1959 No. 949

The Indian Military Service Family Pension Fund (Amendment) Rules, 1959

Made - - - - 21*st May,* 1959

I, Alexander Frederick, Earl of Home, one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred upon me by subsection (1) of section 273 of the Government of India Act, 1935(a), and paragraph 14 (1) of the Government of India (Family Pension Funds) Order, 1936(b), hereby make the following rules :—

1. The Indian Military Service Family Pension Fund Rules(c) as amended(d) are hereby further amended as follows :—

(1) In Rule 17, before the words " The contribution payable ", there shall be inserted the words " Subject to the provisions of Rules 13, 15 and 35A ".

(2) In sub-rule (2) of Rule 18, the following words shall be deleted: —

" Donations payable on marriage shall be increased by 2½ per cent. if the fact of marriage is not reported within one month from the date thereof, and by 5 per cent. if the delay exceeds six months."

(3) In sub-rule (3) of Rule 19, the following words shall be deleted :— " one month of the date thereof, the donation shall be increased by 2½ per cent. and if the delay exceeds six months by 5 per cent. If the delay exceeds "

(4) In Rule 20, after the words " wedlock and " there shall be inserted the words " subject as is hereafter in this rule provided ", and after the first sentence there shall be inserted the following sentence :—

" If the marriage or birth is not reported within one year, the Secretary of State shall in each case decide whether and if so on what terms liability for widow's or orphan's pension shall be accepted, and for the purpose of the Secretary of State's decision the subscriber may be required to produce medical evidence as to the state of his health in the form prescribed in the Fifth Schedule."

(5) In Rule 26, for the sentence beginning " On remarriage " and ending " his widow ", the following sentence shall be substituted :—

" On remarriage her pension shall cease, but if her marriage terminates the pension shall revive and should her second or subsequent husband have been a subscriber she may draw in addition any other pension to which she may become entitled by virtue of his contributions."

(6) In sub-rule (2) of Rule 27, after the word " orphan " there shall be inserted the words " other than a pension provided by contributions under the provisions of Rule 35A ", and after the word " widowhood " there shall be inserted the words " Pensions provided under Rule 35A shall cease at age 21."

(a) 26 Geo. 5 & 1 Edw. 8 c. 2.
(b) S.R. & O. 1936/1310 (Rev. X, p. 624: 1936 I, p. 1385).
(c) S.R. & O. 1937/1226 (Rev. X, p. 632: 1937, p. 1374).
(d) See Rev. X, p. 632, and also S.I. 1949/1129, 1951/1155, 1952/1502, 1957/640, 1958/2066 (1949 I, p. 2329; 1951 I, p. 1123; 1952 I, p. 1228; 1957 I, p. 1165).

(7) In Rule 28, after the word " quarterly " there shall be inserted the words " or at such intervals as the Secretary of State may direct."

(8) In sub-rule (2) of Rule 31, after the word " wife " there shall be inserted the word " only ", and after the word " greater " the colon shall be deleted and there shall be inserted a comma and the words " together with the full amount of any supplementary pension provided for her under Rule 34: " For the proviso to the sub-rule there shall be substituted the following words :—

" Provided that on remarriage a former wife shall forfeit absolutely all claim to benefit under this Rule and to supplementary pension mentioned in Rule 34."

(9) In sub-rule (3) of Rule 31, after the word " husband " there shall be inserted the word " only ".

(10) After sub-rule (3) of Rule 31, there shall be inserted the following sentence which shall be numbered as sub-rule (4):—

" (4) Where the marriage has been terminated by divorce otherwise than on the petition of the wife only, she shall cease to be entitled to any pension from the Fund, and if the subscriber had made provision for a supplementary pension for her under Rule 34 a refund in respect thereof shall be granted to him of such amount as may be fixed by the Secretary of State who may, however, require medical evidence of the former wife's health in the form prescribed in the Fifth Schedule."

The existing sub-rules (4) and (5) of Rule 31 shall be re-numbered " (5) " and " (6) " respectively.

(11) In Rule 33, before the words " The pensions payable " there shall be inserted the words " Subject to the provisions of Rule 31 ", and after the figure " 34 " there shall be inserted the words and figure " and pensions for adopted children and step-children secured under the provisions of Rule 35A ".

(12) After Rule 35 there shall be inserted the following new Rule which shall be numbered as Rule 35A:—

" 35A (1) Any subscriber to whom these Rules apply may, at any time, subject to the conditions hereinafter prescribed, provide for any step-child of his or for any child whom he may have legally adopted, a contingent pension either by payment of a single premium on the terms stated in Table III of the Eighth Schedule or by payment of monthly contributions at such rate as the Secretary of State shall in each case decide, payable up to the earlier of the following dates :—

(*a*) date on which the child attains the age of 21 years

(*b*) date of death of the child or subscriber:

Provided that the maximum amount of pension which may be secured for any such child, excluding any increase granted temporarily, shall be £16:13:4 a year up to the age of 6 years, £33:6:8 a year between the ages of 6 years and 12 years and £50 a year between the ages of 12 years and 21 years.

(2) Every subscriber applying to make provision under sub-rule (1) of this Rule shall produce medical evidence as to the state of his health in the form prescribed in the Fifth Schedule.

(3) Liability for contingent pension under the said sub-rule shall commence

(*a*) in the case of pensions paid for by single premium, from the date on which, after acceptance of the application, the single premium is paid ; and

(*b*) in the case of pensions paid for by monthly contributions, from the date of the letter notifying acceptance of the application to contribute, from which date contributions shall be payable."

(13) Rule 38 shall be omitted.

(14) In the heading to the Eighth Schedule to the Rules, for the word and number " Rule 34 " there shall be substituted the words and numbers " Rules 34 and 35A ".

In the first paragraph of the Eighth Schedule, for the words " stated in the Ninth Schedule " there shall be substituted the words and figures " prescribed in Rules 34 and 35A ".

In Tables I, II and III of the Eighth Schedule, for the word " Contributions " there shall be substituted the words " Single premium."

In Table III of the Eighth Schedule after the word " Sons' " in the heading there shall be inserted the word " Supplementary " and after the word " Pensions " there shall be inserted the words " and Pensions for Adopted Children and for Step-Children " ; and in the text for the words " to a son " there shall be substituted the words " to a son or a pension to an adopted son, an adopted daughter, a step-son or a step-daughter, commencing on the death of the subscriber and,"

In the details of premiums in Table III of the Eighth Schedule for the words " Age of Son " there shall be substituted the words " Age of Child."

In the penultimate paragraph of the Eighth Schedule, for the words " India Office " there shall be substituted the words " Commonwealth Relations Office ".

2. These Rules may be cited as the Indian Military Service Family Pension Fund (Amendment) Rules, 1959.

Given under my hand this 21st day of May, 1959.

Home,
One of Her Majesty's Principal Secretaries of State.

Commonwealth Relations Office,
Downing Street, S.W.1.

EXPLANATORY NOTE

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

These Rules amend the Indian Military Service Family Pension Fund Rules which provide for payment out of the Fund of pensions to the widows and orphans of subscribers.

One purpose is to permit subscribers to make provision for adopted children or step-children.

Another purpose is to abolish fines for late reporting of marriages and of births of children.

These Rules will also modify the provisions regarding marriages terminated by divorce.