

1970 No. 1056

SAVINGS BANKS

The Trustee Savings Banks (Pensions) Order 1970

<i>Made</i>	- - -	16th July 1970
<i>Laid before Parliament</i>		27th July 1970
<i>Coming into Operation</i>		28th July 1970

The Minister for the Civil Service, in exercise of the powers conferred upon him by section 82 of the Trustee Savings Banks Act 1969(a) and of all other powers enabling him in that behalf, and after consulting the National Debt Commissioners, hereby makes the following Order :—

Citation, commencement and extent

1.—(1) This Order may be cited as the Trustee Savings Banks (Pensions) Order 1970, and shall come into operation on 28th July 1970.

(2) This Order shall extend to Northern Ireland, the Isle of Man and the Channel Islands.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

“the Minister” means the Minister for the Civil Service ;

“officer” means an officer of a trustee savings bank or of the Inspection Committee ;

“reckonable service” means service as computed for the purpose of determining the amount of a superannuation allowance or an allowance by way of lump sum ;

“the requisite consent” means, in relation to a power exercisable by the trustees of a trustee savings bank, the consent of the Inspection Committee, and, in relation to a power exercisable by the Inspection Committee, the consent of the Minister given on the recommendation of the National Debt Commissioners.

(2) Any reference in this Order to the provisions of any enactment shall be construed, unless the context otherwise requires, as a reference to those provisions as amended by any other enactment.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

(a) 1969 c. 50.

(b) 1889 c. 63.

Superannuation and lump sum allowances

3.—(1) Section 75(1) of the Trustee Savings Banks Act 1969 shall be amended by substituting for paragraph (a) thereof (which provides for the grant of annual and lump sum allowances to officers of trustee savings banks retiring as therein mentioned after serving for not less than ten years) the following paragraphs :—

“(a) grant to an officer of the bank who—

(i) has served for not less than ten years as an officer of trustee savings banks, and

(ii) retires from his office after attaining the age of sixty years or on becoming incapable of discharging the duties thereof by reason of permanent infirmity of mind or body,

a superannuation allowance not exceeding one-eightieth 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 as such an officer, subject to a maximum of forty-eightieths thereof ; and

(aa) grant to any such officer who, after two years' service as such, retires as mentioned in paragraph (a)(ii) above, an additional allowance by way of lump sum not exceeding three-eightieths 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, subject to a maximum of one hundred and twenty eightieths thereof ;”.

(2) Section 77(1) of the Trustee Savings Banks Act 1969 shall be amended by substituting for the reference to section 75(1) a reference to that subsection as amended by paragraph (1) of this article.

Short service gratuity

4. Where an officer is constrained, by reason of infirmity of mind or body, to retire from the service of a trustee savings bank or the Inspection Committee before completing the period of service which would make him eligible for the grant of a superannuation allowance, the trustees of the bank or the Inspection Committee, as the case may be, may, with the requisite consent, grant to him such sum of money by way of gratuity as they 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.

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

5.—(1) Where—

(a) an officer, on retiring from the service of a trustee savings bank or the Inspection Committee 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 allowance by way of lump sum, 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 an officer whose reckonable service would, if he had continued to serve in the employment in which he was when he was last in the service of a trustee savings bank or the Inspection Committee until five years

after the retiring age, have been a period shorter than twenty years, paragraph (1) of this article shall have effect as if for the last reference to twenty years there were substituted a reference to that shorter period.

(3) This article applies only—

- (a) to cases of actual retirement from the service of a trustee savings bank or the Inspection Committee on a medical certificate, and
- (b) to the computation of pensions under paragraphs (1) and (2) of article 11 of this Order which fall to be computed by reference to the amount of the superannuation allowance for which an officer who dies while an officer of a trustee savings bank or the Inspection Committee 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 paragraph (1) or (2) of the said article 11 falling to be computed by reference to the superannuation allowance grantable under, any provision which provides for the grant, in other circumstances, of the same superannuation allowance as might be granted on retirement from the service of a trustee savings bank or the Inspection Committee on such a certificate.

Additions to allowances for service after retiring age in certain cases

6.—(1) Where an officer continues to serve as an officer of a trustee savings bank or of the Inspection Committee 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 allowance by way of lump sum which may be granted to him shall be calculated in accordance with the subsequent provisions of this article.

(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 last 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 article,

whichever is the higher.

(3) For each completed year, not exceeding five, of the reckonable service of the officer after the said two conditions were satisfied in relation to him—

- (a) the superannuation allowance may be increased by one-eightieth of the higher of the amounts mentioned in paragraph (2) of this article ; and
- (b) the allowance by way of lump sum, if any, may be increased by three-eighths of the higher of those amounts.

(4) This article, so far as it applies to allowances by way of lump sum, applies also for the purposes of section 75(1)(b) of the Trustee Savings Banks Act 1969.

(5) The provisions of Part III and Part IV of the Superannuation Act 1965^(a) shall, in relation to officers to whom this article applies, have effect subject respectively to the provisions of Part I of Schedule 6 and Part I of Schedule 7 to that Act, and as if for references in Part I of Schedule 6 and Part I of Schedule 7 to section 6 of the Act there were substituted references to this article.

Allowances, etc., in cases of premature retirement of officer at his request

7.—(1) If the employment of an officer 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 trustees of the bank or the Inspection Committee, as the case may be, with the requisite consent, otherwise determine on compassionate grounds, no such allowance shall be granted to a person by virtue of this article 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 in the service of a trustee savings bank or the Inspection Committee.

(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 paragraph dies without any such allowance being granted to him, the trustees of the bank or the Inspection Committee, as the case may be, with the requisite consent, may grant to his personal representative such gratuity, if any, as might have been granted to them if he had died on the last day on which he was in the service of a trustee savings bank or the Inspection Committee.

Allowances in cases of premature retirement on abolition of office

8. The trustees of a trustee savings bank or the Inspection Committee, as the case may be, may, with the requisite consent, grant to an officer retiring or removed from the service of a bank or the Inspection Committee in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the bank or Inspection Committee, 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 trustees of the bank or the Inspection Committee, as the case may be, 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 an officer if he retired on the ground of ill-health.

Allowances in cases of discharge for inefficiency

9.—(1) Where an officer 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 trustees of the bank or the Inspection Committee, as the case may be, determine, with the requisite consent, 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 75(1)(a) of the Trustee Savings Banks Act 1969 (as amended by article 3).

(a) 1965 c. 74.

(2) A person to whom an allowance is granted under paragraph (1) of this article 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 article to an officer, the trustees of the bank or the Inspection Committee, as the case may be, shall consider any representations which he may have submitted to them.

Allowances in cases of premature retirement in interests of efficiency

10. If—

(a) the employment of an officer who has attained the age of fifty years is terminated before the retiring age, and

(b) the trustees of the bank or the Inspection Committee, as the case may be, certify, with the requisite consent, 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.

Pensions to widows, children, dependants, etc.

11.—(1) Subject to the provisions of this article, the trustees of a trustee savings bank and the Inspection Committee, with the requisite consent, shall have the same powers of granting widow's and children's pensions in respect of an officer's service as are conferred on the Minister by Part III of the Superannuation Act 1965 and the Minister for the Civil Service Order 1968(a) in respect of a civil servant's service.

(2) Subject to the provisions of this article, the trustees of a trustee savings bank and the Inspection Committee, with the requisite consent, shall have the same powers of granting pensions to or for the benefit of the nominated dependants of officers as are conferred on the Minister by Part IV of the Superannuation Act 1965 and the Minister for the Civil Service Order 1968 in respect of the nominated dependants of civil servants.

(3) In their application to officers to whom this article applies the provisions of Parts III and IV of the Superannuation Act 1965 shall have effect as if they were modified in the manner set out in the schedule to this Order.

(4) In the case of an officer to whom this article applies the provisions of sections 83 to 85, 87, 88 and 94 of the Superannuation Act 1965 (which provisions are supplemental to Parts III and IV of that Act) shall apply as they apply in the case of a civil servant to whom the said Parts III and IV apply, and those provisions shall have effect in relation to such an officer as if for any reference to the Minister there were substituted a reference to the trustees of a trustee savings bank or to the Inspection Committee, and as if for any reference to a civil servant there were substituted a reference to an officer.

(5) Section 210 of the Income and Corporation Taxes Act 1970(b) (which provides that relief from income tax shall not be allowed in respect of contributions made by a civil servant towards widows' and other pensions) shall apply to any contributions made by an officer under this article.

(a) S.I. 1968/1656 (1968 III, p. 4485).

(b) 1970 c. 10.

Increase of Pensions payable by trustee savings banks in Northern Ireland

12. The trustees of a trustee savings bank in Northern Ireland are hereby empowered to pay the like increases, of pensions payable by them or in respect of the pensions otherwise payable by reference to service with them or to such service and other service, as would be payable if those pensions were pensions specified in Schedule 1 to the Pensions (Increase) Act 1944^(a), and Schedule 1 to the Pensions (Increase) Act 1952^(b).

Revocation and savings

13.—(1) The Trustee Savings Banks (Pensions) Order 1955^(c) is hereby revoked.

(2) This revocation shall not affect any allowance, pension or gratuity granted before the coming into operation of this Order.

(3) In so far as anything done under the Trustee Savings Banks (Pensions) Order 1955 could have been done under a corresponding provision of this Order, it shall not be invalidated by this revocation but shall have effect as if done under that corresponding provision.

(4) The mention of particular matters in this article shall be without prejudice to the general application of section 38 of the Interpretation Act 1889 as it applies for the interpretation of this Order.

Given under the official seal of the Minister for the Civil Service on 16th July 1970.

(L.S.)

K. H. McNeill,
Authorised by the Minister
for the Civil Service.

Article 11

SCHEDULE

MODIFICATIONS OF PARTS III AND IV OF THE SUPERANNUATION ACT 1965 IN RELATION
TO OFFICERS TO WHOM ARTICLE 11 APPLIES

In their application to officers to whom article 11 of this Order applies the provisions of Parts III and IV of the Superannuation Act 1965 shall have effect as if:—

- (a) for any reference to the Minister there were substituted a reference to the trustee savings bank or the Inspection Committee;
- (b) for any reference to a civil servant there were substituted a reference to an officer of a trustee savings bank or the Inspection Committee;
- (c) for any reference to an additional allowance there were substituted a reference to an additional allowance by way of lump sum under section 75(1)(aa) of the Trustee Savings Banks Act 1969;
- (d) for any reference to the passing of the Superannuation Act 1965 there were substituted a reference to the coming into operation of this Order;
- (e) for the references in sections 50(1)(c) and 63(1)(c) to an allowance by virtue of section 7(1), there were substituted references to an allowance by virtue of Article 7(1) of this Order;

(a) 1944 c. 21.

(b) 1952 c. 45.

(c) S.I. 1955/842 (1955 II, p. 2388).

- (f) sections 55, 56, 67 and 68 were deleted;
- (g) for the references in sections 57(1) and 69(1) to a gratuity under section 4, there were substituted references to a gratuity under section 75(1)(b) and (c) of the Trustee Savings Banks Act 1969;
- (h) in sections 57(4) and 69(4) the words from “reduced, in each case, by the number of years” to the end of the subsection were deleted; and
- (i) for the references in sections 57(6) and 69(7) to section 4(2) there were substituted references to section 75(1)(c) of the Trustee Savings Banks Act 1969.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order reproduces the provisions of the Trustee Savings Banks (Pensions) Order 1955, as amended, and contains new provisions to bring the pension scheme for officers of trustee savings banks more into line with the provisions applicable to civil servants under the Superannuation Act 1965.

The main changes or additions are contained in Articles 3, 4, 7, 8, 9 and 10 of this Order, viz :—

1. Article 3 enables an additional allowance to be granted after 2 years' instead of 10 years' service to officers retiring after age 60 or on grounds of ill-health, as under section 3 of the Superannuation Act 1965.
2. Article 4 enables a short service gratuity to be granted in cases of retirement on grounds of ill-health before the normal conditions for qualification for a pension have been fulfilled, as under section 2 of the Superannuation Act 1965.
3. Article 7 enables a frozen pension to be granted on voluntary retirement at age 50 or over up to age 60 and payable from the latter age, as under section 7 of the Superannuation Act 1965.
4. Article 8 enables a pension to be granted on retirement on abolition of office on the same basis as retirement on grounds of ill-health, as under section 8 of the Superannuation Act 1965.
5. Article 9 enables a discretionary pension to be granted to officers discharged on grounds of inefficiency, as under section 9 of the Superannuation Act 1965.
6. Article 10 enables a pension to be granted to an officer prematurely retired in the interests of efficiency at age 50 or over on the same basis as if he had retired on grounds of ill-health, as under section 10 of the Superannuation Act 1965.

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