) of that subsection are conferred on or in respect of persons who, having been employed by the aforesaid Meteorological Committee, were at any time before 28th May 1948 employed in the civil service in the aforesaid Meteorological Office and became, and thereafter remained, subject to a superannuation scheme to which section 89 of this Act applies.
- (4) Section 32(7) shall apply in relation to rules made under any provision of this section as it applies in relation to rules made under that section.
- (5) In this section—
- " local Act scheme " and " local authority " have, in relation to England and Wales, the same meanings as in the Local Government Superannuation Act 1937, and, in relation to Scotland, the same meanings as in the Local Government Superannuation (Scotland) Act 1937;
- " pension ", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump sum or a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto ;
- " pension fund " means a fund established for the purpose of paying pensions;
- " pension rights " includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person;
- " pensionable employment " means employment which is relevant in relation to the pension rights of the person employed, and includes all such employment, whether or not for a period sufficient to render him entitled to, or eligible for, the payment of a pension to or in respect of him.

### **36 Rules as to former employees of Approved Societies, etc., who became civil servants.**

- (1) Rules made by the Minister of Pensions and National Insurance, with the consent of the Treasury, may make provision with respect to the pensions payable to and in respect of persons who, having been employed full-time—
- (a) by an Approved Society, or
  - (b) by some other body (including a body of which the Society was a branch or section) administering the affairs of an Approved Society, or
  - (c) by a body administering a special scheme under section 73 of the Unemployment Insurance Act 1935,
- became civil servants before such date as may be specified in the rules.
- (2) Any such rules may include provisions—
- (a) authorising or requiring persons who have received payments in respect of their pension rights to pay all or any of the amounts received into the Exchequer; or
  - (b) continuing, amending, repealing or revoking any pension scheme under which the persons to whom the rules apply have pension rights and any statutory provisions relating thereto and any trust deed, rules or other instrument made

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- for the purposes thereof, and providing for the transfer in whole or in part of any pension funds or assets held for the purposes of, or any liabilities under, any such scheme, or for the winding up of any such scheme, or the extinguishment of any such liabilities ; or
- (c) dealing in such manner as may appear appropriate with cases in which, in connection with any provision made by the National Insurance Act 1946 or by the Superannuation (Miscellaneous Provisions) Act 1948, or in anticipation of the making of any such provision, pension rights were created otherwise than in the ordinary course.
- (3) Where the persons having pension rights under any pension scheme or interested in any pension fund include both such persons as are mentioned in subsection (1) of this section and other persons in respect of whom the following conditions are fulfilled, that is to say—
- (a) that they had been employed full time by any such society or body as is mentioned in subsection (1) of this section, and
- (b) that they lost that employment, and
- (c) that the loss of employment was directly attributable to the passing of the National Insurance Act 1946, or the making of any regulations thereunder,
- rules made under this section may apply in relation to pensions payable to and in respect of those other persons as if they were persons such as are mentioned in the said subsection (1), and may provide for payment out of moneys provided by Parliament in respect of the pension rights of those other persons, so, however, that nothing in this subsection shall be construed as requiring identical provision to be made in relation to persons who fall, and persons who do not fall, within the said subsection (1).
- (4) The provisions of this section shall have effect in relation to any persons notwithstanding that provision could have been, or could be, made in relation to those persons under any provision of the Superannuation (Miscellaneous Provisions) Act 1948, other than section 3 thereof, or could be made in relation to them under section 32 or 35 of this Act, and nothing in any provision of the said Act of 1948 or of the said section 32 or 35 shall be construed as limiting the powers exercisable under this section.
- (5) Section 32(7) of this Act shall apply in relation to rules made under this section as it applies in relation to rules made under that section, but with the substitution for the reference to the Treasury of a reference to the Minister of Pensions and National Insurance.
- (6) In this section—
- " pension ", " pension fund " and " pension rights " have the same meanings respectively as in the last foregoing section;
- " pension scheme " includes any form of arrangements for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise ;
- " statutory provision " means a provision, whether of a general or special nature, contained in or in any document made or issued under any Act, whether of a general or special nature.

### **37 Temporary service with Imperial War Graves Commission before October 1934.**

- (1) Where at some time before 30th September 1934 a person entered the civil service, after having served in a temporary capacity with the Imperial War Graves

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Commission, his service in a temporary capacity with that Commission before that time, but not before 1st January 1919, may, subject to the provisions of this section, be reckoned for the purposes of this Act as employment in an unestablished capacity.

- (2) Where the said Commission paid a gratuity to a person to whom the foregoing subsection applies in respect of his service with the Commission, it shall be a condition of the making of any payment under this Act in respect of that person's service, so far as the amount of that payment is dependent on the provisions of that subsection, that there has been paid to the Exchequer a sum equal to the amount of the said gratuity.
- (3) The Treasury may, if they think fit, deduct any amount payable to them under the last foregoing subsection from any allowance or gratuity payable in respect of the person in question under section 3 or 4 of this Act, or any other lump sum payment so payable under this Act, and, where they do so, the person entitled to the lump sum payment shall not be entitled to require any other person to make any contribution towards the deduction borne by him.

*Service in civil service preceded or followed by  
service in other public office or approved employment.*

### **38 Employment in more than one public office.**

- (1) The Treasury may make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed in more than one public office.
- (2) Rules under this section may in particular in relation to such persons—
  - (a) modify this Act and any other enactments forming part of the law of the United Kingdom or any part thereof or of the Isle of Man which are for the time being in force and under which pensions are payable in respect of employment in a public office,
  - (b) apply the provisions of this Act, with or without modifications, in substitution for any other enactments forming part of the law of the United Kingdom or any part thereof or of the Isle of Man, notwithstanding that this Act is not otherwise applicable in relation to any of those public offices,
  - (c) make provisions as to the manner in which any pensions are to be defrayed, and in particular make provision for the payment of a transfer value by one pension authority to another, including the payment of a transfer value out of the Exchequer,
  - (d) define the kinds of public offices which are to be treated for the purposes of the rules as different public offices,

and rules under this section may include such supplemental and incidental provisions as appear to the Treasury to be expedient.
- (3) Rules under this section may provide either for separate pensions under the respective enactments relating to the different employments or for a single pension under the enactments relating to the later or latest employment (or by virtue of subsection (2)(b) of this section under this Act) or employ partly the one method and partly the other:

Provided that if the rules provide for separate pensions in relation to different public offices the rules shall not modify this Act or any other enactments so as to include as reckonable service in computing one of the separate pensions service in a public office in respect of which another of those separate pensions is payable.



- (4) Rules under this section may be so framed as to apply to persons ceasing to be employed in one public office and becoming employed in another notwithstanding that the cessation of the first employment or the commencement of the second employment was before the date of the making of the rules:

Provided that no rules shall be framed so as to apply when the cessation of the first employment took place before the making of the rules unless the rules are only to apply with the consent of the person ceasing to be employed, or that person is by the rules given an opportunity to elect that they shall not apply to him.

- (5) If the application of the rules in force under this section would put a particular individual in a position less advantageous than that in which he would have been if the rules did not apply in relation to him, they shall not be so applied.
- (6) In this section " pension ", in relation to any person, means a pension of any kind whatsoever payable to or in respect of him, and includes a lump sum or gratuity so payable.

### **39 Meaning of " public office " and supplementary provisions.**

- (1) In the last foregoing section references to employment in a public office shall be construed as references to employment of the following kinds, and " public office " shall be construed accordingly,—
1. Employment in the civil service (whether or not in an established capacity).
  2. Employment in any other capacity remunerated out of moneys provided by Parliament or the Consolidated Fund or the Post Office Fund or the revenue of the Isle of Man, but not including employment in the armed forces of the Crown.
  3. Subject to subsection (5) of this section, employment in the civil service of the Government of Northern Ireland (whether or not in an established capacity).
  4. Subject to subsection (5) of this section, employment in any other capacity remunerated out of moneys provided by the Parliament of Northern Ireland or the Consolidated Fund of Northern Ireland.
  5. Employment in the civil service of the government of any colony, or of any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or of any territory consisting partly of one or more colonies and partly of one or more such countries or places.
  6. Employment as an officer to whom the Overseas Service Act 1958 applies (if not employment within any of the other paragraphs in this subsection).
  7. Employment which is remunerated out of any of the following funds, or out of the revenues of any of the following bodies—
    - The Agricultural Research Council.
    - The Church Commissioners. The Crown Agents for Oversea Governments and Administrations.
    - The Development Fund. The Forestry Fund.
    - The funds of the Branches of the Royal Mint at Melbourne and Perth.
    - The General Lighthouse Fund.
    - The Greenwich Hospital Fund.
    - The land revenues managed by the Crown Estate Commissioners.
    - The Metropolitan Police Fund.
    - The Nature Conservancy.

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The Overseas Audit Department.

- (2) The Treasury may by order—
  - (a) designate any employment as employment in a public office for the purposes of this section, and
  - (b) add to, amend or repeal any of the provisions of subsection (1) of this section, and an order under this subsection—
    - (i) may include transitional and other supplemental provisions, and
    - (ii) may vary or revoke a previous order made under this subsection.
- (3) The last foregoing section and this section shall have effect subject to the transitional provisions in paragraphs 10 and 11 of Schedule 10 to this Act.
- (4) For the purposes of section 6 of the Government of Ireland Act 1920 (conflict of laws) the last foregoing section and this section shall be deemed to be contained in an Act passed before the day appointed for the purposes of the said section 6.
- (5) Rules in force under the last foregoing section shall not apply in relation to any person if the only public offices in which he has been employed have been employments in a capacity remunerated out of moneys provided by the Parliament of Northern Ireland or the Consolidated Fund of Northern Ireland.
- (6) Nothing in this or the last foregoing section shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of those sections until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

**40 Power to grant allowances to civil servants transferred to approved employment.**

- (1) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department, retires from that employment under conditions which would have entitled him to any superannuation allowance, additional allowance or gratuity had he continued to be employed as a civil servant, and to be so employed in service in the United Kingdom, then, if the head officer of the department in which he was serving at the date of the transfer makes a recommendation to that effect, the Treasury may grant to him such superannuation allowance, additional allowance or gratuity as might have been granted to him if, at the date of the transfer, he had retired from the civil service on the ground of ill-health.

In this section " approved employment " means employment, whether within or without Her Majesty's dominions (not being employment in a public office within the meaning of section 38 of this Act service in which qualifies for the grant of a superannuation allowance), which is recognised by the head officer of the department in which the civil servant was serving at the date of the transfer, and by the Treasury, as being employment to which it is expedient that the provisions of this subsection should apply.

- (2) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department, retires from that employment on the ground of age before attaining the age of sixty years and is, on such retirement, qualified for, or entitled to, the benefits of any system of superannuation applicable to the approved employment, the Treasury may either—

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- (a) grant to him on his attaining the age of sixty years, such superannuation allowance, additional allowance or gratuity as might be granted to him under subsection (1) of this section, or
  - (b) grant to him, within six months after the date of his retirement from the approved employment (if requested by him to do so) such superannuation allowance, additional allowance or gratuity as the Treasury consider to be actuarially equivalent, at the said date, to the superannuation allowance, additional allowance or gratuity, as the case may be, which might be granted to him under the said subsection (1).
- (3) The foregoing provisions of this section shall apply to a person who, after being transferred from the civil service to approved employment, is with the consent of the Treasury transferred to one or more subsequent employments recognised by the Treasury as being employments to which it is expedient that the provisions of subsection (1) of this section should apply, subject to the following adaptations, that is to say—
- (a) references to retirement from the approved employment, and to a system of superannuation applicable to the approved employment, shall be construed respectively as references to retirement from the latest employment recognised as aforesaid and to a system of superannuation applicable to that employment, and
  - (b) any reference in subsection (1) of this section to the transfer shall be construed as a reference to the transfer from employment as a civil servant.

#### **41 Power to grant death gratuity in respect of civil servants transferred to approved employment.**

- (1) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department dies while in that employment, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the day before the day of the transfer, after deducting therefrom the total amount of any sums paid or payable, under any system of superannuation applicable to the approved employment, in respect of his death.
- (2) Where any person who, after having served as a civil servant for not less than five years, was transferred to approved employment with the consent of the head officer of his department, dies after retiring from that employment in circumstances which qualified him for the grant of a superannuation allowance and an additional allowance under the last foregoing section, then if—
- (a) no provision is made, under any system of superannuation applicable to the approved employment, for the grant of pensions to widows or dependants of persons who die after retiring from that employment, and
  - (b) the sums paid or payable to him at the time of his death on account of the said superannuation allowance and additional allowance, together with any sums paid or payable to him, his personal representatives and his widow or dependants under such a system of superannuation, are less than the annual amount of salary and emoluments upon which the said superannuation allowance and additional allowance have been computed,
- the Treasury may grant to his personal representatives a gratuity equal to the difference.

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

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- (3) The foregoing provisions of this section shall apply to any person who, after being transferred from the civil service to approved employment, is with the consent of the Treasury transferred to one or more subsequent employments recognised by the Treasury as being employments to which it is expedient that section 40(1) of this Act should apply, subject to the following adaptations, that is to say,—
- (a) references to dying while in the approved employment, and to a system of superannuation applicable to the approved employment, shall be construed respectively as references to dying while in the latest employment recognised as aforesaid and to a system of superannuation applicable to that employment, and
  - (b) the reference in subsection (1) of this section to the transfer shall be construed as a reference to the transfer from employment as a civil servant.
- (4) The foregoing provisions of this section shall not apply in relation to any person who was transferred to approved employment before 27th June 1935.
- (5) In this section " approved employment " has the same meaning as in the last foregoing section.

**42 Application of certain provisions of Act to persons employed in public office, etc. or approved employment.**

- (1) The provisions of this Act specified in subsection (3) of this section shall, in relation to persons who, whether before or after they are civil servants, serve in a public office (not in the civil service) within the meaning of section 38 of this Act, or as members of a police force within the meaning of the Police Pensions Act 1948, or in service by virtue of which they are deemed for the purposes of that Act to be members of such a force, or who, having been civil servants, become Governors within the meaning of the Governors' Pensions Act 1957, have effect subject to such adaptations and modifications as may be prescribed by rules made by the Treasury; and where rules are made under this subsection, they may contain provisions modifying, in relation to the persons affected by the rules, any other enactment relating to the pensions and other benefits payable to or in respect of them.
- (2) The provisions of this Act specified in subsection (3) of this section shall, in relation to persons who, having ceased to be civil servants, are employed in approved employment within the meaning of section 40 of this Act, have effect subject to such adaptations and modifications as may be prescribed by rules made by the Treasury, and rules made under this subsection may contain such provisions for modifying sections 40 and 41 of this Act as appear to the Treasury to be equitable having regard to the provisions of this Act specified in the said subsection (3), as modified by rules made under this subsection.
- (3) The provisions of this Act referred to in subsections (1) and (2) of this section are sections 5, 6, 7, 10, 13 (except subsection (4)), 15(1) to (5), 16, 17, 18, 20(1), 21(2), 22, 23, 25, 26, 29, 43, 44 and 45(1), Parts III and IV, sections 83 to 88, 91, 94, 98(2) and (3) and 99 and paragraph 3 of Schedule 3.

*Allocation of part of superannuation benefits to dependants and spouses.*

**43 Allocation of part of superannuation benefits to dependants.**

- (1) The Treasury may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules, a retiring officer, that is to say, a person of such a class as may be so specified to whom any superannuation allowance or any annual compensation or retiring allowance is granted under this Act, otherwise than on retirement (from the civil service or other employment) on the ground of ill-health, shall be allowed to surrender, as from the beginning of the period in respect of which the allowance is paid, in return for the benefits of the rules such part, not exceeding one-third, of any superannuation allowance or any annual compensation or retiring allowance which the Treasury may grant to him under this Act, as may be specified in the rules, and for enabling the Treasury to grant either to the wife or husband, as the case may be, or to a dependant, of the retiring officer a pension of such value as, according to tables to be prepaid from time to time by the Government Actuary, is actuarially equivalent, at the said date, to the value of that part of the allowance which is

Rules under this section may define classes of persons for the purposes of the section by reference to the age which they have attained at a specified date.

- (2) Any such pension as aforesaid for the benefit of a dependant (not being the spouse) of a retiring officer shall be payable in respect of the period, if any, for which the dependant survives the retiring officer, and any such pension as aforesaid for the benefit of the spouse of a retiring officer shall, according as the retiring officer may, in conformity with the rules under this section, elect, be payable either—
- (a) in respect of the period, if any, for which the spouse survives the retiring officer, or
  - (b) in respect both of the period of their joint lives after the beginning of the period in respect of which the allowance granted to the retiring officer is paid and of the period, if any, for which the spouse survives the retiring officer;

and the rules may provide that a pension payable thereunder in respect of the periods mentioned in paragraph (b) of this subsection shall be paid at one rate in respect of the first of those periods and at a higher rate in respect of the second.

- (3) For the purposes of the references in subsections (1) and (2) of this section to the beginning of the period in respect of which an allowance is paid, any suspension of a pension under section 12 of this Act shall be disregarded.
- (4) If any person has, in accordance with rules under this section, surrendered part of a superannuation allowance, then, for the purpose of calculating the amount of any gratuity which may be granted to his personal representatives under section 4(2) of this Act, the sums paid or payable to him at the time of his death on account of such superannuation allowance shall be deemed to be the sums which would have been so paid or payable but for the surrender; and if any person has, in accordance with rules under this section, surrendered part of a superannuation or compensation allowance, then, for the purpose of determining whether any, and if so, what, amount may be paid to him under section 12 of this Act by way of such allowance in respect of any period during which, after retiring, he is employed in a public department, the profits of the office from which he retired shall be treated as reduced by the amount surrendered by him as aforesaid.

**44 Power of certain retired civil servants to allocate part of their superannuation benefits to their spouses.**

- (1) The Treasury may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules, a retired civil servant under seventy years of age who has married since his retirement shall be allowed to surrender, as from the date of his marriage, in return for the benefits of the rules, such part of any superannuation allowance or any annual compensation or retiring allowance granted or to be granted to him as may be specified in the rules and for enabling the Treasury to grant to his spouse a pension of such value as, according to tables prepared from time to time by the Government Actuary, is actuarially equivalent, at the said date, to the value of that part of the superannuation, compensation or retiring allowance which is surrendered:

Provided that the part of any allowance surrendered by a person under this section, together with any part thereof surrendered under the last foregoing section, shall not exceed one-third of the allowance.

- (2) This section shall not apply where the retirement of the civil servant was on the ground of ill-health.
- (3) Subsections (2) and (4) of the last foregoing section, so far as they apply to surrenders made for the benefit of spouses and pensions granted to spouses, shall apply also to surrenders under this section and pensions granted by virtue thereof, but as if any references to the beginning of the period in respect of which an allowance granted to a retiring officer is paid and to the date of retirement were references to the date of the marriage.

## PART II

### SPECIAL PROVISIONS APPLICABLE TO CERTAIN MEMBERS OF THE DIPLOMATIC SERVICE WITH RESPECT TO SUPERANNUATION BENEFITS

**45 Termination of service of certain members of the diplomatic service before retiring age.**

- (1) Section 10 of this Act shall not apply to a civil servant who is, or to a person who, when he was last a civil servant, was, a member of Her Majesty's diplomatic service.
- (2) If—
- (a) the employment in Her Majesty's diplomatic service of a member thereof is terminated before the retiring age, and
  - (b) the Secretary of State certifies that the termination of his employment is desirable in the public interest, having regard to his qualifications and the conditions existing in the service,

then, subject to subsection (3) of this section, a superannuation allowance and an additional allowance of the amount hereinafter provided may be granted to him notwithstanding section 1(1)(b) of this Act:

Provided that nothing in this section shall alter so much of the said section 1 as requires a service of ten years before a superannuation allowance can be granted.

- (3) If the member of the diplomatic service whose employment is terminated is not an officer of any of the grades 1 to 8 and, at the termination of his employment, he was offered comparable employment as a civil servant in the United Kingdom, and not in the diplomatic service, then, unless the Treasury otherwise determine on compassionate grounds, no superannuation allowance or additional allowance shall be granted to him by virtue of this section before he attains the age which would have been the retiring age for him if he had continued to serve as a civil servant, and had so continued in service in the United Kingdom.
- (4) Where a person who would have been eligible for the grant of a superannuation allowance but for the operation of the last foregoing subsection dies without any such allowance being granted to him, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.
- (5) The amount of any superannuation allowance or additional allowance granted by virtue of this section shall be such amount as could have been granted to the member in question by way of that allowance under this Act apart from section 1(1)(b) thereof, together with such additional amount, if any, by way of special increase as may appear to the Treasury on the recommendation of the Secretary of State to be reasonable having regard to all the circumstances subject, however, to the following provisions of this section.
- (6) Any such special increase added to the superannuation allowance or additional allowance—
- (a) shall not be such as to bring the amount of that allowance up to an amount higher than that which could have been granted apart from any such increase if at the date of the termination of the employment of the member in question he had completed such reckonable service not exceeding forty years as he would have completed if he had continued in reckonable service in the same employment until he attained the age of sixty years ; and
  - (b) shall not exceed whichever is the higher of the following sums, that is to say,—
    - (i) a sum equal, in the case of the superannuation allowance, to one-twelfth or, in the case of the additional allowance, to three-twelfths of the amount of the salary and emoluments on which the superannuation allowance falls to be computed ;
    - (ii) such sum as may be required to make that allowance equal, in the case of the superannuation allowance, to three-twelfths or, in the case of the additional allowance, to nine-twelfths of the salary and emoluments aforesaid:

Provided that, for the purposes of any special increase added to the additional allowance granted to a person to whom immediately before the commencement of this Act section 4 of the Superannuation Act 1935 did not apply, other than a person to whom Part III of this Act becomes applicable or a person who duly makes a nomination within the meaning of Part IV of this Act, paragraph (a) of this subsection shall have effect as if for the reference therein to forty years there were substituted a reference to forty-five years.

- (7) If no special increase in respect of an additional allowance is payable to a person under subsection (5) of this section because that person is not eligible for an additional allowance, subsection (6)(b) of this section shall have effect, in relation to that person, as if in sub-paragraph (i) for the words " one-twelfth " there were substituted the words

" one-tenth " and in sub-paragraph (ii) for the words " three-twelfths " there were substituted the words " three-tenths ".

- (8) Where in consequence of the grant to any person by virtue of this section of a superannuation allowance a pension may fall to be granted under Part III of this Act, to the widow, or under Part IV thereof, to a dependant, of that person and a special increase is added to that allowance, any amount which apart from this subsection would have been added to the additional allowance by way of special increase shall be abated—
- (a) where such a pension to that person's widow may fall to be granted by one-third, and
  - (b) in respect of each nomination by that person under the said Part IV, by an amount equal to four-fifteenths of the appropriate percentage of the amount of the increase apart from this subsection.
- (9) In this section " the appropriate percentage ", in relation to any nomination under Part IV of this Act, means the percentage determined in accordance with section 66(4) of this Act to be the appropriate percentage for the purpose of a contribution in respect of that nomination under section 69 thereof.

#### **46 Superannuation benefits in cases of voluntary retirement from diplomatic service before attaining age of 50.**

- (1) If the employment of a member of Her Majesty's diplomatic service who has not attained the age of fifty years is terminated at his request, and when his employment is so terminated—
- (a) his reckonable service is not less than twenty years, and
  - (b) his actual service as a civil servant in countries or places outside the United Kingdom is not less than eight years,
- the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate:
- Provided that, unless the Treasury otherwise determine on compassionate grounds, no such allowance shall be granted to a person by virtue of this subsection before he attains the age which would have been the retiring age for him if he had continued to serve as a civil servant but had so continued in service in the United Kingdom.
- (2) Where a person who would have been eligible for the grant of a superannuation allowance but for the operation of the proviso to the foregoing subsection dies without any such allowance being granted to him, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.
- (3) For the purposes of subsection (1)(b) of this section—
- (a) service in an unestablished capacity in the civil service in countries or places outside the United Kingdom which could be taken into account in computing the amount of any superannuation allowance shall be taken into account as if it were service as a civil servant,
  - (b) the Treasury may disregard all or any part of the service of a person who was residing outside the United Kingdom when he first entered the civil service,
  - (c) the provisions of sections 24 and 25(2) of this Act shall be disregarded, and



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- (d) subject to paragraph (a) of this subsection, service which, though deemed for pension purposes to be service as a civil servant, is not actual service as a civil servant shall be disregarded.

**47 Voluntary retirement from Secretarial Branch of diplomatic service after attaining age of 35.**

- (1) If the employment of a member of the Secretarial Branch of Her Majesty's diplomatic service who has attained the age of thirty-five years is terminated at his request, and that person is not eligible for a superannuation allowance or additional allowance, the Treasury may, subject to the following provisions of this section, grant a gratuity to him under this section.
- (2) Unless the Treasury otherwise determine on compassionate grounds, no gratuity shall be granted under this section to a person who was, at his retirement, offered a transfer to comparable employment as a civil servant in the United Kingdom, and not in the diplomatic service.
- (3) The Treasury may by rules under this section—
  - (a) prescribe the amount of the gratuity payable under this section, and provide for that amount to be different in different circumstances,
  - (b) impose conditions to be satisfied before a gratuity is payable under this section.

**48 References to grades of diplomatic service may be modified, etc.**

- (1) If there is any re-organisation of the grades of Her Majesty's diplomatic service, the Secretary of State may by order make such modifications of references in the foregoing provisions of this Part of this Act to those grades (including the references in section 47 of this Act to the Secretarial Branch) as appear to him expedient having regard to the nature of the re-organisation; and if any question arises whether a person at any time was a member of Her Majesty's diplomatic service, or of the Secretarial Branch or of any other grade or grades, that question shall be determined by the Secretary of State, and his decision shall be final.
- (2) If any question arises under section 45 or section 47 of this Act whether a person has at his retirement been offered a transfer to comparable employment in the United Kingdom that question shall be determined by the Treasury after consultation with the Secretary of State, and the decision of the Treasury thereon shall be final.

### PART III

#### PENSIONS TO WIDOWS, CHILDREN, ETC

##### *Pensions under Part III.*

**49 Power to grant widows' and children's pensions.**

Subject to the provisions of this Act, the Treasury may, on the death of a male person to whom this Part of this Act applies (hereafter in this Part of this Act referred to as "the deceased"), grant, in respect of his service—

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- (a) where he leaves a widow, a pension to that widow (here after in this Part of this Act referred to as a " widow's pension "); and
- (b) where he had a wife at any time after this Part of this Act first applied to him (whether or not the marriage continued until his death and whether or not a widow's pension is or can be granted), a pension for the benefit of the children of the marriage, and, in certain circumstances, of other children of his or hers (hereafter in this Part of this Act referred to as a " children's pension "):

Provided that any marriage of the deceased which takes place after he has ceased to be a civil servant shall be left out of account for the purposes of this Part of this Act, and any reference in this Part of this Act to a marriage, a wife, the widow or the children of the deceased shall be construed accordingly.

#### **50 Pensions under Part III to depend on deceased's superannuation allowance.**

- (1) A pension shall not be granted under this Part of this Act unless—
  - (a) the deceased had become eligible for the grant of a superannuation allowance (whether such an allowance had actually been granted or not); or
  - (b) the deceased was still serving as a civil servant at the time of his death and would, if he had then retired on a medical certificate, have been eligible for the grant of a superannuation allowance ; or
  - (c) the deceased had ceased to be a civil servant in such circumstances that, on attaining a particular age, he would or might have become eligible for a superannuation allowance by virtue of section 7(1) of this Act.
- (2) In this Part of this Act, the expression " the rate of the superannuation allowance of the deceased " means the annual rate of the superannuation allowance mentioned in subsection (1) of this section for which the deceased 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, any abatements falling to be made under regulations made under section 110(1) of the National Insurance Act 1965 being left out of account.

#### **51 Widows' pensions.**

- (1) A widow's pension shall not be granted if—
  - (a) the widow was at the time of the death cohabiting with a person other than the deceased ; or
  - (b) after the death the widow remarries or cohabits with any person;
 and if, after the grant of a widow's pension, the widow remarries or cohabits with any person, the pension shall cease as from the date of the remarriage or the commencement of the cohabitation:

Provided that where—

- (i) a pension is withheld or ceases under this section ; and
  - (ii) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of pension notwithstanding the marriage,
- the Treasury may, if they think fit, grant or regrant the pension as from that date.

- (2) Subject to the provisions of subsection (1) of this section, a widow's pension may be paid in respect of the whole period from the death of the deceased to the death of the widow.
- (3) The annual rate of a widow's pension may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher.

## **52 Children's pensions: beneficiaries.**

- (1) A children's pension may be granted if, and be paid so long as and whenever, there are persons for whose benefit it can enure.
- (2) Subject to the provisions of this section and to the provisions of Schedule 5 to this Act, the persons for whose benefit a children's pension can enure are the children of the deceased or of any wife of his who are for the time being in their period of childhood and full-time education.
- (3) A children's pension cannot enure for the benefit of any person conceived after the deceased ceased to be a civil servant.
- (4) A children's pension cannot enure for the benefit of any person by reason that he is the illegitimate or adopted child of the deceased, if he was born, or, as the case may be, adopted, after the termination of the deceased's last marriage or after the deceased had ceased to be a civil servant:

Provided that if the Treasury are satisfied that the child was before the termination of the deceased's last marriage, or, as the case may be, before the deceased had ceased to be a civil servant, wholly or mainly dependent on the deceased and that the deceased had already formed the intention of adopting the child, the Treasury may direct that the foregoing provision shall not apply to the child.

- (5) A children's pension cannot enure for the benefit of any person by reason that he is the child of a wife of the deceased, if he was born or became her "child after the termination of the marriage or after the deceased had ceased to be a civil servant:

Provided that if the Treasury are satisfied that the child was before the termination of the marriage, or, as the case may be, before the deceased had ceased to be a civil servant, wholly or mainly dependent on the deceased, that the wife and the deceased had together formed the intention of adopting the child, and that, but for the deceased's death, the deceased would have adopted the child, the Treasury may direct that the foregoing provision shall not apply to the child.

- (6) A children's pension cannot enure for the benefit of any person by reason that—
  - (a) he is the illegitimate child of the deceased ; or
  - (b) he is a stepchild of the deceased and a child of a wife of his; or
  - (c) he is the stepchild, adopted child or illegitimate child of a wife of the deceased, unless he was wholly or mainly dependent on the deceased at the time of his death.
- (7) A children's pension cannot enure for the benefit of a female person who at the time of the death of the deceased was married or was cohabiting with any person, and if, after the death of the deceased, a female person marries or cohabits with any person, she shall thereupon cease to be a person for whose benefit a children's pension can enure:

Provided that where—

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- (a) a pension is withheld from or does not enure for the benefit of a person by virtue of this subsection; and
- (b) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for permitting the pension to enure for her benefit notwithstanding the marriage,

the Treasury may, if they think fit, grant the pension, or, as the case may be, permit the pension to enure for her benefit, as from that date.

- (8) A children's pension cannot enure for the benefit of a person who is the subject of a nomination made by the deceased under Part IV of this Act which is still in force.

### **53 Children's pensions: rate and mode of payment.**

- (1) Only one children's pension shall be granted in respect of the service of any one person, but—
  - (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure; and
  - (b) it shall be paid to such person or persons as the Treasury may from time to time direct, and different parts thereof may be directed to be paid to different persons ; and
  - (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension can for the time being enure or for the benefit of such of them as the Treasury may from time to time direct.
- (2) Where the deceased leaves no widow, and, if he leaves a widow, after her death, the annual rate of a children's pension—
  - (a) while the persons for whose benefit it can enure are three or more in number, may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher;
  - (b) while the said persons are two in number, may amount to one-quarter of the rate of the superannuation allowance of the deceased, or to £19 and 10s. per annum, whichever is the higher;
  - (c) while there is only one such person, may amount to one sixth of the rate of the superannuation allowance of the deceased or to £13 per annum, whichever is the higher.
- (3) Subject to the provisions of the next following subsection, where the deceased leaves a widow, the annual rate of a children's pension during her life—
  - (a) while the persons for whose benefit it can enure are four or more in number, may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher;
  - (b) while the said persons are three in number, may amount to one-quarter of the rate of the superannuation allowance of the deceased, or to £19 and 10s. per annum, whichever is the higher;
  - (c) while the said persons are two in number, may amount to one-sixth of the rate of the superannuation allowance of the deceased, or to £13 per annum, whichever is the higher;
  - (d) while there is only one such person, may amount to one-twelfth of the rate of the superannuation allowance of the deceased or to £6 and 10s. per annum, whichever is the higher:

Provided that—

- (i) where all the persons for whose benefit a children's pension can enure were at the time of the death of the deceased in the care of some person other than the widow, the Treasury may, if they think fit, direct that subsection (2) of this section shall apply notwithstanding that the widow is still alive ; and
  - (ii) where some but not all of those persons were at that time in the care of some person other than the widow, the annual rate of the children's pension may, if the Treasury think fit, amount to the sum of the rate to which it might have amounted if those persons were left out of account and the rate to which it might have amounted if the widow were dead and the other persons were left out of account, so, however, that in no case shall the annual rate of the pension amount to more than either one-third of the rate of the superannuation allowance of the deceased or £26 per annum, whichever is the higher.
- (4) Notwithstanding anything in the foregoing provisions of this section, where the deceased leaves a widow and no widow's pension is granted to her or, if one is granted to her, it ceases to be paid before her death, no children's pension shall be payable as respects any period comprised within the life-time of the widow or within the time in respect of which no widow's pension is payable, as the case may be, unless the Treasury specially direct that such a pension shall be so payable, but, if the Treasury do specially so direct, they may, if they think fit, further direct that subsection (2) of this section shall apply as respects any such period notwithstanding that the widow is alive.

#### *Contributions under Part III.*

#### **54 Duty to pay contributions under Part III.**

The provisions of the three next following sections shall have effect for the purpose of securing that part of the cost of the pensions payable under this Part of this Act is borne by contributions by persons to whom this Part of this Act applies.

#### **55 Periodical contributions under Part III.**

- (1) At the time when this Part of this Act first applies to a person or within six months thereafter, he shall elect whether or not to make contributions under this section.
- (2) Where a person who has no wife when this Part of this Act first applies to him marries or first marries thereafter, he shall, unless he has previously elected under subsection (1) of this section to make contributions under this section, again elect, at the time of his marriage or within six months thereafter, whether or not to make such contributions.
- (3) Contributions by a person under this section—
  - (a) shall be equal to one and a quarter per cent. of the amount of the salary from time to time payable to him, exclusive of allowances and payments for overtime;
  - (b) shall be payable in respect of his salary from the date as from which his election to pay the contributions becomes effective until he ceases to be a civil servant; and
  - (c) shall be paid at such times and in such manner as the Treasury may determine.

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An election by a person under subsection (1) of this section shall be effective as from the date when this Part of this Act first applies to him and an election by a person under subsection (2) of this section shall be effective as from the date when he marries or first marries thereafter.

- (4) Contributions under this section are hereafter in this Part of this Act referred to as "periodical contributions".

## **56 Return of periodical contributions under Part III.**

- (1) If—
- (a) when a person who had made periodical contributions ceases to be a civil servant, it appears that he has had no wife throughout the period for which this Part of this Act applied to him ; or
  - (b) a person who has made periodical contributions ceases to be a civil servant under such circumstances that he is not eligible for the grant of a superannuation allowance and will not become eligible therefor on attaining a particular age,
- the whole of his periodical contributions may be returned to him.
- (2) In any other case where a person ceases to be a civil servant after making periodical contributions, there may be returned to him such of those contributions, if any, beginning with the last of them, as is necessary in order to secure that the period in respect of which such contributions are paid by him without being returned—
- (a) is an exact number of years ; and
  - (b) does not extend beyond the date on which his reckonable service amounted to forty years ; and
  - (c) if he has no wife when he ceases to be a civil servant, does not extend beyond the date on which he last had a wife.
- (3) Where any contributions are returned under this section, they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.

## **57 Contribution under Part III by reduction in additional allowances and death gratuities.**

- (1) Subject to the provisions of this section, where an additional allowance or a gratuity under section 4 of this Act becomes payable to or in respect of a person to whom this Part of this Act applies, a contribution under this section shall be made in respect of him, taking the form of a reduction in the amount of the allowance or gratuity.
- (2) A contribution shall not be made under this section where the civil servant has no wife when he ceases to be a civil servant and has had no wife throughout the period for which this Part of this Act applied to him, or where the number of relevant years, as defined in subsection (4) of this section, is nil.
- (3) Where subsection (2) of this section does not apply, the contribution shall be equal to one-eightieth of the average annual amount of the salary and emoluments of the civil servant's office during the last three years of his service, multiplied by the number of relevant years as defined in subsection (4) of this section.
- (4) In this section " the number of relevant years " means—

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- (a) if the civil servant has a wife when he ceases to be a civil servant, the number of completed years of reckonable service which he then has;
  - (b) if the civil servant has no wife when he ceases to be a civil servant, the number of completed years of reckonable service which he had when he last had a wife before that date,
- reduced, in each case, by the number of years, if any, for which periodical contributions have been made by him and are not returnable.
- (5) Service after forty years of reckonable service shall be left out of account for the purposes of this section.
  - (6) Any reduction effected or to be effected under this section in the amount of any additional allowance shall be left out of account for the purposes of section 4(2) of this Act and, accordingly, the question whether any and if so what gratuity may be granted under that subsection shall be determined as if no such reduction as aforesaid had been or had to be made.

#### *Application of Part III.*

### **58 Application of Part III to male civil servants.**

- (1) Subject to the provisions of this section, this Part of this Act shall apply to all male persons who were civil servants on 14th July 1949 or who thereafter became or become civil servants.
- (2) This Part of this Act shall not apply to a person to whom, by virtue of any election made under any provision of section 10 of the Superannuation Act 1949, Part I of that Act did not at the commencement of this Act apply and was deemed never to have applied, unless he gives notice under subsection (5) of this section cancelling that election.
- (3) A male person who was a civil servant on 14th July 1949 and who had then no wife and did not marry or first marry after that date and before the commencement of this Act may, within the six months next following the date on which he marries or first marries after the said commencement, elect that this Part of this Act shall not apply and shall be deemed never to have applied to him:

Provided that a person shall not make an election under this subsection if he has already elected to make periodical contributions.

- (4) Where—
  - (a) a person who was on 14th July 1949 employed in an unestablished capacity or part-time service becomes a civil servant after the commencement of this Act, and
  - (b) any of his service in that employment is reckonable service, whether as to the whole or any part thereof,that person may—
  - (i) within six months after the date when he becomes a civil servant, if he has then a wife, or
  - (ii) within six months after the date on which he marries or first marries after the date when he becomes a civil servant, if at the latter date he has no wife,elect that this Part of this Act shall not apply and shall be deemed never to have applied to him:

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Provided that a person shall not make an election under paragraph (ii) of this subsection if he has already elected to make periodical contributions.

(5) Where—

- (a) a person has elected under section 10 of the Superannuation Act 1949 that Part I of that Act shall not apply and shall be deemed never to have applied to him or has elected under this section that this Part of this Act shall not apply and shall be deemed never to have applied to him, and
- (b) his marriage comes to an end, and
- (c) he again marries,

he may, before the expiration of six months from the date of the marriage referred to in paragraph (c) of this subsection, give a notice cancelling that election.

### **59 Application of Part III with modifications to women.**

- (1) A woman civil servant who has a husband may, on proof to the satisfaction of the Treasury that her husband is wholly or mainly dependent on her, elect that this Part of this Act shall apply to her.
- (2) Where this Part of this Act applies to a woman by reason of an election under this section, all the provisions of this Part of this Act shall apply in relation to her as if references therein to a male person who is or was a civil servant included references to her, and as if any reference to the wife or widow of such a person included a reference to her husband or her widower:

Provided that—

- (a) where she leaves a widower, the Treasury may, if they think fit, direct that section 53(2) of this Act shall apply to any children's pension payable in respect of her service to the exclusion of section 53(3) thereof, notwithstanding that some or all of the persons for whose benefit the pension can enure were not at the time of her death in the care of some person other than the widower ; and
- (b) if her husband dies and she remarries, the subsequent marriage and the children thereof shall be left out of account for all the purposes of this Part of this Act unless she proves to the satisfaction of the Treasury, at some time while she is still a civil servant, that her husband by that marriage is wholly or mainly dependent on her.

*Miscellaneous.*

### **60 Modification of Part III in relation to person to whom s. 6 or 13 applies.**

The provisions of this Part of this Act shall, in relation to persons to whom section 6 of this Act applies, have effect subject to the provisions of Part I of Schedule 6 to this Act, and the provisions of this Part of this Act shall, in relation to persons to whom section 13 of this Act applies, have effect subject to the provisions of Part II of that Schedule.



**61 Saving for allocations under s. 43.**

The fact that this Part of this Act applies to a person shall not affect his rights under section 43 of this Act, and the pensions payable under this Part of this Act in respect of the service of a person shall be calculated as if any surrender under that section of a part of a superannuation allowance had not been made.

**PART IV**

DEPENDANTS' PENSIONS

*Pensions under Part IV.*

**62 Power to grant pensions to nominated dependants of civil servants.**

- (1) Subject to the provisions of this Part of this Act, a person who is a civil servant may, at any time before he ceases to be a civil servant, nominate another person who satisfies the conditions in that behalf specified in this Part of this Act as to relationship, dependence and otherwise, as a person to whom or for whose benefit a pension may be granted under this Part of this Act after the nominator's death, and, subject as aforesaid, the Treasury may, after the death of the nominator and if the nomination is still in force, grant a pension accordingly to or for the benefit of the person nominated.
- (2) Pensions under this Part of this Act shall be either—
  - (a) pensions which may continue for the life of the grantee (in this Part of this Act referred to as " life pensions "); or
  - (b) pensions which (subject to the provisions of Schedule 5 to this Act) may be paid only while the persons for whose benefit they are granted are still in their period of childhood and full-time education (in this Part of this Act referred to as " pensions of limited duration ").
- (3) In this Part of this Act, " nomination " means such a nomination as is referred to in subsection (1) of this section, and " nominate ", " nominator " and " nominee " shall be construed accordingly :

Provided that, except where the context otherwise requires, " nominee" does not include a nominee under a nomination which has ceased to be in force.

**63 Pensions under Part IV to depend on nominator's superannuation allowance.**

- (1) A pension shall not be granted under this Part of this Act unless—
  - (a) the nominator had become eligible for the grant of a superannuation allowance (whether such an allowance had actually been granted or not); or
  - (b) the nominator was still serving as a civil servant at the time of his death and would, if he had then retired on a medical certificate, have been eligible for the grant of a superannuation allowance ; or
  - (c) the nominator had ceased to be a civil servant in such circumstances that, on attaining a particular age, he would or might have become eligible for a superannuation allowance by virtue of section 7(1) of this Act.
- (2) In this Part of this Act " the rate of the superannuation allowance of the nominator" means the annual rate of the superannuation allowance mentioned in subsection (1) of

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this section for which the nominator 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, any abatements falling to be made under regulations made under section 110(1) of the National Insurance Act 1965 being left out of account.

#### **64 Life pensions.**

- (1) A life pension may be granted to a nominee who was nominated after the end of his period of childhood and full-time education.
- (2) A life pension may be paid in respect of the whole period from the death of the nominator until the death of the nominee.
- (3) Notwithstanding anything in the foregoing provisions of this section, a life pension shall not be granted to a female nominee if either—
  - (a) at the time of the death of the nominator, she is married ; or
  - (b) at or after the time of the death of the nominator, she cohabits with any person, and if, after the granting of a life pension to a female nominee, she marries or cohabits with any person, the pension shall cease as from the date of the marriage or the commencement of the cohabitation:

Provided that where—

- (i) a pension is withheld or ceases under this section ; and
  - (ii) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of pension notwithstanding the marriage,
- the Treasury may, if they think fit, grant or regrant the pension as from that date.
- (4) The annual rate of a life pension may amount to one-third of the rate of the superannuation allowance of the nominator or to £26 per annum, whichever is the higher.

#### **65 Pensions of limited duration.**

- (1) A pension of limited duration may be granted if, and be paid so long as and whenever, there are nominees for whose benefit it can enure, and, subject to the provisions of this section and to the provisions of Schedule 5 to this Act, the nominees for whose benefit such a pension can enure are nominees who are for the time being in their period of childhood and full-time education.
- (2) Only one pension of limited duration shall be granted in respect of the nominations of any one person but—
  - (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure; and
  - (b) it shall be paid to such person or persons as the Treasury may from time to time direct, and different parts thereof may be directed to be paid to different persons; and
  - (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension can for the time being enure or for the benefit of such of them as the Treasury may from time to time direct.

- (3) The annual rate of a pension of limited duration—
- (a) while the persons for whose benefit it can enure are three or more in number, may amount to one-third of the rate of the superannuation allowance of the nominator or to £26 per annum, whichever is the higher;
  - (b) while the said persons are two in number, may amount to one-quarter of the rate of the superannuation allowance of the nominator, or to £19 and 10s. per annum, whichever is the higher;
  - (c) while there is only one such person, may amount to one-sixth of the rate of the superannuation allowance of the nominator or to £13 per annum, whichever is the higher.
- (4) A pension of limited duration cannot enure for the benefit of a female nominee who at the time of the death of the nominator was married or was cohabiting with any person, and, if, after the death of the nominator, a female nominee marries or cohabits with any person, she shall cease to be a person for whose benefit a pension of limited duration can enure :

Provided that where—

- (a) such a pension as aforesaid is withheld from or does not enure for the benefit of a nominee by virtue of this subsection, and
- (b) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for permitting the pension to enure for her benefit notwithstanding the marriage,

the Treasury may, if they think fit, grant the pension, or, as the case may be, permit the pension to enure for her benefit, as from that date.

#### *Contributions under Part IV.*

### **66 Duty to pay contributions under Part IV.**

- (1) Where a person makes a nomination, contributions shall be made by him in accordance with this and the three next following sections in respect of that nomination, at rates ascertained by reference to tables to be prepared from time to time by the Government Actuary.
- (2) The said tables shall classify nominations according to the ages and sexes of the nominator and the nominee and according to whether or not the nominee is presumptively eligible for a life pension, and shall, in relation to each of the two kinds of contribution provided for by the three next following sections, fix a rate of contribution (expressed as a percentage) for each class of nomination; and those rates shall be fixed with a view to securing that, as nearly as may be, the value of the contributions payable in respect of each class of nomination is equivalent to half the burden of the pensions payable under this Part of this Act by reason of nominations of that class.
- (3) It shall be assumed, in preparing the said tables, that no nominator will ever make more than one nomination, and where two or more nominations (being nominations where the nominee is not presumptively eligible for a life pension) are in force at the same time, the contributions to be made in respect of the second nomination and the third nomination, if any, shall be at half the rate specified in the tables:

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Provided that where two or more nominations are made on the same day, the one with the youngest nominee shall be deemed for the purpose of this subsection to be made first, and so on.

- (4) In this Part of this Act " the appropriate percentage " means, in relation to the contributions of any kind payable in respect of a nomination of any class, the percentage or, as the case may be, half the percentage, which, in the tables prepared under this section which are in force at the date of the nomination, is expressed to be the rate for contributions of that kind in respect of nominations of that class.

#### **67 Periodical contributions under Part IV.**

- (1) When a person makes a nomination, he shall elect whether or not to make contributions under this section in respect of it.
- (2) Contributions by a person under this section—
- (a) shall be equal to the appropriate percentage of the amount of the salary from time to time payable to him, exclusive of allowances and payments for overtime ;
  - (b) shall be payable in respect of his salary from the date of the nomination—
    - (i) until he ceases to be a civil servant, or
    - (ii) if the nomination becomes void before he ceases to be a civil servant, until the nominator gives notice to the Treasury of the avoidance of the nomination or, as the case may be, of the event causing it to be void, or
    - (iii) if the nomination was made during the nominee's period of childhood and full-time education, until the nominee attains the age of sixteen years,whichever first occurs;
  - (c) shall be paid at such times and in such manner as the Treasury may determine:

Provided that the Treasury may, if in all the circumstances they think fit so to do, direct, in relation to a nomination which becomes void before the nominator ceases to be a civil servant, that contributions shall not be payable in respect of the salary of the nominator after the date on which the nomination becomes void.

- (3) Contributions under this section are hereafter in this Part of this Act referred to as " periodical contributions ".

#### **68 Return of periodical contributions under Part IV.**

- (1) If a person who has made periodical contributions in respect of a nomination ceases to be a civil servant under such circumstances that he is not eligible for the grant of a superannuation allowance and will not become eligible therefor on attaining a particular age, the whole of his periodical contributions in respect of that nomination may be returned to him.
- (2) In any other case where a person ceases to be a civil servant after making periodical contributions in respect of a nomination, there may be returned to him such of those contributions, if any, beginning with the last of them, as is necessary in order to secure that the period in respect of which such contributions are paid by him without being returned—

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- (a) is an exact number of years ; and
  - (b) does not extend beyond the date on which his reckonable service amounted to forty years.
- (3) Where any contributions are returned under this section, they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.

**69 Contribution under Part IV by reduction in additional allowances and death gratuities.**

- (1) Subject to the provisions of this section, where an additional allowance or a gratuity under section 4 of this Act becomes payable to or in respect of a person who has made a nomination, a contribution under this section shall be made in respect of that nomination, taking the form of a reduction in the amount of the allowance or gratuity.
- (2) A contribution shall not be made under this section in respect of a nomination where the number of relevant years, as defined in subsection (4) of this section, is nil.
- (3) Where subsection (2) of this section does not apply, the contribution shall be equal to the appropriate percentage of the average annual amount of the salary and emoluments of the nominator's office during the last three years of his service, multiplied by the number of relevant years, as defined in subsection (4) of this section.
- (4) In this section " the number of relevant years " means the number of completed years of reckonable service which the nominator has on whichever of the following dates first occurs, that is to say—
- (a) the date when the nominator ceases to be a civil servant; or
  - (b) if the nomination became void before the nominator ceased to be a civil servant, the date when the nominator gives notice to the Treasury of the avoidance of the nomination or, as the case may be, of the event by reason of which the nomination became void ; or
  - (c) if the nomination was made during the nominee's period of childhood and full-time education, the date when the nominee attains the age of sixteen years,
- reduced, in each case, by the number of years, if any, for which periodical contributions have been made by him in respect of the nomination and are not returnable.
- (5) Service after forty years of reckonable service shall be left out of account for the purposes of this section.
- (6) Where a nomination becomes void before the nominator ceases to be a civil servant, otherwise than by revocation, the Treasury may, if in all the circumstances they think fit so to do, direct that this section shall have effect in relation to it as if references to the date when it became void were substituted for references to the date when the nominator gave notice to the Treasury of the avoiding thereof or, as the case may be, of the event by reason of which it became void.
- (7) Any reduction effected or to be effected under this section in the amount of any additional allowance shall be left out of account for the purposes of section 4(2) of this Act, and, accordingly, the question whether any and if so what gratuity may be granted under that subsection shall be determined as if no such reduction as aforesaid had been or had to be made.

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

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*Limitations on right to nominate, avoidance of nominations, etc.*

**70 Nominees must be related to and dependent on the nominator.**

- (1) A nominee must be the mother or father of the nominator, a sister, brother or child of the nominator, a child of a deceased sister or deceased brother of the nominator or a child of a deceased child of the nominator.
- (2) A nominee must at the date of the nomination, and at all times thereafter until the nominator ceases to be a civil servant, be wholly or mainly dependent on the nominator.
- (3) In their nominations, persons shall give preference to their children over their other dependants and accordingly a person who has a child who might be, but is not, a nominee of his, shall not have any nominee who is not a child of his.

**71 Limitation of number of nominees.**

Subject to the provisions of Schedule 5 to this Act, the maximum number of nominees which a person may have at the same time is as follows, that is to say—

- (a) he may have one nominee who is presumptively eligible for a life pension ; or
- (b) he may have up to three nominees who are not presumptively eligible for life pensions.

**72 Prevention of overlap with Part III.**

- (1) Subject to the provisions of Schedule 5 to this Act—
  - (a) a person who is for the time being presumptively eligible for a pension under Part III of this Act in respect of the service of any person shall not be or remain the nominee of that person; and
  - (b) a civil servant to whom Part III of this Act applies and who has a wife or a husband and a woman civil servant to whom Part III of this Act does not apply but who has an incapacitated husband wholly or mainly dependent on her, shall not have any nominee.
- (2) Where—
  - (a) the marriage of a person, whether male or female, to whom Part III of this Act applies comes to an end after the said Part III has become applicable to him or to her and before he or she has ceased to be a civil servant, and
  - (b) when the marriage came to an end, there was any person presumptively eligible for a children's pension under the said Part III in respect of his or her service,

the number of nominees permissible under paragraph (b) of the last foregoing section shall, during any period during which any person who was presumptively eligible as aforesaid is alive and is still in his period of childhood and full-time education, be reduced by one for each such person who is alive and is still in his said period.

- (3) The references in the foregoing provisions of this section to a person presumptively eligible at any date for a pension under Part III of this Act in respect of the service of another person shall be construed as references to any person to whom or for whose benefit such a pension could have been granted if that other person had died on that date, it being assumed (notwithstanding any provision of this Act which has

the effect of requiring a minimum period of service as a condition of the grant of a superannuation allowance) that that other person would have been eligible for a superannuation allowance if he had retired on that date from the civil service on a medical certificate.

- (4) A male person to whom Part III of this Act does not apply by reason of an election of his that it should not apply to him shall be in the same position under this section as he would have been in if he had not made that election, and the foregoing provisions of this section shall have effect in relation to him accordingly as if—
- (a) the said Part III applied to him during all periods during which it would have applied to him if he had not made the election; and
  - (b) any persons who, on any date, would be or would have been presumptively eligible for a pension under the said Part III in respect of his service were then, or, as the case may be, had then been, presumptively eligible for such a pension in respect thereof.

### **73 Avoidance of nominations.**

- (1) A purported nomination made in contravention of any of the provisions of the three last foregoing sections shall be void.
- (2) A nomination validly made may at any time be revoked by the nominator by a notice given by him and shall thereupon become void.
- (3) Where a nomination validly made becomes, owing to a change in circumstances, one which is not permissible under the three last foregoing sections, it shall thereupon become void.
- (4) A nomination shall become void on the death of the nominee.
- (5) Subject to the provisions of Schedule 5 to this Act, a nomination which is made during the nominee's period of childhood and full-time education shall become void upon the cessation of the nominee's period of childhood and full-time education.

### **74 Renominations of nominees under previous nominations which have become void.**

- (1) A nomination which is otherwise valid shall not be invalid by reason only that the nominee has previously been nominated by the same person under a nomination which has become void.
- (2) Where a nomination validly made has become void at any time on the ground that a child of the nominator might then have been but was not a nominee of his and the nominator has died or retired without having made a new nomination, the Treasury may, if in the circumstances they think fit so to do, direct that the provisions of this Act shall have effect as if the nominator, immediately after the event by which the nomination was avoided, had nominated the person who was the nominee under the nomination (or, where more than one nomination was avoided by that event, such of those persons as may be specified in the direction) and had also nominated his child.
- (3) Where a person nominates another person who has been his nominee under a previous nomination which has become void, then, subject to the provisions of subsection (4) of this section, the Treasury may, if in the circumstances they think fit so to do, direct

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

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that the contributions payable in respect of the nominations shall be calculated as if the previous nomination had never become void:

Provided that where the nominator has elected to make periodical contributions under the first nomination, he shall not, except so far as the Treasury may otherwise direct, make periodical contributions in respect of the period after the first nomination became void and before the new nomination is made, and the amount which he is to contribute by way of a reduction of his additional allowance or gratuity shall be calculated accordingly.

- (4) The provisions of subsection (3) of this section shall not apply where—
- (a) the nominee is, under the new nomination, and was not, under the previous nomination, presumptively eligible for a life pension, or
  - (b) the nominee is not, under the new nomination, but was, under the previous nomination, presumptively eligible for a life pension,
- but, in any such case, the Treasury may, if they think fit, direct that—
- (i) all or any of the periodical contributions, if any, made in respect of the first nomination shall be returned to the nominator; and
  - (ii) no contribution, or a reduced contribution, shall be made in respect of the first nomination by way of a reduction of an additional allowance or gratuity.
- (5) Where any contributions are returned under subsection (4) of this section, they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.

**75 Power to refuse nominations on ground of nominator's ill-health.**

- (1) The Treasury may refuse to accept a nomination if they are not satisfied that the nominator was, having regard to his age, in good health at the time of the making of the nomination, and any nomination refused under this subsection shall be void.
- (2) A person who makes a nomination shall, when he makes the nomination and subsequently, make such declarations and provide such information as the Treasury may reasonably require for the purpose of enabling them properly to exercise the powers conferred on them by subsection (1) of this section and shall, if so required by the Treasury for that purpose, submit to be medically examined by a registered medical practitioner nominated or approved in that behalf by the Treasury.

*Miscellaneous.*

**76 Modification of Part IV in relation to persons to whom s. 6 or s. 13 applies.**

The provisions of this Part of this Act shall, in relation to persons to whom section 6 of this Act applies, have effect subject to the provisions of Part I of Schedule 7 to this Act, and the provisions of this Part of this Act, shall, in relation to persons to whom section 13 of this Act applies, have effect subject to the provisions of Part II of that Schedule.

**77 Saving for allocations under s. 43.**

The fact that a person has made a nomination shall not affect his rights under section 43 of this Act, and the pensions payable under this Part of this Act to or for the benefit



of the nominees of a person shall be calculated as if any surrender made by him under that section of a part of a superannuation allowance had not been made.

## **PART V**

### MISCELLANEOUS AND GENERAL

#### *Supplemental provisions as to Parts I and II.*

#### **78 Person ineligible for certain benefits unless salary paid out of Consolidated Fund, etc.**

A person shall not be eligible for the grant of a superannuation allowance or additional allowance, and a gratuity shall not be granted under section 4 of this Act to the personal representatives of any person, unless the salary or remuneration of that person during his service as a civil servant was paid out of the Consolidated Fund or out of moneys provided by Parliament or out of the Post Office Fund.

#### **79 No absolute right to any allowance, etc.**

Nothing in this Act shall extend or be construed to extend to give any person an absolute right to any allowance or gratuity under Part I or Part II of this Act or to deprive the Treasury or the head or principal officer of any department of their or his power and authority to dismiss any person from the public service without compensation.

#### **80 Treasury to determine certain questions.**

Subject to section 48(1) of this Act, the decision of the Treasury on any question which arises—

- (a) as to the claim of any person or class of persons for a superannuation allowance or additional allowance or a gratuity under section 4 of this Act, or
- (b) as to the application of any provision of this Act to any person, or
- (c) as to the amount of any allowance or gratuity under this Act, or
- (d) as to the reckoning of any service for any such allowance or gratuity,

shall be final.

The references in paragraphs (b) and (c) of this section to this Act do not include references to section 12, 32, 35 or 36 thereof, or to paragraph 2(2), 3, 7 or 10 of Schedule 1 thereto.

#### **81 Temporary abatement from salaries to be disregarded.**

- (1) Any reference in this Act to the salary and emoluments of an office is, as regards any period in respect of which any temporary abatement from the salary and emoluments of that office has been made pursuant to a general direction issued by the Treasury for the purpose of effecting economy in national expenditure, a reference to the salary and emoluments which would have been payable to the holder of the office but for that abatement.

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- (2) For the purpose of calculating the amount of any gratuity payable under section 15 or 16 of this Act to or in respect of a person who has been employed in the civil service in an unestablished capacity or in part-time service, no account shall be taken of any temporary abatement of his pay made pursuant to any general direction issued by the Treasury for the purpose of effecting economy in national expenditure.

**82 Provision against double pension.**

A person shall not be entitled to reckon the same period of time both for the purpose of a superannuation allowance, additional allowance or retiring allowance or of a gratuity under section 4 of this Act and for the purpose of naval, military or air force non-effective pay.

*Supplemental provisions as to Parts III and IV.*

**83 Duty of civil servants to give information.**

It is hereby declared that it is the duty of every person who is or has been a civil servant to give to the Treasury or other proper authority all such information as is necessary for the proper operation of Parts III and IV of this Act in relation to him, whether he is asked to give the information or not.

**84 Meaning of " period of childhood and full-time education " for the purposes of Parts III and IV.**

- (1) Subject to the provisions of subsection (4) of this section, a person shall be deemed for the purposes of Parts III and IV of this Act to be in his period of childhood and full-time education while either—
- (a) he is under the age of sixteen ; or
  - (b) he is receiving full-time instruction at any university, college, school or other educational establishment; or
  - (c) he is undergoing training by any person (hereinafter referred to as " the employer ") for any trade, profession or vocation in such circumstances that—
    - (i) he is required to devote the whole of his time to the training for a period of not less than two years; and
    - (ii) while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him, do not exceed £13 a year, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training:

Provided that a person shall not be deemed for the purposes of this section to satisfy the condition specified in paragraph (b) or the condition specified in paragraph (c) of this subsection unless there has up till then been no time since he attained the age of sixteen when he did not satisfy one or other of those conditions.

- (2) In subsection (1) of this section, " emoluments " means any salary, fees, wages, perquisites, or profits or gains whatsoever, and includes the value of free board, lodging or clothing, and, for the purposes of paragraph (c)(ii) of the said subsection (1), where a premium has been paid in respect of the training of a person, all emoluments at any time receivable by him, or payable by the employer in respect of him, shall be deemed to be receivable or payable by way of return of the premium, unless and

except to the extent that the amount thereof exceeds in the aggregate the amount of the premium.

- (3) The Treasury may by order increase the sum of £13 in subsection (1)(c)(ii) of this section, but such an order—
- (a) shall not authorise the payment, or increase, of any instalment of a pension in respect of a period falling before the date when the order takes effect,
  - (b) shall, for the purposes of the proviso to the said subsection (1), apply to periods before the date when the order takes effect, as well as to later periods, and
  - (c) shall not make invalid any nomination under section 64(1) of this Act made before the order takes effect.

An order under this subsection may be varied or revoked by a subsequent order, but paragraph (b) of this subsection shall not apply to an order other than an order increasing, or further increasing, the said sum of £13.

- (4) As respects any period during which neither of the conditions specified in paragraphs (b) and (c) of subsection (1) of this section is satisfied in relation to a person, the Treasury may, if they think fit and are satisfied that that person's full-time education ought not to be regarded as completed, direct either—
- (a) that that period shall be ignored for the purposes of the proviso to subsection (1) of this section ; or
  - (b) that that period shall be so ignored and shall also be treated as part of his period of childhood and full-time education for all the other purposes of Parts III and IV of this Act, except such purposes, if any, as may be specified in the direction.
- (5) Notwithstanding anything in the foregoing provisions of this section, the period of childhood and full-time education shall not, in the case of a person who is permanently incapacitated, be deemed for any of the purposes of Parts III and IV of this Act to continue after he attains the age of sixteen or his permanent incapacity becomes known, whichever is the later.

## **85 Marriages of civil servants whose early death is to be foreseen.**

Where a civil servant marries and—

- (a) he dies within the year beginning with the date of the marriage; and
- (b) there are no children born of the marriage ; and
- (c) the Treasury are of the opinion that his death within the year beginning with the date of the marriage was, at that date, to be foreseen by him,

the same results shall follow under Parts III and IV of this Act as would have followed if the marriage had not taken place, and all necessary adjustments (including, if need be, repayments of sums paid in respect of pensions already granted under the said Part III, repayments of contributions made under the said Part III and grants of additional pensions and payments of additional contributions under the said Part IV) shall be made accordingly.

## **86 Application of Forfeiture Act 1870.**

Section 2 of the Forfeiture Act 1870 (which provides for forfeiture of pensions in certain cases of conviction for treason or felony) shall apply in relation to a pension or part of a pension under Part III or Part IV of this Act which is applied for the benefit of

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any person as if that pension or part of a pension, as the case may be, were a pension paid to that person:

Provided that where part only of a pension under the said Part III or the said Part IV is applied for the benefit of the person in question, the said section 2 shall have effect as if, instead of providing that the pension should determine and cease to be payable, it had provided that that pension could not enure for his benefit.

**87 Mode of making elections, etc.**

Any election or nomination required or authorised to be made under Part III or Part IV of this Act, and any notice required or authorised to be given under Part III or Part IV of this Act, shall be in writing, shall be made or given to the Treasury or such other authority as the Treasury may appoint, shall be made or given in the lifetime of the person who makes or gives it and shall, except so far as is otherwise expressly provided, be made or given before that person ceases to be a civil servant.

**88 Effect under Parts III and IV of certain nullity decrees.**

Where a marriage which is voidable but not void from the beginning is declared to be null by any court of competent jurisdiction, the same results shall follow under Parts III and IV of this Act as would have followed thereunder if the marriage had not been voidable and had been dissolved at the date of the declaration of nullity.

*Miscellaneous.*

**89 Application to civil service of certain superannuation schemes.**

- (1) Where, whether before or after the commencement of this Act,—
- (a) a person employed in the civil service has, with the approval of the Treasury, become subject to a superannuation scheme to which this section applies, or
  - (b) a person subject to such a scheme is employed in the civil service and, with the approval of the Treasury, remains subject to the scheme,
- the Minister or other person in charge of the department in which that person is employed shall have power, and be deemed always to have had power, but (except where that department is the Treasury) subject to the approval of the Treasury,—
- (i) to pay the contributions authorised or required by the scheme to be paid by that person's employer,
  - (ii) to refund the amount of any payments made, whether by that person or by a former employer of his, in respect of any period during which that person was employed in the civil service, being payments falling to be borne by the employer in respect of premiums payable under any policy of insurance issued in pursuance of the scheme or in respect of sums to be invested in pursuance thereof.
- (2) Any period, whether before or after the commencement of this Act, in respect of which payments authorised by subsection (1) of this section have been made in the case of any person employed in the civil service, whether before or after he became so employed, shall notwithstanding anything in this Act be disregarded in the application to him of any provisions of this Act except section 18 thereof.

- (3) The Treasury may make regulations for conferring on persons employed in the civil service who are subject to any scheme to which this section applies, or any class of such persons, benefits appearing to the Treasury to correspond as nearly as may be with the benefits conferred, on persons whose superannuation benefits are regulated under this Act, by sections 20, 21, 30 and 31 thereof.
- (4) The schemes to which this section applies are the superannuation schemes operated under the Federated Superannuation System for Universities, the Federated Superannuation Scheme for Nurses and Hospital Officers, and any other scheme approved by the Treasury for the purposes of this section.

**90 Regulations authorising service disregarded by s. 89(2) to be taken into account for certain purpose.**

- (1) The Treasury may make regulations under which service which would have been taken into account for the purposes of any provisions of this Act but for subsection (2) of the last foregoing section may be taken into account for the purpose of the provisions of this Act with respect to the minimum periods of service which qualify persons for the benefit of this Act.
- (2) Regulations under this section may make different provision in relation to different pension schemes and may include such supplemental and incidental provisions as appear to the Treasury expedient, including provisions for modifying the said subsection (2) or any other of the provisions of this Act.
- (3) Regulations under this section may apply to service before the making of the regulations, as well as to service for later periods.

**91 Application of certain provisions of Act to retiring and compensation allowances.**

Sections 5, 25 and 26 of this Act and Parts III and IV thereof shall, so far as capable of such application, apply in relation to retiring allowances and compensation allowances as if references therein to superannuation allowances included references to any annual retiring or compensation allowance and references therein to additional allowances included references to any retiring or compensation allowance taking the form of a lump sum.

**92 Application of Act to persons who served on the establishment of the Secretary of State in Council of India.**

- (1) The application of the provisions of this Act specified in subsection (2) of this section in relation to civil servants who have served on the permanent establishment of the Secretary of State in Council of India shall not be affected by anything in section 282(1) of the Government of India Act 1935 (which provides that part of any superannuation and other allowances or gratuities awarded to such persons shall be paid out of the revenues of the Federation of India), and the said subsection (1) shall operate in relation to them as if those provisions had not been made and the allowances and gratuities payable to or in respect of them had been computed and granted accordingly.
- (2) The provisions of this Act referred to in subsection (1) of this section are sections 5, 6, 7, 10, 13 (except subsection (4)), 15(1) to (5), 16,17,18, 20(1), 21(2), 22,

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23,25,26,29,44 and 45(1), Parts III and IV, sections 83 to 88, 91, 94, 98(2) and (3) and 99 and paragraph 3 of Schedule 3.

*General.*

**93 Distribution of money without representation.**

- (1) Where on the death of any person any sum not exceeding £500 is due from a government department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then, if the government department prescribed by order of the Treasury for the purpose of this section so direct, but subject to regulations (if any) made by the Treasury, proof of the title of the personal representatives of that person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the department to be beneficially entitled to the personal or moveable estate of that person, or to or among any one or more of those persons or, in case of the illegitimacy of that person or his children, to or among such persons as the department think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.
- (2) Subsection (1) of this section shall apply to any sum not exceeding £500 payable to the personal representatives of a deceased person under this Act as it applies to such a sum due from a government department to a person who has died, and accordingly the sum may either be paid to the personal representatives (without proof of title) or be paid or distributed among the persons appearing to the Treasury to be beneficially entitled to the estate of the deceased, or among such other persons as are described in that subsection.
- (3) Nothing in this section shall affect section 8(1) of the Finance Act 1894 (application to estate duty of probate duty law and practice as regards payment of sums under £100 without requiring representation).

**94 Power to ignore breaks in dependence.**

The Treasury may treat a person for all or any of the purposes of this Act, except section 43 thereof, as wholly or mainly dependent on another person notwithstanding that for the time being he is not in fact so dependent on him, if they are satisfied that it is reasonable to expect that the first-mentioned person will again become dependent on the second-mentioned person and are further satisfied that the break in dependence ought in all the circumstances to be regarded as a temporary one.

**95 Provisions as to rules, regulations, etc.**

- (1) Any power conferred by this Act to make rules, regulations or orders or to issue any warrant shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing rules or regulations or an order or warrant made or issued under this Act, other than rules made under section 43 thereof, an order made under section 48 or section 93 thereof or regulations made under the said section 93, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing rules made under the said section 43 shall be laid before Parliament after being made.

**96 Power of Treasury to delegate power to grant allowances, etc.**

The Treasury may, to such extent and subject to such conditions as they think fit, delegate to any Minister or officer of the Crown—

- (a) any power conferred on them by this Act to grant any allowance or gratuity, and
  - (b) any functions exercisable by them under any provision of this Act relating to pensions or contributions under Parts III and IV thereof,
- and references in this Act to the Treasury shall be construed accordingly.

**97 Financial provisions.**

- (1) There shall be paid out of the Consolidated Fund—
  - (a) any payments to be so made under provisions of this Act relating to public offices; and
  - (b) any increase attributable to this Act in the sums to be so issued under any other Act.
- (2) There shall be paid out of moneys provided by Parliament—
  - (a) any pension, allowance, gratuity or return of contributions, with or without interest, which is payable under or by virtue of any of the provisions of this Act and does not fall to be paid from some other fund,
  - (b) any expenses incurred under section 89 of this Act, and
  - (c) any administrative expenses incurred by any government department under this Act.
- (3) Contributions under Parts III and IV of this Act, except so far as they take the form of a reduction of an allowance or gratuity or fall to be paid into some other fund, shall be paid into the Exchequer, and there shall be paid into the Exchequer any other sums falling to be so paid in consequence of the provisions of this Act.

**98 Meaning of " civil service " and " civil servant " and supplementary provisions.**

- (1) In this Act " civil service " means the civil service of the State.
- (2) In this Act " civil servant " means a person serving in an established capacity in the permanent civil service, and references in this Act to persons ceasing to be civil servants, to persons retiring from being civil servants and to retired civil servants shall be construed accordingly.

Except where the context otherwise requires, any reference in this Act to a person ceasing to be a civil servant includes a reference to the death of a person who dies while he is a civil servant.

- (3) For the purposes of this Act no person shall be deemed to have served in the permanent civil service unless he holds his appointment directly from the Crown or has been admitted into the civil service with a certificate from the Civil Service Commissioners.
- (4) For the purposes of pensions and other superannuation benefits—
  - (a) service in an established capacity—
    - (i) in employment of any of the kinds listed in Schedule 8 to this Act, or
    - (ii) in the office of Falkland Macer,

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shall, where the person in question has been admitted into that employment, or as the case may be has been appointed to the said office, with a certificate from the Civil Service Commissioners, be treated as service in the permanent civil service within the meaning of subsection (3) of this section, and

- (b) service in the employment of any of the said kinds, or in the said office, in any other case shall be treated as service in the civil service, not falling within the said subsection (3).
- (5) The Treasury may by order add any employment to those listed in the said Schedule, being employment by a body or in an institution specified in the order.
  - (6) The references in section 12 of this Act to a public department, the references in section 33 of this Act to a government service, and the references in section 93 of this Act to a government department, shall include references to any of the bodies or institutions listed in the said Schedule or, as the case may be, to the service provided by any of those bodies or institutions.
  - (7) Section 46(1)(b) of this Act shall, notwithstanding subsection (3)(d) of that section, include employment of any of the kinds listed in the said Schedule.
  - (8) References in this section to employment of the kinds listed in the said Schedule are references, in the case of any institution specified in that Schedule, to employment by the trustees or other authority responsible for the institution, and, in other cases, references to employment by the body specified in the Schedule.
  - (9) Subsections (4) to (8) of this section shall be deemed always to have had effect, and any order of the Treasury under this section may be expressed to have effect retrospectively.

## **99 Further provisions as to interpretation.**

- (1) In this Act, except so far as is otherwise expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
  - " additional allowance " means an allowance granted under section 3 of this Act;
  - " brother " includes, in relation to a person, every male child of his father or his mother ;
  - " child ", in relation to a person, includes an illegitimate child, a stepchild and an adopted child;
  - " compensation allowance " means an allowance under section 8 of this Act;
  - " father " includes, in relation to a person, his stepfather and a male person by whom he has been adopted;
  - " gratuity " means a gratuity granted under any provision of this Act;
  - " medical certificate ", in relation to the retirement of any person, means a medical certificate to the satisfaction of the Treasury that that person is incapable from infirmity of mind or body to discharge the duties of his situation and that that infirmity is likely to be permanent;
  - " mother " includes, in relation to a person, his stepmother and a female person by whom he has been adopted;



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"presumptively eligible for a life pension", in relation to a person, means nominated under Part IV of this Act after his period of childhood and full-time education or under a nomination which states that he is permanently incapacitated;

"reckonable service" means service as computed in accordance with the enactments relating to the computation of service for the purpose of determining the amount of a superannuation allowance or additional allowance ;

"retiring age" means, in relation to a civil servant, the age which a civil servant in accordance with the provisions of this Act must, apart from sections 7 and 10 of this Act, attain in order that a superannuation allowance may be granted to him on retirement without a medical certificate ;

"retiring allowance" means an allowance under section 9 of this Act;

"sister" includes, in relation to a person, every female child of his father or his mother;

"superannuation allowance" means an allowance under section 1 of this Act

"unestablished capacity" means employment in the civil service otherwise than in the capacity of a civil servant, being employment to which a person serving therein is required to devote his whole time and the remuneration for which is paid entirely out of moneys provided by Parliament or the Post Office Fund.

- (2) Any reference in this Act to an adopted child of a person shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person) in pursuance of an adoption order made under the Adoption of Children Act 1926, the Adoption Act 1950, the Adoption Act 1958, or the Adoption of Children (Scotland) Act 1930, or any corresponding enactment of the Parliament of Northern Ireland, or adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of the adoption, and references to a person by whom another person has been adopted shall be construed accordingly.
- (3) In this Act "incapacitated" means, in relation to a person, incapable by reason of old age or some specific bodily or mental disability of earning his own living, and a person who is in any event too young to earn his own living shall be treated as incapacitated for the purposes of this Act if it appears that, by reason of any specific bodily or mental disability, he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so.
- (4) Any reference in this Act to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment.

**100 Act not to apply to naval, etc., service pensions.**

Nothing in this Act with respect to superannuation, compensation or other allowances shall extend or be construed to extend to any naval, military or air force service retired pay, service pension or service gratuity.

**101 Act not to apply to existing Irish officers.**

- (1) This Act shall not apply to any existing Irish officers.

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- (2) In this section " existing Irish officers " has the same meaning as in the Government of Ireland Act 1920.

**102 Application of Superannuation Acts by Superannuation Act (Northern Ireland) 1921.**

It is hereby declared that nothing in the Superannuation Acts 1834 to 1965 passed since the Superannuation Act (Northern Ireland) 1921, and nothing in the repeals in this Act or in any other provision of this Act (except the power in section 38 to amend enactments forming part of the law of any part of the United Kingdom) affects the Superannuation Acts 1834 to 1914 as applied by the said Superannuation Act (Northern Ireland) 1921.

**103 Consequential amendment of Acts.**

The enactments specified in Schedule 9 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

**104 Savings, transitional provisions and repeals.**

- (1) The savings and transitional provisions contained in Schedule 10 to this Act shall have effect.
- (2) The enactments specified in Schedule 11 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

**105 Saving for s, 38 of Interpretation Act 1889.**

The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

**106 Short title and commencement.**

This Act may be cited as the Superannuation Act 1965 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

## SCHEDULES

### SCHEDULE 1

Section 14.

#### MODIFICATION OF SECTIONS 1, 3, 4, 6 AND 13 OF THIS ACT IN RELATION TO CERTAIN PERSONS.

#### PART I

##### *Modification of sections 1, 3, 4, 6 and 13 in relation to certain Female Persons who were Civil Servants on 27th June 1935*

- 1 (1) Subject to sub-paragraph (2) of this paragraph, this Part of this Schedule applies to any female person who—
- (a) became a civil servant before 27th June 1935, and
  - (b) did not adopt the provisions of the Superannuation Act 1909.
- (2) This Part of this Schedule shall not apply to a female person who—
- (a) duly elected that Part I of the Superannuation Act 1949 should apply to her or duly elects that Part III of this Act shall apply to her, or
  - (b) duly made a nomination within the meaning of Part II of the said Act of 1949 or duly makes a nomination within the meaning of Part IV of this Act.
- 2 (1) The proportion of the average annual amount of the salary and emoluments of her office during the last three years of her service on which the superannuation allowance which may be granted to a person to whom this Part of this Schedule applies is to be computed shall be one-sixtieth instead of one-eightieth and sections 1(1), 6(3) and 13(3) of this Act shall accordingly have effect in relation to such a person as if for the words " one-eightieth " there were substituted the words " one-sixtieth ".
- (2) Where a person to whom this Part of this Schedule applies has been in the class from which she retires for a period of at least three years immediately before the grant to her of a superannuation allowance, such allowance shall be computed on the amount of the annual salary and emoluments of her office and accordingly the said section 1(1), as modified by the foregoing sub-paragraph, shall have effect in relation to that person as if for the words " the average annual amount of the salary and emoluments of his office during the last three years of his service " there were substituted the words " the annual salary and emoluments of her office ".
- 3 (1) Where any fees or other sources of profit form part of the emoluments of an office of a person to whom this Part of this Schedule applies, the head of the department in which that office is may, for the purpose of computing any superannuation or compensation allowance to be granted to that person, fix, with the approval of the Treasury, an average sum in respect of that part of the emoluments which consists of such fees or other sources of profit, but not exceeding the average annual amount of such fees or other sources of profit during the three last preceding years.

- (2) Sub-paragraph (1) of this paragraph shall not affect the amount of any superannuation allowance or other sum so far as it depends on the amount of that part of the emoluments of an office which does not consist of any fees or other sources of profit.
- 4 Sections 3 and 4 of this Act shall not apply in relation to a person to whom this Part of this Schedule applies.

## PART II

### *Modification of sections 1, 3, 4, 6 and 13 in relation to certain other Persons who were Civil Servants on 27th June 1935*

- 5 (1) Subject to sub-paragraph (2) of this paragraph, this Part of this Schedule applies to—
- (a) any male person who was a civil servant on 27th June 1935 and who duly signified that he did not desire section 4 of the Superannuation Act 1935 to apply to him, and
  - (b) any female person who was a civil servant on 27th June 1935 and was allowed by the Treasury under section 1(2) of the said Act of 1935 to adopt the provisions of the Superannuation Act 1909 and who duly signified that she did not desire the said section 4 to apply to her.
- (2) This Part of this Schedule shall not apply to—
- (a) any person to whom Part I of the Superannuation Act 1949 became, or Part III of this Act becomes, applicable, or
  - (b) any person who duly made a nomination within the meaning of Part II of the said Act of 1949 or duly makes a nomination within the meaning of Part IV of this Act.
- 6 Subject to paragraph 7 of this Schedule, any superannuation allowance, additional allowance or gratuity under section 4 of this Act which may be granted to, or in respect of, a person to whom this Part of this Schedule applies shall be computed on the annual salary and emoluments of his office and accordingly sections 1, 3 and 4 of this Act shall have effect in relation to any such person as if for the words " the average annual amount of the salary and emoluments of his office during the last three years of his service ", wherever those words occur in the said sections, there were substituted the words " the annual salary and emoluments of his office " and as if for the words " that amount " in the said section 3 there were substituted the words " the amount of such salary and emoluments "
- 7 Paragraph 6 of this Schedule shall not have effect in relation to any person unless he has been in receipt of the salary and emoluments of his office, or has been in the class from which he retires or in which he was serving at the time of his death, as the case may be, for at least three years immediately before the grant of a superannuation allowance or additional allowance or, in the case of a gratuity under section 4(1) of this Act, immediately before his death.
- 8 Sections 3, 6(3) and 13(3) of this Act shall, in relation to a person to whom this Part of this Schedule applies, have effect as if for the words " three-eightieths " there were substituted the words " one-thirtieth ".
- 9 The amount of the additional allowance payable to a female person to whom this Part of this Schedule applies shall be increased by one-half per cent. in respect of each completed year she had served before 27th June 1935.

- 10 Paragraph 3 of this Schedule shall apply in relation to a person to whom this Part of this Schedule applies as it applies in relation to a person to whom Part I of this Schedule applies subject to the modification that references therein to a superannuation allowance shall be construed as including references to an additional allowance and a gratuity under section 4 of this Act.

### PART III

#### *Modification of section 3 in relation to certain other Female Persons*

- 11 This Part of this Schedule applies to a female person who—
- (a) was allowed by the Treasury under section 1(2) of the Superannuation Act 1935 to adopt the provisions of the Superannuation Act 1909, and
  - (b) did not duly signify that she did not desire section 4 of the Superannuation Act 1935 to apply to her.
- 12 The amount of the additional allowance payable to a person to whom this Part of this Schedule applies shall be increased by one half per cent. in respect of each completed year she had served before 27th June 1935.

### PART IV

#### *Modification of section 3 in relation to certain members of the Diplomatic Service*

- 13 (1) This Part of this Schedule applies to a person—
- (a) to whom immediately before 27th March 1929 the Diplomatic Salaries, &c. Act 1869 applied, or
  - (b) who having been appointed a member of the diplomatic service at any time after 1st April 1919 was such a member immediately before 27th March 1929, whether he was or was not a person to whom the said Act of 1869 so applied.
- (2) If any question arises whether a person was a person to whom the said Act of 1869 applied or was a member of the diplomatic service immediately before 27th March 1929, that question shall be determined by the Treasury after consultation with the Secretary of State, and the decision of the Treasury thereon shall be final.
- 14 The amount of the additional allowance which may be granted to a person to whom this Part of this Schedule applies shall be increased by one-half per cent. in respect of each completed year he had served before 27th March 1929.

## SCHEDULE 2

Section 17.

### PROVISIONS APPLICABLE TO PERSONS EMPLOYED IN UNESTABLISHED OR PART-TIME SERVICE BEFORE 29TH APRIL 1965.

- 1 Where a person, after being employed in part-time service to which section 16 of this Act applies, is employed in an unestablished capacity and he dies in, or retires or is removed from, his employment—

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- (a) his employment in the part-time service to which the said section 16 applies may, for the purpose of determining whether a gratuity may be granted under section 15 of this Act in respect of the service in an unestablished capacity (but not for the purpose of determining the amount of that gratuity), be taken into account as if it were employment in an unestablished capacity; and
  - (b) where, whether by virtue of sub-paragraph (a) of this paragraph or otherwise, a gratuity falls to be granted under the said section 15 to or in respect of him, a gratuity may also be granted under that section, as applied by section 16(2) of this Act, in respect of his said part-time service, notwithstanding that he has not served therein for the minimum period required by that section as so applied.
- 2 Where a person, before being employed in part-time service to which the said section 16 applies, is employed in an unestablished capacity and he dies in, or retires or is removed from, his employment—
- (a) his employment in the unestablished capacity may, for the purpose of determining whether a gratuity may be granted under the said section 15, as applied by the said section 16(2), in respect of the part-time service (but not for the purpose of determining the amount of that gratuity), be taken into account as if it were employment in the part-time service ; and
  - (b) where, whether by virtue of sub-paragraph (a) of this paragraph or otherwise, a gratuity falls to be granted to or in respect of him under the said section 15, as so applied, a gratuity may also be granted under that section in respect of his service in an unestablished capacity, notwithstanding that he has not served therein for the minimum period required by that section.

### SCHEDULE 3

Section 20.

#### RECKONING OF SERVICE BEFORE 27TH JUNE 1935 IN AN UNESTABLISHED CAPACITY.

- 1 Section 20 of this Act shall not extend to any persons who entered on employment in an unestablished capacity before 27th June 1935 except persons of such descriptions as may be specified in that behalf by regulations made by the Treasury, but no service before 1st January 1919 shall be reckoned under subsection (1) of that section.
- 2 (1) This paragraph applies to a person who, having been employed in an unestablished capacity before 27th June 1935, continued to be so employed until the date on which he became or becomes a civil servant.
- (2) If the service in an unestablished capacity of a person to whom this paragraph applies is not to be reckoned under section 20(1) of this Act as service in the capacity of a civil servant, and if in the opinion of the Treasury any special circumstances of the case warrant such a course, the Treasury may direct that his service in an unestablished capacity may be reckoned for the purposes of this Act as service in the capacity of a civil servant, and it shall be so reckoned accordingly.
- 3 The Treasury may direct that, subject to such conditions as they may determine, paragraph 2 of this Schedule shall apply to a person who became or becomes a civil servant after having been employed in an unestablished capacity before 27th June 1935 notwithstanding that there was or is an interval between the conclusion

of his employment in such a capacity and the time when he became or becomes a civil servant.

#### SCHEDULE 4

Section 30.

##### WOMEN'S SERVICES.

- 1 Member of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.
- 2 Member of the Women's Royal Naval Service.
- 3 Woman medical or dental practitioner serving in the Royal Navy or any naval reserve.
- 4 Member of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof or of Queen Alexandra's Royal Army Nursing Corps or any reserve thereof.
- 5 Member of the Territorial Army Nursing Service or any reserve thereof.
- 6 Member of the Auxiliary Territorial Service or the Women's Royal Army Corps.
- 7 Woman employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as an officer.
- 8 Member of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.
- 9 Member of the Women's Auxiliary Air Force or the Women's Royal Air Force.
- 10 Woman employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as an officer.
- 11 Member of the Voluntary Aid Detachments employed under the Admiralty, Army Council or Air Council.

#### SCHEDULE 5

Sections 52, 62, 65, 71, 72, 73.

##### PROVISIONS RELATING TO INCAPACITATED PERSONS.

#### PART I

##### *Children's Pensions*

- 1 Where a person for whose benefit, if he were still in his period of childhood and full-time education, a children's pension could enure under Part III of this Act in respect of the service of any deceased person is for the time being incapacitated by an incapacity which arose or first arose during that period, then, subject as hereinafter provided, a children's pension may enure for the benefit of that person notwithstanding that he is no longer in his period of childhood and full-time education:

Provided that this paragraph shall not apply where the incapacity is a permanent one which arose before the deceased ceased to be a civil servant, and the deceased, before he ceased to be a civil servant, knew or might reasonably be expected to have known that it had arisen and was permanent.

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- 2        If in any case to which section 53(2) of this Act applies a children's pension can enure for the benefit of any person by virtue only of the foregoing paragraph, then, whether or not that pension can also enure for the benefit of any other person or persons, the annual rate thereof may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher.

## PART II

### *Dependants' Pensions*

- 3        A life pension may be granted under section 64 of this Act to a nominee who is nominated before the end of the period of his childhood and full-time education, if the nomination states that he is permanently incapacitated; but a life pension shall not be granted to such a nominee by virtue of this paragraph until the end of his period of childhood and full-time education.
- 4        Notwithstanding anything in section 65 of this Act, a pension of limited duration shall be capable of enuring for the benefit of a nominee after the end of his period of childhood and full-time education (not being a nominee who is presumptively eligible for a life pension) so long as he is for the time being incapacitated by an incapacity which arose or first arose during that period :
- Provided that this paragraph shall not apply where the incapacity is a permanent one which arose before the nominator ceased to be a civil servant, and the nominator, before he ceased to be a civil servant, knew or might reasonably be expected to have known that it had arisen and was permanent.
- 5        The annual rate of any such pension as is mentioned in the last foregoing paragraph may, whether or not it can also enure for the benefit of any other person or persons, amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher.
- 6        Section 67(2)(b)(iii) of this Act, and section 69(4)(c) thereof, shall not apply to the contributions payable in respect of a nomination by virtue of which the nominee is presumptively eligible for a life pension.
- 7        Notwithstanding anything in section 71 or 72 of this Act, a nominator may have one nominee who is his child and is presumptively eligible for a life pension and may have that nominee in addition to the number of nominees allowed under the said section 71.
- 8        A nomination in force immediately before paragraph (b) of section 72(1) of this Act became applicable to the nominator shall not be invalidated by reason only of that paragraph, if the nominee was then known to the nominator to be permanently incapacitated and was presumptively eligible for a life pension.
- 9        A nomination by virtue of which the nominee is presumptively eligible for a life pension shall not become void by virtue of section 73(5) of this Act at the end of the nominee's period of childhood and full-time education; and for the purpose of determining whether a person not presumptively eligible for a life pension is eligible for a pension of limited duration by virtue of paragraph 4 of this Schedule, the said subsection (5) shall be deemed not to have applied to the nomination.



## SCHEDULE 6

Section 60.

## MODIFICATION OF PART III IN RELATION TO PERSONS TO WHOM SECTION 6 OR 13 APPLIES.

**PART I***Persons Serving after Retiring Age and 40 Years' Reckonable Service*

- 1 Where any person to whom section 6 of this Act applies ceases to be a civil servant after making periodical contributions under section 55 of this Act, the period in respect of which contributions may be returned to him by virtue of section 56(2)(b) of this Act shall be reduced by the number of years of reckonable service which are taken into account under section 6(3) of this Act or would be so taken into account but for the provisions of section 13(5) of this Act.
- 2 For the purpose of computing any contribution to be made under section 57 of this Act in respect of a person to whom section 6 of this Act applies, there shall be taken into account (notwithstanding anything in section 57(5) of this Act) any year of reckonable service which is taken into account for the purposes of section 6(3) of this Act or which would be so taken into account but for the provisions of section 13(5) of this Act.
- 3 Where any superannuation allowance or additional allowance granted to a person to whom section 6 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 57(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service.

**PART II***Persons Serving in Unestablished Employment after Retirement*

- 4 Where any person to whom section 13 of this Act applies had a wife when he ceased to be a civil servant then, in computing any contribution to be made in respect of him under section 57 of this Act, any year of continuous unestablished service which is taken into account for the purposes of section 13(3) of this Act, being a year throughout which his wife is living, shall be added to the number of relevant years as ascertained in accordance with section 57(4) and (5) of this Act:
- Provided that the years added by virtue of this paragraph together with the years taken into account by virtue of paragraph 2 of this Schedule shall not exceed five in all.
- 5 Where any superannuation allowance or additional allowance granted to a person to whom section 13 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 57(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service as a civil servant.
- 6 The amount of any increase attributable to the provisions of this Part of this Schedule in the contribution payable in respect of any person under Part III of this

Act shall take the form of a reduction of the increase in the additional allowance which would otherwise be granted to that person by virtue of section 13 of this Act.

- 7 In relation to a superannuation allowance which has been or may be increased under section 13 of this Act, the reference in section 50(2) of this Act to the annual rate of the superannuation allowance shall be construed as a reference to the annual rate of that allowance as so increased.

## SCHEDULE 7

Section 76.

### MODIFICATION OF PART IV IN RELATION TO PERSONS TO WHOM SECTION 6 OR 13 APPLIES.

#### PART I

##### *Persons Serving after Retiring Age and 40 Years' Reckonable Service*

- 1 Where any person to whom section 6 of this Act applies ceases to be a civil servant after making periodical contributions under section 67 of this Act, the period in respect of which contributions may be returned to him by virtue of section 68(2)(b) of this Act shall be reduced by the number of years of reckonable service which are taken into account under section 6(3) of this Act or would be so taken into account but for the provisions of section 13(5) of this Act.
- 2 For the purpose of computing any contributions to be made under section 69 of this Act in respect of a person to whom section 6 of this Act applies there shall be taken into account (notwithstanding anything in section 69(5) of this Act) any year of reckonable service which is taken into account for the purposes of section 6(3) of this Act or which would be so taken into account but for the provisions of section 13(5) of this Act.
- 3 Where any superannuation allowance or additional allowance granted to a person to whom section 6 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 69(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service.

#### PART II

##### *Persons Serving in Unestablished Employment after Retirement*

- 4 For the purpose of computing any contribution to be made under section 69 of this Act in respect of a person to whom section 13 of this Act applies, any year of continuous unestablished service which is taken into account for the purposes of section 13(3) of this Act, being a year throughout which a nomination made by that person under Part IV of this Act is in force, shall be added to the number of relevant years as ascertained in accordance with section 69(4) and (5) of this Act:

Provided that the years added by virtue of this paragraph together with the years taken into account by virtue of paragraph 2 of this Schedule shall not exceed five in all.

- 5 Where any superannuation allowance or additional allowance granted to a person to whom section 13 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 69(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service as a civil servant.
- 6 The amount of any increase attributable to the provisions of this Part of this Schedule in the contribution payable in respect of any person under Part IV of this Act shall take the form of a reduction of the increase in the additional allowance which would otherwise be granted to that person by virtue of section 13 of this Act.
- 7 In relation to a superannuation allowance which has been or may be increased under section 13 of this Act, the reference in section 63(2) of this Act to the annual rate of the superannuation allowance shall be construed as a reference to the annual rate of that allowance as so increased.

## SCHEDULE 8

Section 98.

## KINDS OF EMPLOYMENT REFERRED TO IN SECTION 98.

*Museums and Galleries.*

British Museum.  
 British Museum (Natural History).  
 Imperial War Museum.  
 London Museum.  
 National Gallery.  
 National Maritime Museum.  
 National Portrait Gallery.  
 Tate Gallery.  
 Wallace Collection.  
 National Galleries of Scotland.  
 National Museum of Antiquities of Scotland.

*Royal Commissions and other Commissions.*

Royal Fine Art Commission.  
 Royal Fine Art Commission for Scotland.  
 Historical Manuscripts Commission.  
 Standing Commission on Museums and Galleries.  
 Royal Commission on Historical Monuments (England).  
 Royal Commission on Ancient and Historical Monuments (Wales and Monmouthshire).  
 Royal Commission on Ancient and Historical Monuments of Scotland.  
 National Incomes Commission.

*Other bodies.*

Council for Technical Education and Training for Overseas Countries.  
 Inter-University Council for Higher Education Overseas.

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National Economic Development Council.  
National Library of Scotland.  
Public Works Loan Board.  
Scottish Land Court.

## SCHEDULE 9

Section 103.

### ENACTMENTS AMENDED.

#### *The Superannuation Act 1946 (9 & 10 Geo. 6. c. 60).*

In section 5(3) for the words "this section" there shall be substituted the words " section 89 of the Superannuation Act 1965 " and for the words " the Superannuation Acts " there shall be substituted the words " that Act " .

In section 5(4) for the words " this section ", where first occurring, there shall be substituted the words " the said section 89 " and for the words " this section ", where they occur for the second time, there shall be substituted the words " that section " .

#### *The Post Office Act 1961 (9 & 10 Eliz. 2. c. 15).*

In section 15(1) for the words from "so", where last occurring, to the end of the subsection there shall be substituted the words " provided by Parliament for supply services shall be construed as including a reference to the Fund " .

## SCHEDULE 10

Section 104.

### SAVINGS AND TRANSITIONAL PROVISIONS.

#### *General Provisions.*

- 1       The repeal of any enactment by this Act shall not affect any allowance, pension or gratuity granted before the commencement of this Act and the allowance, pension or gratuity shall be deemed to have been granted under the corresponding provision of this Act.
- 2       (1) In so far as any rule, regulation, order, determination, decision, surrender, election, or nomination made, warrant issued, certificate, direction, notice or approval given, contribution paid, or other thing done, under an enactment repealed by this Act could have been made, issued, given, paid, or done under a corresponding provision of this Act, it shall not be invalidated by the repeal, but shall have effect as if made, issued, given, paid or done under that corresponding provision.
- (2) Notwithstanding the repeal of section 41 of the Superannuation Act 1949, any warrants under section 1 of the Superannuation Act 1887 continued in force by subsection (9) of the said section 41 and deemed by that subsection to be warrants issued under that section shall, until revoked, continue in force and be deemed to be warrants issued under section 18 of this Act.

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(3) The repeal of section 3 of the Superannuation (Miscellaneous Provisions) Act 1948 shall not affect any rules made under that section by virtue of paragraph 11 of Schedule 2 to the Superannuation (Amendment) Act 1965, and those rules shall continue to have effect notwithstanding the repeal of the said section 3.

3 Where any Act or document refers, whether specifically or by means of a general description, to any enactment repealed by this Act or to any provision contained in any such enactment, the reference shall be construed as, or as including, a reference to this Act or, as the case may be, to the corresponding provision of this Act.

4 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

*Provisions relating to Part I of Act.*

5 The cases to which section 13(4) of this Act applies include cases where the person ceased to be a civil servant before 29th April 1965 if he continued to serve, without any interval, in an unestablished capacity in the civil service until that date.

6 (1) A gratuity or annual allowance shall not be granted under section 18 of this Act in respect of an injury suffered, or disease contracted, before 14th July 1949 except where the gratuity or allowance is permitted by the terms of a warrant issued under section 1 of the Superannuation Act 1887 and continued in force by section 41(9) of the Superannuation Act 1949 and paragraph 2(2) of this Schedule.

(2) A gratuity or annual allowance shall not be granted under the said section 18 to any of the relatives of a person who died before 29th April 1965 unless the death took place either immediately or within seven years from the time when that person suffered the injury or contracted the disease referred to in subsection (1) of that section.

(3) For the purpose of subsection (3) of section 33 of the Finance Act 1962 (which provides that for the purposes of any enactment or instrument passed or made before that Act under which the amount of any payment is to be determined by reference to the terms on which a savings bank annuity might for the time being be purchased under the Government Annuities Act 1929, the tables in force under section 53 of the said Act of 1929 shall, subject to the power of the Treasury under subsection (4) of the said section 33 by order to vary those tables or add or substitute new tables, apply as if the said Act of 1962 had not been passed) section 18(3) of this Act shall be deemed to have been passed before that Act.

(4) So much of section 18(5) of this Act as applies to a person in part-time service to which section 16 of this Act applies shall not have effect in relation to a person whose death took place before 29th April 1965.

7 Section 19 of this Act shall not apply in relation to a payment made before 29th April 1965.

8 In rule 4(1) of the Superannuation (Treatment of Compulsory National Service of Civil Servants) Rules 1949 which by virtue of paragraph 1 of this Schedule have effect as if made under section 32(3) of this Act the words "or any subsequent examination for persons desiring to obtain similar posts" shall not apply to any examinations held after 28th April 1965.

9 Nothing in section 34 of this Act shall render any allowance or gratuity payable in respect of any period before 26th July 1946.

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- 10 In relation to service at any time before 29th April 1965, the expression "public office" in sections 38 and 39 of this Act includes—
- (a) any public office within the meaning of the Superannuation Act 1892 as in force at that time, and
  - (b) any office in the permanent civil service of a colony within the meaning of the Pensions (Colonial Service) Act 1887 as in force at that time or any other office to which that Act then applied.
- 11 (1) The Superannuation (Public Offices) Rules 1911 to 1948 shall continue in force and have effect as if made under section 38 of this Act, and may be amended or revoked accordingly.
- (2) Subject to being so amended, and subject to section 39(5) of this Act, in those rules the expression "public office", in relation to service before 29th April 1965, means any such office as is described in paragraph 10 of this Schedule and in relation to service at any later time has the meaning given by section 39 of this Act.
- (3) This paragraph shall not extend to the said rules so far as they form part of the law of any country or territory outside the United Kingdom and the Isle of Man.
- 12 In relation to allowances granted before 29th April 1965, rules under section 43 of this Act may authorise the allocation of part of an allowance beginning from a time after the beginning of the period in respect of which the allowance is paid.
- 13 In relation to a person whose marriage took place before the date of the making of the first rules made under section 33 of the Superannuation Act 1949, section 44(1) and (3) of this Act shall have effect as if for references therein to the date of the marriage there were substituted references to the date on which that person notified in accordance with the rules his desire to make the surrender of part of the superannuation allowance granted or to be granted to him.

*Provisions relating to Part III of Act.*

- 14 Section 49 of this Act shall apply in relation to a person to whom Part I of the Superannuation Act 1949 applied as if the first reference in paragraph (b) of that section to Part III of this Act were a reference to the said Part I.
- 15 A direction may be given under section 52(4) or (5) of this Act by reference to an event before the commencement of this Act but not so as to authorise the payment, or increase, of an instalment of a pension in respect of a period falling before 29th April 1965.
- 16 Section 55(3) of this Act shall have effect in relation to an election made, or having effect as if made, under section 55(1) or (2) of this Act by a person to whom Part I of the Superannuation Act 1949 applied as if the references to the date when Part III of this Act first applies to him were references to the date when the said Part I first applied to him.
- 17 Sections 56(1) and 57(2) of this Act shall apply in relation to a person to whom Part I of the Superannuation Act 1949 applied as if the references to Part III of this Act included references to the said Part I.
- 18 An election made by a person under any provision of section 10 of the Superannuation Act 1949 which was spent before the commencement of this Act and for which accordingly there is no corresponding provision in this Act, other than an election which has been cancelled before the said commencement, shall not

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be invalidated by the repeal of that section but shall have effect as if made under section 58 of this Act.

*Provisions relating to Part IV of Act.*

- 19 Section 72(4) of this Act shall apply to a person to whom Part III of this Act does not apply by reason of an election of his that Part I of the Superannuation Act 1949 should not apply to him as it applies to a person to whom the said Part III does not apply by reason of an election of his that that Part should not apply to him subject to the modification that the references in paragraphs (a) and (b) of that subsection to the said Part III shall be construed as including references to the said Part I.

SCHEDULE 11

Section 104.

ENACTMENTS REPEALED.

Chapter	Short Title	Extent of Repeal
4 & 5 Will. 4. c. 24.	The Superannuation Act 1834.	The whole Act.
22 Vict. c. 26.	The Superannuation Act 1859.	The whole Act.
50 & 51 Vict. c. 67.	The Superannuation Act 1887.	The whole Act.
9 Edw. 7. c. 10.	The Superannuation Act 1909.	The whole Act.
4 & 5 Geo. 5. c. 86.	The Superannuation Act 1914.	The whole Act.
19 Geo. 5. c. 11.	The Superannuation (Diplomatic Service) Act 1929.	The whole Act.
25 & 26 Geo. 5. c. 23.	The Superannuation Act 1935.	Sections 1 to 4, 6 to 8, 12, 13 and 16.  In section 17 the words from " the expression ", where first occurring, to " certificate and "  In section 18(1) the words from " and ", where first occurring, to the end of the subsection.
6 & 7 Geo. 6. c. 35.	The Foreign Service Act 1943.	The whole Act.
9 & 10 Geo. 6. c. 60.	The Superannuation Act 1946.	Sections 1 to 4.  In section 5, subsections (1) and (2) and, in subsection (3),

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Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Provisions) Act 1948.	<p>the words from " by", where first occurring, to " 1935 and "</p> <p>Section 6(2) and (3).</p> <p>Section 9(1).</p> <p>In section 10(1) the words from " and except " to the end.</p> <p>Schedules 1 and 2.</p> <p>In section 1(1), paragraph (a) and the words from " for the purposes", where first occurring, to " capacity ".</p> <p>Section 1(2).</p> <p>In section 1(3) the words " in relation to the Superannuation Acts, 1834 to 1946, be made by the Treasury " and the words " by or ".</p> <p>Section 1(4).</p> <p>Sections 3 and 4.</p> <p>In section 17(1) the definition of " service to the State in an unestablished capacity ".</p>
12, 13 & 14 Geo. 6. c. 44.	The Superannuation Act 1949.	<p>Parts I, II and III.</p> <p>Sections 45, 46 and 47.</p> <p>Section 48(5).</p> <p>Sections 50, 51, 54 and 55.</p> <p>Sections 57 to 61.</p> <p>Section 62(1)(a) and (2).</p> <p>Section 63 except the definition of "the Superannuation Acts" in subsection (1).</p> <p>In section 64(1) the words from " and the" to the end.</p> <p>Schedules 1 and 2.</p>
14 & 15 Geo. 6. c. 2.	The Superannuation Act 1950.	<p>Section 1(1).</p> <p>Section 2.</p>



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Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 4, subsection (2) and the words in subsection (3) from " and this " to the end. Section 41(3).
5 & 6 Eliz. 2. c. 37.	The Superannuation Act 1957.	The whole Act.
8 & 9 Eliz. 2. c. 11.	The Foreign Service Act 1960.	The whole Act.
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	In section 15(1), the words from the beginning to " Fund; and ".
1963 c. 24.	The British Museum Act 1963.	Sections 6(3) and 13(4).
1965 c. 10.	The Superannuation (Amendment) Act 1965.	Sections 1 to 3. In section 4, subsections (3) to (5) and, in subsection (6), the words " Sections 1 to 3 of this Act and ". In section 5 the words " The Superannuation Acts ". Sections 6 and 7. Section 8(1)(a) and (2)(a). In section 9(1) the words from " and the " to the end of the subsection. Section 9(2), (3) and (5). In Schedule 1 the entries relating to the Foreign Service Act 1943 and the Superannuation Act 1949. Schedule 2 except paragraphs 11 and 12(3) and (4), paragraph 24, so far as it relates to section 6 of the Administration of Justice (Pensions) Act 1950, and paragraph 26. Schedules 3 and 4.