The Superannuation (Allocation of Pension) Rules, 1950

1950 No. 741

Made - - - -	8*th May*, 1950
Laid before Parliament	11*th May*, 1950
Coming into Operation	12*th May*, 1950

The Lords Commissioners of His Majesty's Treasury, in pursuance of the powers conferred upon Them by section 33 of the Superannuation Act, 1949(**a**), and of all other powers enabling Them in that behalf, hereby make the following rules:

1. These Rules may be cited as the Superannuation (Allocation of Pension) Rules, 1950, and shall come into force on the 12th day of May, 1950.

2. The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. In these Rules, unless the context otherwise requires:—

"The Act" means the Superannuation Act, 1949;

The expression "pension" means an annual pension and, in relation to a retired civil servant, means an annual superannuation, compensation or retiring allowance under the Superannuation Acts, 1834 to 1949;

The expression "make an allocation" means surrender a part of a pension under these Rules;

The expression "beneficiary" means the spouse in whose favour an allocation is to be made;

The expression "Option Tables" means the tables prepared by the Government Actuary under section 33 of the Act and for the time being in force;

The expression "closing date" means:—

(*a*) in the case of a retired civil servant who, at the date of the making of these Rules, is eligible to make an allocation, the last day of the period of six months from the date on which he was notified by the Treasury of the making of these Rules or the last day of the period of three months from the date on which he was supplied with a copy of these Rules, whichever is the earlier, and

(*b*) in the case of a retired civil servant who, after the date of the making of these Rules, becomes eligible to make an allocation, the last day of the period of three months from the date of his marriage;

Provided that where the Treasury appoint a special closing date, either on the ground that, as a result of exceptional circumstances beyond the control of a person eligible to make an allocation, it is not, or was not, practicable for that person to carry through before the relevant date the steps necessary to enable him to make an allocation, or on any other ground mentioned in these Rules, then the expression "closing date" shall mean the date so appointed by the Treasury;

(a) 12, 13 & 14 Geo. 6. c. 44. (b) 52 & 53 Vict. c. 63.

The expression "lodged with the Department" means lodged with the Head of the Department at the headquarters of the Department in which the retired civil servant was serving, or to which he was attached, at the date of his retirement.

4. The persons who, subject to the provisions of the Act and these Rules, shall be allowed to make an allocation are persons who:—

(*a*) having been civil servants, have retired from the service, otherwise than on the ground of ill-health; and

(*b*) while serving in the Civil Service, either were normally employed in the United Kingdom or were members of a grade in the Service normally recruited there; and

(*c*) have married since retirement and are under seventy years of age at the date of notification in accordance with Rule 10 hereof.

5. A pension granted under the Act and these Rules for the benefit of a spouse may, at the option of the retired civil servant, be payable either—

(*a*) in respect of the period, if any, for which the spouse survives the retired civil servant (hereafter to be known as Option A); or

(*b*) in respect both of the period of their joint lives subsequent to the surrender under the Act and these Rules of part of the retired civil servant's pension and of the period, if any, for which the spouse survives the retired civil servant; and the rate of pension payable to the spouse during the latter period shall be twice the rate payable to the spouse during the former period (hereafter to be known as Option B).

6. The amount of pension payable in return for each £1 of the retired civil servant's pension surrendered by him shall be the amount, according to the age and sex of the retired civil servant and the age and sex of the beneficiary, shown in the appropriate Option Table in force at the date of the marriage of the retired civil servant, or, if the marriage took place before the date of the making of these Rules, the appropriate Option Table in force at the date of the making of these Rules.

7. The pension of the beneficiary shall be payable in arrear in the same manner as the pension of the retired civil servant is or would have been payable.

8.—(1) A retired civil servant shall not surrender—

(*a*) a greater part of his pension than would, either alone or together with any part of his pension of which a surrender by him has been allowed under section 2 of the Superannuation Act, 1935(**a**), and has not been cancelled under subsection 2 of Section 30 of the Act, amount to one-third of his pension; or

(*b*) so much of it as would make the amount of pension (as reduced by the amount surrendered) payable to him less than the amount of pension payable to the beneficiary after the retired civil servant's death; or

(*c*) ~~a smaller amount of his pension than would secure for the beneficiary~~ after the death of the retired civil servant a pension equal to one-fourth of the amount of the pension (as reduced by the amount surrendered) ~~payable to the retired civil servant; or~~ 1963/1822

(*d*) an amount of his pension which is not an exact number of pounds.

(2) Where a retired civil servant has declared a desire to surrender such part of his pension as would alone or together with any part of his pension

(**a**) 25 & 26 Geo. 5. c. 23.

already surrendered under section 2 of the Superannuation Act, 1935, exceed one-third of his pension, then the Treasury may make an award as if he had declared a desire to surrender the maximum amount which he is allowed to surrender hereunder.

9.—(1) Every retired civil servant who is in receipt of a pension and under seventy years of age at the date of the making of these Rules and who retired before the date of the making of these Rules, shall be notified by the Treasury of the making of these Rules as soon as possible thereafter, and upon request, shall be supplied with a copy of these Rules and of the Option Tables for the time being in force;

(2) Every civil servant who retires from the Civil Service, otherwise than on the ground of ill-health and who, while serving in the Civil Service, either was normally employed in the United Kingdom or was a member of a grade in the Service normally recruited there, shall be notified by the Department in which he is serving of the existence of these Rules at the same time as the Department notifies him of the date, or probable date, of his retirement under Rule 9 (1) of the Superannuation (Allocation of Pension) Rules, 1935(a), and, upon request, he shall be supplied with a copy of these Rules and of the Option Tables for the time being in force.

10. Every retired civil servant who is or becomes eligible to make an allocation shall, if he desires to make such an allocation, notify the Department in which he was serving at the date of his retirement (hereinafter referred to as "the Department") to that effect and shall furnish to the Department on the form provided for the purpose the particulars required thereby in respect of the beneficiary. The beneficiary shall write his signature in the appointed space on the form, unless the Treasury dispense with his signature in accordance with paragraph (2) of Rule 14.

11.—(1) Upon receipt of the particulars required to be furnished by Rule 10, the Department shall require the retired civil servant concerned to furnish at his own expense—

(*a*) a certified copy of his birth certificate, except where the date of his birth is recorded in his Civil Service Certificate and is not disputed; and

(*b*) with respect to the beneficiary, a birth certificate, a marriage certificate and any other information or evidence which the Department may consider necessary.

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

12.—(1) On receipt from a retired civil servant of notification, in accordance with Rule 10, of his desire to make an allocation and of the form referred to in that Rule duly completed, the Department shall send to the Civil Service Commissioners the sick leave record of the retired civil servant and shall request the Commissioners to report whether, in their opinion, he is of good health, regard being had to his age.

(2) For the purposes of making their report, the Commissioners shall forthwith arrange for the retired civil servant to be medically examined by a physician nominated by the Commissioners.

(a) S.R. & O. 1935 (No. 854) I, p. 1352.

(3) If, on considering the result of that examination in conjunction with the retired civil servant's sick leave record, the Commissioners are not satisfied that the retired civil servant is of good health, they shall notify him accordingly and shall offer him an opportunity of a further examination by such one of their medical referees as they may select.

(4) The fee payable to any physician or medical referee in respect of any medical examination under paragraphs (2) or (3) of this Rule shall be paid by the retired civil servant at the time of the examination.

(5) When, on considering the result of the medical examinations provided for under paragraphs (2) and (3) of this Rule in conjunction with the retired civil servant's sick leave record, the Civil Service Commissioners are not satisfied that the retired civil servant is of good health, but it appears to the Commissioners that the disability from which he is suffering may be temporary and that there is a good prospect that he would be shown to be in good health if examined again after a short interval, then the Treasury may, at the request of the Commissioners, appoint a special closing date in order that a further medical examination may be arranged accordingly at a later date. Any fee required for such further medical examination shall be paid by the Commissioners.

(6) If, as a result of an examination by a medical referee made in accordance with paragraph (3) of this Rule, the Civil Service Commissioners are of opinion that there is doubt whether the retired civil servant is of good health, they may offer him an opportunity to be examined by a Medical Board of three members appointed by them.

(7) Where an examination takes place in accordance with the foregoing paragraph of this Rule no fee in respect thereof shall be payable by the retired civil servant and the Treasury may appoint a special closing date for the purposes of these Rules.

(8) If, after the Civil Service Commissioners have decided, as a result of an examination by a medical referee made in accordance with paragraph (3) of this Rule, that the retired civil servant is not of good health, the retired civil servant produces to them a report, containing a contrary opinion, made by a physician or surgeon of consultant standing who had before him at the time he made the report a full statement of the retired civil servant's sick leave record the Commissioners may offer the retired civil servant an opportunity to be examined by a Medical Board constituted as provided in paragraph (6) of this Rule and for the purpose of enabling such examination to take place the Treasury may appoint a special closing date for the purposes of these Rules.

(9) When the retired civil servant elects to be examined by a Medical Board in accordance with the foregoing paragraph of this Rule he shall, prior to such examination, pay to the Civil Service Commissioners in respect thereof a fee of £3 3*s*. 0*d*. (or such amount as may be prescribed by the Commissioners, but not exceeding £3 3*s*. 0*d*.). Any such fee paid by the retired civil servant shall be repaid to him if, as a result of the examination by the Medical Board, the Commissioners decide that he is of good health.

13.—(1) The decision of the Civil Service Commissioners upon the question whether a retired civil servant is of good health shall be final and conclusive.

(2) The physician and, in the case of further examinations the medical referee and the Medical Board, shall make their reports direct to the Civil Service Commissioners, and neither the contents of any such reports nor the reasons for the Commissioners' decision shall be disclosed to the retired civil servant who has been examined.

14.—(1) If the Civil Service Commissioners report to the Department that in their opinion a retired civil servant is of good health and the Department is satisfied with the evidence and particulars furnished to it by the retired civil servant in accordance with Rule 10, the Department shall request the retired civil servant to arrange for the beneficiary to write his usual signature in duplicate in the presence of such officer of the Department, or such other person, as the Department may nominate, and, in deciding whom to nominate for that purpose, the Department shall, so far as possible, have regard to the convenience of the beneficiary.

(2) Where it is shown to the satisfaction of the Treasury that by reason of the beneficiary's inability through infirmity or other sufficient cause, he is unable to write his signature as required by this Rule and by Rule 10, the Treasury may, if they think fit, dispense with the beneficiary's signature, subject to such conditions as they may deem desirable.

15. If the Department has no reason to doubt that the person who has written his signature as required by Rule 14 is the person named as the beneficiary in the particulars required to be furnished by Rule 10, the Department shall notify the retired civil servant concerned that he may make an allocation declaration.

16.—(1) Every allocation declaration shall be made in the form set out in the Schedule to these Rules, and shall be lodged with the Department before midnight of the closing date.

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

17. As soon as possible after the receipt of an allocation declaration the Department shall inform the retired civil servant concerned whether such declaration is valid or invalid, and shall in the former case furnish him with a statement of the pensions that will be payable to himself and to the beneficiary and in the latter case state the grounds upon which the declaration has been held to be invalid.

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

19. Where a retired civil servant has been informed, in pursuance of Rule 17 that an allocation declaration made by him is valid, that declaration shall remain valid, notwithstanding that, as the result of a subsequent alteration of the amount of his pension, the amount of pension to be surrendered no longer complies with Rule 8.

20.—(1) An allocation declaration shall become null and void if either the retired civil servant or the beneficiary dies before midnight on the day on which the allocation declaration is lodged with the Department.

(2) Subject to the preceding paragraph of this Rule, an allocation declaration shall have effect—

(*a*) in the case of a retired civil servant whose marriage takes place on or after the date of the making of these Rules, as from the date of the marriage ; and

(*b*) in the case of a retired civil servant whose marriage took place before the date of the making of these Rules, as from the date on which the retired civil servant notified in accordance with Rule 10 his desire to make an allocation.

(3) Where, as the result of effect being given to an allocation declaration lodged with the Department after the date of the marriage of a retired civil servant, any over-payment of pension has been made to the retired civil servant or a beneficiary, such over-payment shall be brought into account on the next payment or payments of pension to the person concerned.

21. Where a person eligible to make an allocation is resident outside the United Kingdom, the Treasury may appoint a special closing date for the purposes of these Rules, where, owing to circumstances beyond his control and arising out of his residence abroad, they are satisfied that the person concerned will not have a reasonable opportunity of carrying through in due time all the steps necessary to enable him to make an allocation.

Dated this 8th day of May, 1950.

Wm. Hannan,
H. W. Bowden,
Two of the Lords Commissioners
of His Majesty's Treasury.

SCHEDULE

Allocation declaration under the Superannuation (Allocation of Pension) Rules, 1950

I, ... hereby declare that I desire to surrender £..... of my pension under the Superannuation (Allocation of Pension) Rules, 1950, in return for the grant of a pension payable in accordance with Option ..... to ....., the beneficiary named by me on Form A.P.

Signature.....

Date.....

Department from which retired.....

Rank on retirement.....

EXPLANATORY NOTE

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

These Rules enable a retired civil servant aged under 70 who has married since his retirement to allocate part of his pension in order to secure a pension for his wife after his death if he should predecease her. The pensioner must be in good health, and there are certain restrictions on the amount of pension which may be surrendered.

The Rules apply also to a woman who has married since retirement and who wishes to allocate in favour of her husband.