CHAP. 43.

An Act to provide for the payment of Diplomatic Salaries, Allowances, and Pensions. [2d August 1869.]

A.D. 1869

WHEREAS it is expedient to provide for the payment of the salaries, allowances, and pensions of persons in Her Majesty's diplomatic service out of moneys provided by Parliament instead of out of the Consolidated Fund, and otherwise to amend the law respecting the same:

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:

Short title.

1. This Act may be cited as "The Diplomatic Salaries, &c. Act, 1869."

Commencement of Act.

2. This Act shall come into operation as on and from the first day of April one thousand eight hundred and sixty-nine, which day is in this Act referred to as "the commencement of this Act."

Interpretation of terms.

3. In this Act, unless the context otherwise requires,—

The term "Treasury" means the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury:

The term "Secretary of State" means that one of Her Majesty's Principal Secretaries of State who is entrusted with the seals of the Department for Foreign Affairs, or performs the duties of that department.

Sections 4, 5, 6, 7, and 8, and part of sections 12 and 13 of 2 & 3 W. 5. c. 116., and 22 & 23 Vict. c. 5. repealed.

4. Sections four, five, six, seven, and eight of the Act of the session of the second and third years of William the Fourth, chapter one hundred and sixteen, "to provide for the salaries of certain "high and judicial officers, and payments hitherto made out of the "civil list revenues," and so much of sections twelve and thirteen of the same Act as relates to diplomatic salaries, allowances, and pensions, and the whole of the Act of the session of the twenty-

A.D. 1869.

second and twenty-third years of the reign of Her present Majesty, chapter five, "to remove doubts as to the qualification of persons holding diplomatic pensions to sit in Parliament," are hereby repealed, as from the commencement of this Act.

Provided that this repeal shall not affect any pensions now payable under the said Act; and those pensions shall be paid out of the consolidated fund, and the accounts thereof shall be laid before Parliament in the same manner as if this Act had not passed.

Salaries, pensions, &c. payable out of annual votes.

5. After the commencement of this Act all salaries, allowances, and pensions (other than pensions granted before the commencement of this Act,) payable to persons in Her Majesty's diplomatic service shall be paid out of moneys provided by Parliament, and shall be paid on such days and in such manner as the Treasury may, with the consent of the Secretary of State, from time to time appoint.

Amounts of diplomatic pensions.

6. After the commencement of this Act the Treasury, on the recommendation of the Secretary of State may grant pensions during life to persons in Her Majesty's diplomatic service, not exceeding the salary which the pensioner may be receiving at the time that his active employment ceases, and not exceeding the following amounts; namely,

(1.) One thousand seven hundred pounds per annum for a first-class pension:

(2.) One thousand three hundred pounds per annum for a second-class pension:

(3.) Nine hundred pounds per annum for a third-class pension:

(4.) Seven hundred pounds per annum for a fourth-class pension.

Qualifications for pension.

7. With respect to the qualifications for pensions under this Act, the following provisions shall have effect:

(1.) A person shall not be qualified for receiving a pension of any class, until the expiration of fifteen years from the date of his first commission, and unless he has actually served in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to ten years:

(2.) A person shall not be qualified for receiving a pension of the first class unless he has been an ambassador, and in that capacity has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to three years:

(3.) A person shall not be qualified for receiving a pension of the second class unless he has been an envoy extraordinary and minister plenipotentiary on a mission of the first class,

and in that capacity has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to five years:

(4.) A person shall not be qualified for receiving a pension of the third class unless he has been an envoy extraordinary and minister plenipotentiary on a mission of the second-class, or a minister plenipotentiary, or a minister resident, or a chargé d'affaires and consul general in some foreign state or states, or a chargé d'affaires in some foreign state or states where no other diplomatic representative is usually appointed to reside on behalf of Her Majesty, or an agent and consul general in some foreign state or states where his duties have been generally of a political character, and in one or more of those capacities has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to five years.

(5.) A period of residence in any capacity which if continued would be a qualification for any class of pension may count as part of the qualification for a lower class of pension.

Pension to invalided secretaries.

8. Where a person holding a commission as second or third secretary in Her Majesty's diplomatic service, and having served in such capacities, or one of them, for a period not less than five years, is constrained, from infirmity of mind or body, to leave that service before the completion of the period which would qualify him for a pension under the other provisions of this Act, the Treasury may grant to him an allowance during his life, not exceeding for each year of his service in the said capacities, or one of them (if he has only served in one), one thirtieth part of the amount of the annual salary which he may be receiving at the time that he leaves the service.

Allowance in case of bodily injury.

9. Where a person in Her Majesty's diplomatic service, by reason of severe bodily injury, occasioned without his own default in the discharge of his duty, is constrained to leave that service before the completion of the period which would qualify him for a pension under the other provisions of this Act, the Treasury may grant to him a gratuity not exceeding the amount of three months salary for every two years of service, or a pension not exceeding ten sixtieths of the annual salary which he may be receiving at the time that he leaves the service.

Temporary pension on rupture of diplomatic relations.

10. Where a person in Her Majesty's diplomatic service, who is serving in any foreign state in any capacity, and is, by reason of war or any interruption of diplomatic relations, withdrawn from

A.D. 1869.

active service before he has completed the term of service and period of residence which, under the provisions of this Act, would entitle him to a pension for having served in such capacity, the Treasury, at the request of the Secretary of State, may grant to him a temporary allowance calculated on the rate of pension which he would have earned if he had continued to reside in such capacity, regard being had to the length and character of his services.

Every such allowance shall cease from the date of the ratification of a treaty of peace or the renewal of diplomatic relations.

Forfeiture of pension on refusal to serve again.

11. If any person who is in receipt of a pension or temporary allowance under this Act, and has not attained the age of sixty years, and is not incapacitated by infirmity of mind or body (proved to the satisfaction of the Secretary of State, by a medical certificate or otherwise), refuses, when required so to do by the Secretary of State, to proceed to any mission which is of the same rank as that in respect of which his pension was granted, or to some mission of higher rank, he shall forfeit his right to the pension and allowance.

Suspension of payment on holding other offices.

12. Where a person having any pension or allowance under this Act is appointed to any office of profit under the Crown, or to any office the salary of which is payable out of the Consolidated Fund or moneys provided by Parliament, whether such office is in the United Kingdom or not, his pension and allowance, so long as he continues to hold such office, shall, if the emoluments of such office are equal to or larger than the pension or allowance, be suspended, and if the emoluments of such office are less than the pension or allowance, be diminished by the amount of such emoluments.

Determination of class of missions.

13. It shall be lawful for Her Majesty from time to time to determine the foreign states the envoys extraordinary and ministers plenipotentiary at which are thereafter to be deemed on first and second class missions respectively for the purposes of a pension under this Act.

Such determination shall be signified in writing under the hand of the Secretary of State to the Commissioners of Her Majesty's Treasury, and shall be laid before both Houses of Parliament within fourteen days after the signing thereof, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days after the commencement of the next session.

The arrangement existing at the commencement of this Act as to such first and second class missions shall, until and except so far as altered under the provisions of this section, continue in force for the purposes of a pension under this Act.

Employment beyond limits of state.

14. Where a person in Her Majesty's diplomatic service is actually employed beyond the limits of the foreign state in which, under the terms of his credentials or commission, he should properly reside, and is so employed on a special diplomatic mission or service, whether in or out of Her Majesty's dominions, or (being a second or third secretary) is so employed for the advantage of the public service in the department of Foreign Affairs in London, he shall, for the purposes of a pension under this Act, be deemed during the time that he is so actually employed to have been actually residing in such foreign state.

Pension on transfer from civil to diplomatic service, and vice versâ.

15. Where a person in the consular service or in any other branch of the civil service of Her Majesty is appointed to some employment in the diplomatic service, or where a person in the diplomatic service is appointed to some employment in the civil service of the state in the department of Foreign Affairs in London, and such person may suffer prejudice in regard to his retiring allowance by reason of his not continuing in his former service, the Treasury may award to him on his retirement from active service such pension or superannuation allowance under this Act and the Superannuation Act, 1859, or one of them, as in their opinion will prevent his suffering such prejudice and is just, having regard to his services; but save as aforesaid a person receiving a pension under this Act shall not be entitled to any superannuation allowance under the Superannuation Act, 1859.

22 & 23 Vict. c. 26.

Pension, &c. to be free from taxes.

16. Every pension, allowance, and gratuity under this Act shall be paid to the person entitled to the same without any abatement or deduction in respect of any taxes or duties at present existing, except the tax upon income.

Pensioner may sit in House of Commons.

17. A pension under this Act shall not disqualify the holder for being elected or sitting or voting as a member of the House of Commons.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.